

Annual List Maintenance Report

September 1, 2017 – August 31, 2018

Executive Summary

In accordance with the Code of Virginia § 24.2-404 (F) and § 24.2-404.4, the Department of Elections (ELECT) is pleased to provide to the members of the Privileges and Elections Committees of the Virginia General Assembly the Annual List Maintenance Report which details the list maintenance activities undertaken to maintain the Virginia voter registration system.

ELECT is charged by federal and state law to maintain a central voter registration database. Va. Code § 24.2-404 charges ELECT with maintaining a "complete, separate, and accurate record of all registered voters in the Commonwealth." As one of the first states in the country to introduce a centralized voter registration database, Virginia has consistently been a forward-thinking leader on list maintenance issues. In 2007, the state introduced the Voter and Election Registration Information System (VERIS), which expanded the database and enabled ELECT to handle other processes such as candidate and petition processing as well as list maintenance reporting. One of the many data reports available from VERIS is the Registration Statistics Report, which provides detailed numbers of registrants based on registration method and broken down by locality. These reports are posted monthly and are available for viewing on the ELECT website: http://www.elections.virginia.gov/resultsreports/registration-statistics/index.html

Virginia maintains its voter registration list through a number of different processes. Each of those processes is introduced below along with the relevant statutory references.

Previously, costs associated with maintaining an accurate list of registered voters were paid for with a mix of General Fund and federal dollars granted to Virginia through the Help America Vote Act (HAVA). The federal HAVA grant funds were exhausted in Fiscal Year 2018, and all list maintenance costs are now covered by state funds.

ELECT strives to make Virginia a national leader in the practices of list maintenance. This requires ongoing cooperation with many other states, including neighboring states, by sharing list information and voter registration data. This cooperation is streamlined through Virginia's participation in both of the two nationally recognized voter file list maintenance partnerships in the country: the Electronic Registration Information Center ("ERIC") and the Interstate Voter Registration Crosscheck Program (Crosscheck). The partnership agreements for these organizations ensure that the data is properly managed and place certain requirements on each partner state related to improving data quality. These program memberships and associated mailing costs generally result in an excess of \$300,000 in expenditures per year. These membership costs are lesser than the costs which would be incurred if ELECT were required to create and manage an in-house program resulting in the same quality of data. Other activities such as felon, death, and non-citizen maintenance activities are also discussed below and do not have a specific dollar figure attached, but require a significant allocation of staff resources.

In addition, ELECT relies heavily on local electoral boards, general registrars, and their staff to ensure an accurate list. With the ultimate authority to retain, remove, or update voters on the voter list, general registrars across the Commonwealth process thousands of voter registration transactions per month. Virginia's continued exceptional performance in list maintenance activities would not be possible without their involvement and outstanding hard work and dedication.

Confirmation Mailings

Pursuant to state (§ 24.2-428) and federal law, ELECT conducts an annual address match of Virginia's voters against records in the United States Postal Service's (USPS) National Change of Address (NCOA) registry. The NCOA database catalogs change of address requests submitted by individuals to the USPS when moving. ELECT relies on this database to identify voters registered in Virginia who may have moved and may need to update or cancel their voter registration.

Voters registered in Virginia who are identified as potential movers by the NCOA list are then sent a confirmation mailing to their last known Virginia address asking the voter to either verify their residential address or request cancellation of their Virginia voter registration. These letters include a postage prepaid envelope by which the voter can respond confirming that their address did or did not change or requesting the general registrar to cancel their registration, if appropriate.

Voters who respond to the mailing within 30 days and confirm that their place of residence has not changed remain on the voter registration list as active, Virginia-registered voters.

Voters who do not respond to the notice within 30 days or whose confirmation mailing is returned as undeliverable are then classified as 'Inactive' on the voter registration file. Voters identified as such will be removed from the voter registration list if the voter fails to either vote or update their voter registration over a period of two federal general elections (2 to 4 years).

