VIRGINIA
DEPARTMENT of ELECTIONS

Annual List Maintenance Report

September 1, 2022 – August 31, 2023

Executive Summary

The Department of Elections (ELECT) is pleased to provide to the members of the House and Senate 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, in accordance with the Code of Virginia §§ 24.2-404 (F) and 24.2-404.4 (C).

Overview

As of August 31, 2023, a total of 6,095,707 individuals are registered to vote in Virginia. For this reporting period, 294,572 individuals registered to vote, and 234,736 voter registrations were cancelled after following the various processes for voter registration list maintenance.

Transforming List Maintenance in Virginia

Throughout the past year, ELECT has made unprecedented strides in improving the accuracy of its voter list. In December 2022, ELECT began conducting audits of all list maintenance practices, addressing technical errors, improving existing processes, and diversifying data sources. As a result, Virginia has been nationally recognized for its robust list maintenance improvements and new initiatives highlighted below:

Voter List Comparisons with Border States & Beyond

- Established one-to-one data sharing agreements with border states Tennessee, Washington D.C. and West Virginia, as well as Georgia, Ohio, and South Carolina, to prevent duplication of registration in more than one state or jurisdiction, identify potential double voters, and to ensure the accuracy of the voter registration lists.

National Change of Address (NCOA) Improvements

- Adopted 2018 Joint Legislative Audit and Review Commission (JLARC) recommendations never before implemented.
    - Conducted two USPS NCOA mailings in 2023 for the first time in Virginia history, classifying 260,653 voters as '*Inactive*'.
- Identified cross-state movers from more states historically with DMV surrender reports.
- Procured a new NCOA vendor, Melissa Data, which is a global leader in data quality and address verification.

Felony Convictions (Total Cancellations: 17,368)

- Automated a solution to ensure individuals convicted of a new felony after their rights have been restored are removed from the voter list, which was not occurring previously.

Removal of Deceased Voters (Total Cancellations: 77,348)

- Streamlined processes by introducing a new form and allowing obituaries.
- Acquired access to a national death record database to look up out-of-state deaths.
- Conducted an audit of all VDH death records going back to 1960.

Introduction

Secure elections start with comprehensive list maintenance practices. ELECT strives to make Virginia a national leader in voter registration list maintenance and has been nationally recognized for its efforts. ELECT partners with local electoral boards, general registrars, and their staff to maintain an accurate list of registered voters. 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.

Procurement of a New Statewide Voter Registration System (SVRS)

ELECT is charged by federal and state law to maintain a central voter registration database. Va. Code § 24.2-404 directs 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. In 2021, ELECT issued a Request for Proposal (RFP) for a new statewide voter registration system (SVRS) that would replace the aging VERIS.

In November of 2022, ELECT announced the award of a contract to The Canton Group for the building and implementation of a new statewide voter registration system. The new system will consist of several new features and enhancements, including:

- Improved automated workflows to list maintenance activities;
- Expanded candidate management tools;
- Enhanced features for absentee voting;
- Streamlined voter registration workflows;
- Improved functionality for election night reporting (including reporting by precinct); and
- Enhancements to election security.

The new system is being built in partnership with local general registrars, who will be evaluating and reviewing new functionality as it is implemented. SVRS development also includes cross-divisional input from ELECT's Information Technology, List Maintenance, Elections Security, Election Administration, External Affairs, and Policy teams.

New Initiatives

Transforming List Maintenance Processes and Data Management Procedures

A 2018 report conducted by the Joint Legislative Audit and Review Commission (JLARC) on the Operations and Performance of Virginia's Department of Elections cited an ongoing need to "reassess and improve the process used to correct inaccuracies" in the voter registration list.[1] In December of 2022, ELECT began a holistic review of its list maintenance processes and data handling procedures. This was done to address outstanding recommendations from JLARC, as well as facilitate a seamless transition to the new SVRS, all while also ensuring the success of VERIS in its remaining years. As a result of this analysis, new initiatives were introduced, and existing partnerships were reevaluated. ELECT determined it was essential to diversify current data streams, audit state data sharing practices, and streamline certain processes. These processes are highlighted under the "New Initiative" and "Process Improvement" sections included in this report.