Pursuant to Va § 24.2-652,653, voters who have been removed from the registration list by the process outlined above may still cast a ballot on Election Day. The voter must have their eligible voting status verified by the general registrar, sign a statement declaring that they are a qualified and registered voter of the precinct at which they are present, and be added to the pollbook by officers of election. If the general registrar is not available or cannot readily verify the voter's status, the voter will be permitted to cast a provisional ballot with eligibility to be determined by the electoral board following the election. Voters casting provisional ballots are given until noon on the third day after the election to supply the required identification information.

During the reporting period, September 1, 2017 – August 31, 2018, approximately 189,965 voters were mailed a confirmation notice or had their record updated (in-jurisdiction movers). As a result of this process, approximately 100,980 voters were classified as 'Inactive' in August 2018.

As a part of this process, 43,119 confirmation mailers were sent to registered voters who, according to NCOA data, had potentially moved within a single Virginia jurisdiction. This mailing allows general registrars to ensure that voters' records stay up-to-date and maintain precinct and polling place assignments, even though the locality in which the voter is registered is not changing.

It is worth noting that the 2018 NCOA mailing was done in two installments due to an error that occurred during the printing process. The printing vendor used by ELECT mistakenly swapped the voter and registrar postal code fields during the mail merge, causing the vast majority of NCOA mailings to be returned as undeliverable. Because there were no means within the postal process to determine exactly which mailings did or did not reach their intended recipients, ELECT chose to correct the error and re-execute the entire NCOA mailing process.

A new mailing was sent on July 5, approximately two weeks after the initial error, to the NCOA list. A small number of voters who actually received the initial mailing and submitted a filled out mailer or had updated their information during the two-week span were removed from the mailing prior to printing.

Comparison of Voter Registration Data with Other States

When a Virginia-registered voter moves out of state and registers to vote in their new state, the voter often notifies the new state that they were previously registered in Virginia. The new state should then notify Virginia that the voter wants to cancel their Virginia voter registration. This process is often extremely slow, relies on self-reporting by voters and other states, and has not previously been a reliable source of information.

Va. Code § 24.2-404.4 requires ELECT to attempt to establish a data sharing relationship with Virginia's neighboring states to maintain the accuracy of the voter registration list. ELECT complies with this requirement by participating in national data sharing agreements promoted by the Presidential Commission on Election Administration that result in acquiring registered voter data for a total of 24 states for use in list maintenance activities.

As noted above, ELECT participates in the two nationally recognized interstate list maintenance partnerships. Specifically, ELECT participates in the Interstate Voter Registration Crosscheck Program (Crosscheck) run by the State of Kansas. In the first quarter of each calendar year, the participating states share their voter registration lists and receive back a list of potential duplicate registrations. In January 2017, 25 states shared approximately 98,725,000 records. In 2018, the program failed to run for reasons detailed below.

The Interstate Voter Registration Crosscheck Program (Crosscheck) is designed for states to compare voter roll information to determine if voters are registered in two or more states; thus the program does not work without multiple states involved. Virginia joined Crosscheck in December of 2012. In 2014, Crosscheck reached a high in membership with 29 states.

In 2017 and early 2018, it became apparent that Crosscheck was failing as a system. The data resulting from Crosscheck was incomplete and unreliable, and the data integrity issues were exacerbated by multiple states pulling their membership and ceasing to share information through Crosscheck. To date, eight states have pulled out of the Crosscheck system in addition to multiple states that have pending legislation concerning their withdrawal from the program. Further, Crosscheck did not run at all in 2018.

Dwindling membership and a lack of corrective action taken by the program's administrators are quickly making Crosscheck defunct and, given its main purpose, the program is now considered ineffective.

ELECT also participates in the Electronic Registration Information Center (ERIC) and started sharing data with this program on a regular basis in January 2014. States participating in ERIC during the reporting period include Alabama, Alaska, Arizona, Colorado, Connecticut, Delaware, Illinois, Iowa, Louisiana, Maryland, Minnesota, Missouri, Nevada, New Mexico, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Washington D.C., Washington, West Virginia, and Wisconsin.

Virginia voters identified in ERIC were entered into the confirmation process provided for in the National Voter Registration Act (NVRA) and in the Code of Virginia § 24.2-428 and received a confirmation mailer at their Virginia address. In addition, ELECT sent a cancellation request mailer to their out-of-state address. The out-of-state mailer project is expected to reach voters soon after they move, allowing the voter to cancel their registration immediately without having to wait for the routine confirmation process. This additional mailer to the out-of-state address increases the likelihood that the registered voter will receive the notice and instruct ELECT to cancel their Virginia voter registration. This effective tactic is just one of the optional processes used by ELECT that makes Virginia a national leader in effective list maintenance programs.

The ERIC program had a \$41,744.00 membership fee during the last membership cycle. This membership fee decreases with each new state that joins and the data quality from the ERIC program is significantly better than the Crosscheck program. In addition, ERIC incorporates Department of Motor Vehicle (DMV) data and other data sources allowing for a more robust matching program.

ERIC recently added NCOA data and made it available to its members, allowing ELECT to cancel its NCOA membership. This increases the value of ERIC membership and offsets some of the costs for the ERIC membership fee. This change has also allowed ELECT to explore options to utilize NCOA data more frequently.

Membership in ERIC also requires ELECT to reach out to voters identified as having incorrect information and to individuals who are not yet registered to vote, but appear to be eligible.

From September 1, 2017 – August 31, 2018, approximately 76,238 voters were mailed a cancellation request mailer at their out-of-state address. Approximately 46,459 voters were cancelled after registering to vote in another state during the same reporting window.

In order to maintain compliance with Va. Code § 24.2-404.4, ELECT attempted to establish one-to-one data sharing relationships with Virginia's bordering states that do not currently have ERIC memberships: Kentucky, North Carolina, and Tennessee. Previously, these states were Crosscheck members. The correspondence pertaining to these attempts is included in the appendix of this report. Unfortunately, Kentucky, North Carolina, and Tennessee chose not to respond to ELECT's requests for data sharing. ELECT is hopeful that, in future years, these states will either share their registration data or join the growing list of ERIC member states.

Felon Records

Felon records are received by ELECT from two sources:

- Va. Code § 24.2-409 requires the Virginia State Police (VSP) Central Criminal Record Exchange (CCRE) to provide ELECT with monthly lists of felony convictions. This section of the Code of Virginia also requires CCRE to provide ELECT with an annual list of all felony convictions.
- NVRA requires that the U.S. Attorney's Offices provide ELECT with felony conviction information on the federal level. § 24.2-409.1 requires ELECT to share this information with the local general registrars.

Each month, the data from CCRE downloaded from the VSP is loaded into the Virginia voter registration system. The federal felony conviction information is received on paper at ELECT, and staff enters the conviction information into the voter registration system. The records are matched against existing registered voters and any potential matches are provided to the responsible local general registrar for further review and processing.

From September 1, 2017 – August 31, 2018, 6,309 voters were cancelled after a felony conviction was reported to ELECT.

Mentally Incapacitated Adjudications

Pursuant to § 24.2-410 of the Code of Virginia, the clerks of the circuit courts send ELECT a paper-based monthly report indicating any individuals who were adjudicated mentally incapacitated. Staff enters the information into the voter registration system and the records are matched against existing registered voters. Any potential matches are provided to the responsible local general registrar for further review and processing. ELECT is currently working to develop a means of gathering this data electronically.

From September 1, 2017 – August 31, 2018, 496 voters were cancelled after a mentally incapacitated adjudication was reported to ELECT.

Non-Citizen Records

The Code of Virginia section § 24.2-410.1 requires the Department of Motor Vehicles (DMV) to ask its applicants if they are a citizen or not. The DMV periodically sends the list of individuals who responded 'No' to the citizenship question to ELECT. ELECT matches the information to the voter registration list and any potential matches are provided to the responsible local general registrar for further review and processing, which will result in removal if the registered voter does not affirm their U.S. citizenship in writing.