Background

List maintenance is the process by which elections officials retain accurate and current lists of registered voters. The basic framework for list maintenance is set forth in Title 24.2 Chapter 4 Article 5 of the Code of Virginia.[2] These provisions implement the National Voter Registration Act of 1993 (NVRA).[3] The NVRA does not permit a list maintenance program to remove the name of a voter from the list because of failure to vote in order to prohibit selective or discriminatory voter removal practices. Ultimately, the NVRA divides the required list maintenance programs into two major areas: cancellations and confirmations.

Under the Code of Virginia, ELECT is required to provide the following information to general registrars for voter registration list maintenance:

Change of Address

- A list of all persons no longer qualified to vote in the county or city where they are registered due to removal of their residence;[4] and,
- Duplicate registrations identified from comparing other states' registration and voting information.[5]

[1] Joint Legislative Audit and Review Commission, "Operations and Performance of Virginia's Department of Elections", April 2018, https://jlarc.virginia.gov/pdfs/reports/Rpt508.pdf
[2] See the Code of Virginia §24.2-427 *et seq.*
[3] NVRA, 52 USC §20501 *et seq.*
[4] See the Code of Virginia 24.2-404(4)
[5] See the Code of Virginia § 24.2-404.4

Felony Convictions

- A monthly list of all persons convicted of a felony during the preceding month and a comprehensive annual list of all persons ever convicted of a felony from Virginia's Central Criminal Records Exchange (CCRE);[6]
- Persons convicted of a felony from information sent by a United States attorney pursuant to the NVRA;[7] and
- A list of persons convicted of a felony who have had their voting rights restored.[8]

Deaths

- A weekly list of all persons 17 years of age or older who have died in the Commonwealth from the Virginia Department of Health (VDH).[9]

Adjudications

- A monthly list of all persons adjudicated incapacitated by a court.[10]

Non-Citizens

- A list of all persons declared not to be United States citizens by reports from the Department of Motor Vehicles (DMV) or from ELECT based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program).[11]

In addition to the above statutory requirements, ELECT creates a calendar that includes each list maintenance process throughout the year within the context of election dates, blackout periods, and reporting requirements. This regularly updated calendar facilitates continuity of list maintenance practices amongst ELECT's staff and localities. These updates, sent to the general registrars through email at the beginning and mid-point of each month, include dates of expected data downloads, estimated processing times, and are intended to serve as a planning tool for each of Virginia's 133 localities.

[6] See the Code of Virginia §24.2-409
[7] See the Code of Virginia § 24.2-409.1
[8] See the Code of Virginia § 53.1-231.2
[9] See the Code of Virginia §24.2-408.
[10] See the Code of Virginia § 24.2-410
[11] See the Code of Virginia § 24.2-427

Virginia's List Maintenance Operations

Comparison of Voter Registration Data with Other States

ELECT utilizes a variety of resources to compare voter registration data with other states. Information regarding individuals that may have moved out of Virginia is received through the following: voters self-reporting; data sharing agreements; National Change of Address (NCOA) reports; and surrender reports from the DMV.

Self-Reporting by a Voter

When an individual completes a Virginia voter registration application, they are asked to provide the state they are currently registered in, if any.[12] If the application is approved by the general registrar, ELECT then notifies the appropriate authority of the state the applicant was previously registered in that the voter is now registered in Virginia.[13] Additionally, when a Virginia-registered voter moves out of state and registers to vote in another 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 desires to cancel their Virginia voter registration. The voter also has the option of directly notifying Virginia through form ELECT-427A, which can be found on ELECT's website.[14] This self-reporting by voters and other states is only one facet of comparing voter registration data.

Data Sharing Agreements

Va. Code § 24.2-404.4 requires ELECT to conduct voter list comparisons with Virginia's neighboring states to maintain the accuracy of the voter registration list. These states are Kentucky, Maryland, North Carolina, Tennessee, West Virginia, and the District of Columbia. Virginia has previously compared lists with Kentucky, Maryland, District of Columbia, and West Virginia through its membership in ERIC. However, not all of Virginia's bordering states are ERIC members, such as North Carolina and Tennessee, and recently West Virginia left the organization.

New Initiatives

To maintain compliance with Va. Code § 24.2-404.4, ELECT has reached out to boarding states and jurisdictions to establish one-to-one data sharing relationships by contacting their respective state election officials. The letters invited the receiving state to participate in discussions with Virginia on establishing bilateral data sharing agreements. These requests can be seen in Appendix C.