Va. Code § 24.2-427(B) authorizes ELECT to use the Department of Homeland Security's (DHS's) Systematic Alien Verification for Entitlements Program (SAVE Program) for purposes of verifying citizenship status. ELECT has established a memorandum of understanding (MOU) with DHS and conducted required training for its staff members on the use of the system. The State Board of Elections established regulations incorporating the use of the SAVE Program into existing processes in 1 VAC 20-40-70. While ELECT has had an MOU since 2014 in accordance with state law and has received training to utilize the SAVE Program, no benefit or potential use is actually possible for voter registration list maintenance purposes due to one major flaw: in order to look up individuals in the system, an alien number, document type, and document number issued by DHS is required. The provision of this information, e.g., an alien number, by a voter registration applicant would itself be a basis for denial of a registration application based on non-citizen status. In addition, the SAVE Program only contains the information for individuals residing in the U.S. in a formal immigration status. Natural born citizens and undocumented immigrants are not identified using the SAVE Program. For these reasons, the SAVE database is unusable for voter file list maintenance purposes at this time.

From September 1, 2017 – August 31, 2018, 566 voters were cancelled after declaring themselves to be a non-citizen.

Death Records

Two sections of code provide instruction to ELECT in regards to ensuring that voters who have died are removed from the voter registration list in a timely manner:

Va. Code § 24.2-404.3 requires ELECT to conduct a match of the voter registration list
against the list of deceased persons maintained by the Social Security Administration
(SSA). The SSA distributes its death records through the U.S. Department of
Commerce's National Technical Information Service (NTIS). ELECT subscribes to a
monthly update data service from the NTIS so that it can obtain this data.

 Va. Code § 24.2-408 requires the Bureau of Vital Statistics at the Virginia Department of Health (BVS) to provide to the SBE with a monthly list of those who have died in the previous month. Currently, the BVS uploads a monthly file to ELECT containing these records.

Each month, the data from NTIS and BVS is loaded into the Virginia voter registration system. The records are matched against existing registered voters and any potential matches are provided to the responsible local general registrar for further review and processing.

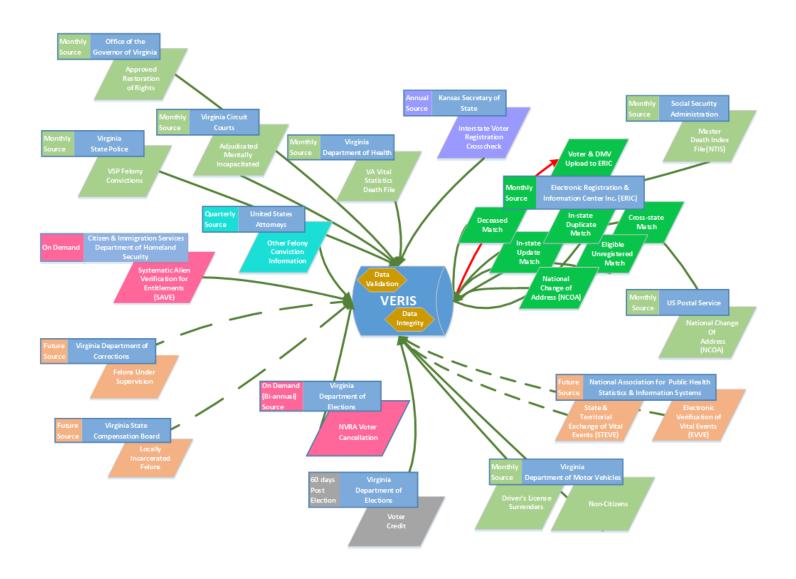
ELECT also receives a death report from the Electronic Registration Information Center (ERIC). ERIC also subscribes to the NTIS data and compares Virginia's data to the SSA data. Death records identified by the ERIC process are also provided to the responsible local general registrar for further review and processing.

ELECT previously had paid \$2,730 for its annual subscription for the SSA data, and the BVS data is provided free of charge. SSA data has been added to ERIC and been made available to member states, thus increasing the value of ERIC membership and offsetting some of the cost of the ERIC membership fee.

From September 1, 2017 – August 31, 2018, 47,350 voters were cancelled due to having been identified as deceased.

2018 Mailings	
NCOA Out of State (OOS)	42,223
ERIC OOS	34,015
Total OOS	76,238
NCOA In-Jurisdiction Movers	43,119
Remaining NCOA	104,623
Total NCOA	189,965
Record Updates	
Marked Inactive	100,980
Cancelled	
Felon	6,309
Mentally Incapacitated Adjudications	496
Non-Citizen Records	566
Death Records	47,350

Diagram: List Maintenance Sources and Processing Frequency



NORTH CAROLINA



COMMONWEALTH of VIRGINIA DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper Commissioner

Jessica N. Bowman Deputy Commissioner

May 2, 2018

Andy Penry, Chairman North Carolina State Board of Elections PO Box 27255 Raleigh, NC 27611

Chairman Penry,

Virginia law requires that we compare our voter list to our neighboring states' voter lists annually. Historically, Virginia has relied upon the Interstate Crosscheck and ERIC programs to complete this task. Unfortunately, it appears that the Crosscheck program will not complete in a timely manner this year and North Carolina does not yet participate in the ERIC program.

As such, we are respectfully requesting that North Carolina provide Virginia with its list of registered voters so that we can conduct our own comparison of our lists. Virginia will be happy to share the results of such a comparison with your office if desired. Excluding any matches, Virginia will destroy all North Carolina data once the review is complete. Virginia will attempt to contact any North Carolina voters that match an older Virginia record at both their North Carolina and Virginia addresses, in hopes that the voters will contact Virginia and update their record accordingly.

To improve our data matching capability, Virginia would ideally receive the full name, address, registration data, date of birth and last four Social Security Number of each of your voters. We understand that there may be legal limitations to what you can provide us however. Alternatively, Virginia can provide North Carolina with our list of voters if you would like to conduct the match and provide us with the results.

If you have any questions, please feel free to contact me at chris.piper@elections.virginia.gov or at 804-864-8903.

Sincerely

Chris Piper Commissioner



NCSBE Records Request Form

This form is used to request data from the North Carolina State Board of Elections. Before submitting a request, make sure to check www.ncsbe.gov/data-statistics to ensure we do not already display the data you need. This form MUST be typed or printed neatly using blue or black ink. Make sure you fill out both pages.

Name: Chris Piper Company/Organization: VA Department of Elections			Phone: 804-864-890	3		
			Email: chris.piper@e	Email: chris.piper@elections.virginia.gov		
Address: 110	00 Bank St, 1st Floor	1 11 12 1 1		11 10		
City: Richmo	nd		State: VA	ZIP: 23	219	
2 Data R	eport Type Re	quested				
Voter Hi How vote	istory – Information or rs voted is not included	on voters' past election par d; all elections are secret b	istered voters. (SSN and DOB redac rticipation. Details method of votin allot. rthod, county, and other data.		and other dat	
керог	Criteria					
Jurisdiction (Check box OR e		*NOTE: Election Re	sults are only available by county, I	ov precinct, or statewide		
		U.S. Congress:		Superior Court:		
✓ Statewide	Precinct:	N.C. Senate: D		strict Court:		
	VTD:	N.C. House:		County Commissioner:		
	Municipality:			Prosecutorial:		
Other (explain)				100	171	
Demograph (Check all boxes oter Status		Gender	Race	Ethnicity	Age	
	☑ All	☑ All	☑ All	☑ All	✓ All	
All	□ Democrat	Female	☐ Black/African American	Hispanic	☐ <18	
Active		☐ Male	☐ American Indian/	■ Not Hispanic	18-25	
Active Inactive	Republican	=	Alaska Native		26-40	
Active Inactive Temporary	☐ Libertarian	☐ Undesignated				
Active Inactive Temporary Denied	_	Undesignated	Asian		_	
Active Inactive Temporary	☐ Libertarian	Undesignated	☐ Asian ☐ White		☐ 41-65 ☐ >65	
Active Inactive Temporary Denied	☐ Libertarian	☐ Undesignated	☐ Asian ☐ White ☐ Multiracial		_	
Active Inactive Temporary Denied	☐ Libertarian	☐ Undesignated	☐ Asian ☐ White		_	