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[12] See the Code of Virginia § 24.2-418
[13] See the Code of Virginia, 24.2-114(15)
[14] Virginia Department of Elections, Formswarehouse, VERIS-Voter Registration, Cancellation https://www.elections.virginia.gov/formswarehouse/veris-voter-registration/

In 2023, Virginia has established one-to-one data sharing agreements with the following bordering states: Tennessee, Washington D.C. and West Virginia, as well as established relationships with Georgia, Ohio, and South Carolina. This will be the first time since 2017 that ELECT will be sharing voter registration data with Tennessee. Additionally, North Carolina provided instructions on how to access a publicly provided list of voters and ELECT is actively pursuing agreements with additional states.

The established agreements allow Virginia to share and receive information to compare voters, voter history, and voter registration lists to ensure the accuracy of the voter registration lists, to identify voters whose addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, to identify potential double voters, and to determine eligibility of individuals to vote in Virginia.

Confirmation Mailings

National Voter Registration Act (NVRA)

Pursuant to Va. Code § 24.2-428 and the National Voter Registration Act (NVRA)[15], ELECT is required to conduct an annual address match of Virginia's voters against records in the United States Postal Service's (USPS) NCOA registry.

Overview of Process

The NCOA database catalogs change of address requests submitted by individuals to the USPS. 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 notice by forwardable mail to their last known Virginia address. These letters include a postage prepaid envelope and a confirmation form that voters can utilize to either: (i) confirm that their address did or did not change, or (ii) to request that the general registrar cancel their registration, if appropriate.

Active vs. Inactive Voter Status

Voters who respond to the mailing within 30 days and confirm that their place of residence has not changed, or that their new address is in Virginia 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 list.

Voters who have been designated as *'Inactive*' by the process outlined above may return to '*Active*' status through a voter-initiated action such as change of address, re-registration, or voting in an election.[16] Additionally, '*Inactive*' voters may still cast a ballot on Election Day. The voter must have their eligible voting status verified by the general registrar, sign a statement

[15] See 52 USC §20507 *et seq*.
[16] See the Code of Virginia §24.2-428.2

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. However, following each federal general election, ELECT will cancel individuals who have been designated as '*Inactive*' without voting for a period of two federal general elections.[17]

New NCOA Vendor

The data used to conduct NCOA mailings during this reporting period was received as a result of ELECT's membership in ERIC via the NCOA Report. For the 2024 mailings, ELECT has procured a contract with *Melissa Data*, a global leader in data quality and address verification. Virginia voters previously identified as those who moved, whether in-jurisdiction or to another jurisdiction, are entered into the confirmation process as required by the NVRA and Va. Code § 24.2-428 and receive confirmation mailers at their NCOA provided addresses by forwardable mail. The same process will be used for voters identified through *Melissa Data*.

Department of Motor Vehicles (DMV)

In addition to NCOA data, ELECT sends cancellation request mailers to those on the Virginia voter registration list who have been identified as having moved out-of-state. Each month ELECT receives an updated electronic file from the DMV of persons who have surrendered their Virginia driver's license indicating relocation to another state.[18] Once ELECT receives the file, VERIS automatically conducts a search for any potential matches of registered voters contained on the list. The potential matches are provided to the appropriate general registrar for review, and the general registrar may initiate a request for a confirmation notice to be sent to the voter. ELECT has cultivated an exceptional working relationship with the DMV and is enhancing existing data exchanges within this partnership.

The out-of-state mailer reaches voters soon after they move, allowing voters to cancel their registration immediately without having to wait for the routine confirmation process. This effective tactic is just one of the optional processes used by ELECT that makes Virginia a national leader in effective list maintenance programs.

Redistricting Notices

In 2022, the General Assembly required ELECT to send updated voter registration notices to all six million registered voters in the Commonwealth in response to Virginia's redistricting effort. Pursuant to Va. Code § 24.2-428.1, voters with election mail returned as undeliverable are marked a for a confirmation mailing. These notices contributed to an increase in confirmation mailings during this reporting period.

[17] See 52 USC § 20507(d)(2)(A) and the Code of Virginia § 24.2-428.2
[18] See the Code of Virginia §24.2-427(E)

New Initiatives

Additional NCOA Mailing

In previous years, ELECT conducted only one annual address match and mailing to meet its statutory obligation.[19] For the first time in Virginia history, ELECT conducted two USPS NCOA mailings in 2023: once in January and once in July of this year based upon a recommendation by the 2018 JLARC report.[20]

Results

Confirmation Mailings

For February 2023 NCOA Mailing, approximately 253,972 confirmation notices were mailed to registered voters who had potentially moved within or outside of their jurisdiction in Virginia. Approximately 108,121 cancellation request mailers were sent to voters' out-of-state addresses.