NCSBE Records Request Form

lection Type	Voting Method	Party Voted (Primary only)
General Election Primary Election Municipal Election Other (specify below)	☐ All ☐ Election Day ☐ All Absentee ☐ Absentee One-Stop (Ea ☐ Civilian Absentee-by-m ☐ Military Absentee ☐ Overseas Citizens Abse	nail Unaffiliated
Other (explain)		
Date Range: Currently regis Report Fields		
ect all fields that you would	like data for (For Voter Registration	and Voter History only)
County Voter name Voter registration number (\) Registration Date Residential Address Mailing Address	✓ Voter Status	☐ Precinct ☐ VTD (Voter Tabulation District) ☐ U.S. Congressional District ☐ N.C. Senate District ☐ N.C. House District ☐ Municipality
Preferred Method of	Delivery Comma-delimited file on a CD (inclu	ude \$25)
*PLEASE NOTE: The maximum exceeds this size, you will be a	file size we can send via email is betwe	een 11 and 12 megabytes(MB). If your report
ally, the data will include the dat	e of birth and last four SSN of each votes	г.
Sign and Submit Requ	est	
State Board of Elections. There is r	to charge for emailed reports. While our goa	please include a check or money order for \$25 made out oat is to process all requests as soon as reasonably possit orking days to process your request from the time of rece

TENNESSEE



COMMONWEALTH of VIRGINIA DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper Commissioner Jessica N. Bowman Deputy Commissioner

May 2, 2018

Mark Goins, Coordinator of Elections Tennessee Division of Elections 312 Rosa L. Parks Avenue Snodgrass Tower, 7th Floor Nashville, TN 37243

Coordinator Goins,

Virginia law requires that we compare our voter list to our neighboring states' voter lists annually. Historically, Virginia has relied upon the Interstate Crosscheck and ERIC programs to complete this task. Unfortunately, it appears that the Crosscheck program will not complete in a timely manner this year and Tennessee does not yet participate in the ERIC program.

As such, we are respectfully requesting that Tennessee provide Virginia with its list of registered voters so that we can conduct our own comparison of our lists. Virginia will be happy to share the results of such a comparison with your office if desired. Excluding any matches, Virginia will destroy all Tennessee data once the review is complete. Virginia will attempt to contact any Tennessee voters that match an older Virginia record at both their Tennessee and Virginia addresses, in hopes that the voters will contact Virginia and update their record accordingly.

To improve our data matching capability, Virginia would ideally receive the full name, address, registration data, date of birth and last four Social Security Number of each of your voters. We understand that there may be legal limitations to what you can provide us however. Alternatively, Virginia can provide Tennessee with our list of voters if you would like to conduct the match and provide us with the results.

If you have any questions, please feel free to contact me at chris.piper@elections.virginia.gov or at 804-864-8903.

Sincerely

Chris Piper Commissioner

Washington Building, 1100 Bank Street, First Floor, Richmond, VA 23219
Toll-Free: (800) 552-9745 TTY: (800) 260-3466 elections.virginia.gov

KENTUCKY

	Original Message
Fro	m:
Se	it: 04/25/2018 10:17:42 AM
To:	
Su	pject: Re: Kentucky Voter Data for Comparison
On	Wed, Apr 25, 2018 at 1:17 PM,
1	larc,
I	hope you are doing well.

Virginia has a legislative requirement to compare voter data with its neighboring states each year. Historically, we have relied on Crosscheck and ERIC to accomplish this task. This year, we have not heard anything on Crosscheck and our window to work on this is rapidly approaching. Is there any way that the Commonwealth of Virginia could obtain a copy of your voter registration list for comparison purposes? If you would like to setup a call to discuss our request, please let me know.

Thanks,

Chief Information Officer Virginia Department of Elections

804-864-8905

Disclaimer: This message, including any attachments, may summarize laws, regulations and policies of the Virginia Department of Elections or the Commonwealth of Virginia. Furthermore, this message and any responses sent to this email address may be subject to public disclosure under EQIA. For more information, please call the Virginia Department of Elections at 1-800-552-9745 or visit https://www.elections.virginia.gov/e-mail-disclaimer/index.html.