For July 2023 NCOA Mailing, approximately 115,656 confirmation notices were mailed to registered voters who had potentially moved within or outside of their jurisdiction in Virginia. Approximately 39,437 cancellation request mailers were sent to voter's out-of-state addresses.

As a result of confirmation mailing process, approximately 172,501 voters were classified as '*Inactive*' in February 2023 and 88,152 voters were classified as '*Inactive*' in August 2023. The total number of voters classified as '*Inactive*' from September 1, 2022 to August 31, 2023 were 260,653.

NVRA Cancellations and 2021 Comparison

In January 2023, ELECT conducted the NVRA cancellation process which occurs after every federal general election.[21] This resulted in the cancellation of 60,988 voter registrations, as they remained '*Inactive'* for two general federal elections. Since the 2020 NCOA mailing did not occur until after the 2020 November General, the number of NVRA cancellations were significantly impacted. Voter registrations set to '*Inactive*' after not responding to a confirmation mailing following the 2020 November General will not meet the threshold of missing two general federal elections until after November 2024. Due to the delay in the 2020 NCOA mailing, Virginians can expect a larger number of NVRA cancellations in the year 2025.

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.

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[19] See the Code of Virginia §24.2-428

[20] Joint Legislative Audit and Review Commission, "Operations and Performance of Virginia's Department of Elections", April 2018, https://jlarc.virginia.gov/pdfs/reports/Rpt508.pdf,

[21] See 52 USC § 20507(d)(2)(A) and the Code of Virginia § 24.2-428.2

- 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 are 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 appropriate local general registrar for further review and processing.

Process Improvements

In preparation of the new SVRS system, ELECT conducted an analysis of all its list maintenance practices and data handling procedures related to voter registration. As a result, ELECT identified 10,558 convicted felons that were listed as registered voters and required removal from the voter registration list. These were individuals who had their rights restored following a felony conviction, and then were convicted of a new felony and were not subsequently removed from the voter list. The original technical code written in VERIS for the restoration of rights process did not provide for the instance in which an individual might be reconvicted of a felony following the restoration of their rights. Upon discovery, ELECT automated a solution to cancel these voters and add them back to the prohibited list.

Results

From September 1, 2022 – August 16, 2023, 17,368 voters were cancelled after a felony conviction was reported to ELECT. The significant increase in cancellations from previous years can be attributed to the identification and correction of a coding error in VSP data, which accounted for 10,558 felons being removed from the voter list.

Restoration of Rights

Pursuant to §53.1-231.2, ELECT receives a list of convicted felons monthly who have successfully presented petitions through the Secretary of the Commonwealth to the Governor to have their right to vote restored. This list is matched to Virginia's list of prohibited voters, and any matches are removed from the prohibited list in order to permit re-registration of the voter.

Results

From September 1, 2022 - August 16, 2023, ELECT received 2,667 records of individuals who had their rights restored by the Governor.

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. This information is sent to the appropriate local general registrar for further review and processing.

New Initiative

ELECT is currently working with the Courts to update the notification of mentally incapacitated individuals sent to the Department of Elections from a paper mailing to an automated, encrypted process.

Results

From September 1, 2021 – August 16, 2022, 599 voters were cancelled after a mentally incapacitated adjudication was reported to ELECT.

Non-Citizen Records

The Va. Code § 24.2-410.1 requires the Department of Motor Vehicles (DMV) to request all customers identify their citizenship status when completing a transaction. On a monthly basis, the DMV shares the list of individuals who responded 'No' to the citizenship question to ELECT. ELECT matches this information to the list of existing registered voters, and any potential matches are provided to the appropriate local general registrar for further review and processing. This process results in the removal of any registered voter, if the voter does not subsequently affirm their U.S. citizenship to the general registrar within 14 days of the registrar notifying the voter of the potential cancellation, and the voter is placed on the prohibited list.

Starting in August 2022, the DMV began sending the legal presence code to ELECT in the monthly file. This allows ELECT to run SAVE verification on non-citizens and additional ELECT staff are trained on this process.

Results

From September 1, 2022 – August 16, 2023, 2,219 voters were cancelled after declaring themselves "non-citizen" within the DMV process.

Death Records

Pursuant to Va. Code §§ 24.2-404.3 and 24.2-408, ELECT is required to ensure 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 SSA on or before October 1 of each year. The SSA distributes its death records through the U.S. Department of Commerce's National Technical Information Service (NTIS).

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

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.

New Initiatives

Pursuant to 24.2-427(B) of the Code of Virginia, general registrars are required to promptly cancel the registrations of persons *known to be deceased* or otherwise disqualified to vote. In order to "*know"* that a voter is deceased for the purposes of cancellation, local registrars must receive reliable information that provides certainty of the death of a registered voter. ELECT received feedback from local election officials regarding the difficulties of confirming the death of Virginia voters who pass away in out-of-state hospitals or facilities, and the need for clarity around the practical application of the term *known to be deceased* in the practice of list maintenance. ELECT introduced a series of new measures detailed below, that streamline the process of reporting voters who are *known to be deceased* in a respectful and secure way.

ELECT 427-B Report the Death of a Registered Voter Form

In February 2023, ELECT introduced the *ELECT 427-B Report of the Death of a Registered Voter Form* to be completed by a specific relative, a personal representative of the voter's estate, or a general registrar or deputy registrar, who personally knows the voter to account for instances where a family member reported the death of a loved one and to address the use of obituaries in confirming the death of a registered voters (See Appendix B). One general registrar noted that "the *427-B Form* allows registrars to conduct needed list maintenance on well-researched and credible information without compromising eligible voters' rights to vote and continuing important safeguards."

Application

If a general registrar receives confirmation of the death of a deceased voter from any of the following sources, they must complete an *ELECT 427-B Form* to report the death of the registered voter:

- An obituary posted in a newspaper distributed within the locality or on a website of a licensed funeral home;
- Registrar or deputy registrar personally knowns the deceased voter; or,
- The deceased voter's family or estate informs the general registrar.

The form must be retained for four years after cancellation in compliance with the Library of Virginia's General Schedule Number 1 County and Municipal Governments Voter Registration and Elections Records (GS-01) retention schedule and is subject to Freedom of Information Act (FOIA) request.

National Association for Public Health Statistics and Information Systems (NAPHSIS)

In March of 2023, ELECT introduced a new tool that allows general registrars to confirm the death of a registered. General registrars can now request that ELECT perform a search of

national death records through the National Association for Public Health Statistics and Information Systems (NAPHSIS). NAPHSIS is a non-profit organization that works with state health departments across the United States to provide vital records and statistics. NAPHSIS uses Electronic Verification of Vital Events (EVVE) software to allow for Fact of Death (FOD) inquiries. ELECT pays a nominal fee per search to utilize this tool. Currently, there are 45 states that participate in the NAPHSIS FOD program.

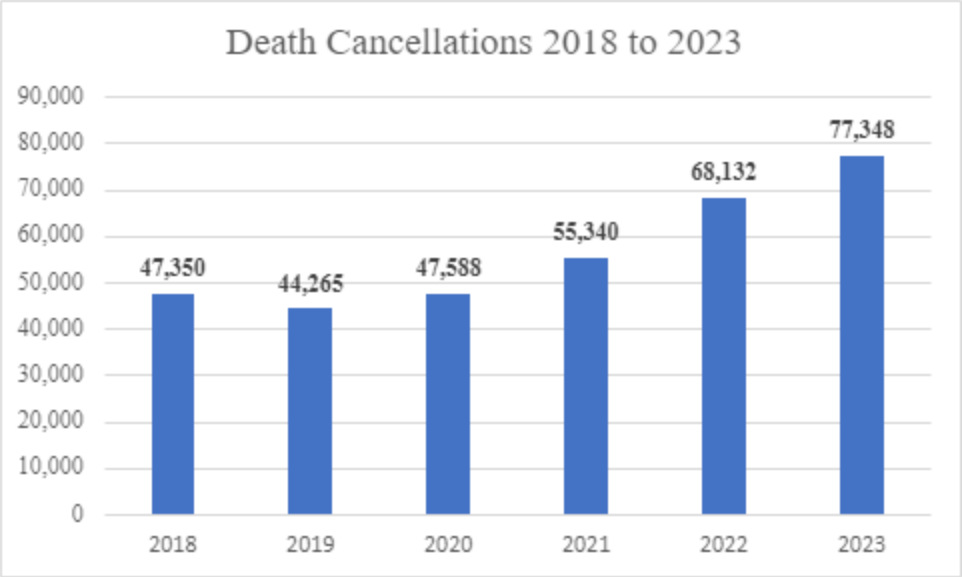
To date, ELECT has conducted 504 NAPHSIS lookups. Access to the NAPHSIS tool has been particularly useful to those localities that border neighboring states. Since death certificates are issued in the state where an individual passes away, confirmation of the voter's death is not conveyed in the weekly data received from the Bureau of Vital Statistics at the Virginia Department of Health (VDH). General registrars may use the NAPHSIS tool in conjunction with the *ELECT 427-B Form* to confirm the death of a registered voter that passes away out of state.

Audit of the Virginia Department of Health Bureau of Vital Statistics Data

In April 2023, ELECT examined its data sharing relationship with VDH as part of ongoing efforts to audit data sharing practices between the department and state agencies. After ELECT requested a review of all VDH death records going back to 1960, VDH discovered death records that had not been previously shared with ELECT. After additional data analysis by ELECT staff, 18,990 records of registered voters were identified and sent to local registrars for removal. The flaw was a result in a discrepancy of data between the date of death occurring in a different month from the time of administrative processing. The coding error has since been addressed. As a best practice moving forward, ELECT will conduct a yearly audit of all VDH records received.

Results

From September 1, 2022 – August 16, 2023, 77,348 deceased voters were removed from Virginia's voter list, which is the highest number of deceased voters removed in decades. This increase is the direct result of ELECT's new initiatives to streamline the process of removing deceased voters from Virginia's voter lists.



[22]

Congressional Recognition

In May of 2023, Congresswoman Laurel Lee, Chair of the Elections Subcommittee of the U.S. House Committee on Administration, wrote to commend ELECT's work on streamlining its list maintenance processes. The committee further requested that ELECT share insight into the procedural steps it followed to identify and remove deceased voters on its voter list for use as a best practice in other states (See Appendix A).

Conclusion

In 2023, ELECT reasserted its commitment to serving as a national leader in list maintenance activities. The processes and partnerships enumerated in this report will continue to improve as ELECT drives toward a multifaceted best in class list maintenance program that promotes and supports accurate, fair, open, and secure elections for the citizens of the Commonwealth.

[22] Virginia Department of Elections, Reports and Reports, Voter Registration and List Maintenance, https://www.elections.virginia.gov/resultsreports/maintenance-reports/

Appendix A: Letter from the U.S. House of Representatives Committee on House Administration Subcommittee on Elections & Response

LAUREL M. LEE, FLORIDA
CHAIR

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One Hundred Eighteenth
Congress of the United States
House of Representatives

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May 2, 2023

The Honorable Susan Beals
Commissioner
Virginia Department of Elections
Washington Building
1100 Bank Street, First Floor
Richmond, VA 23219

Dear Commissioner Beals,

As Chair of the U.S. House of Representatives Committee on House Administration Subcommittee on Elections, which has broad oversight of our nation's federal elections, I write today to express my interest in the Virginia Department of Election's recent streamlining of its list maintenance process.[1]

For voters to have confidence in our elections, it is imperative that States do everything in their lawful power to ensure their voting rolls are current. I want to commend your agency's work in recently identifying 18,990 deceased individuals whose registrations had not yet been withdrawn from the voter rolls.[2]

As the former Secretary of State of Florida, I recognize the critical task of maintaining an accurate voter roll. The results of your administration's efforts will ensure voters throughout the Commonwealth have fair and honest elections. Prioritizing list maintenance should be a bipartisan goal, as it can eliminate delays and issues at the polls.

I would appreciate any insight into this significant achievement that your administration has conducted. The procedural steps that your department followed in order to streamline its list maintenance process could potentially be implemented in other jurisdictions.

If you are inclined to provide any additional information, please explain your agency's recent process in identifying the deceased individuals from the voter rolls. Specifically, what processes do registrars follow when they are notified of a voter's passing? Similarly, what steps do registrars follow to check records of deaths in other states via the National Association for Public Health Statistics and Information Systems?

[1] Graham Moomaw, *Virginia election officials change process for removing dead people from voter rolls*, VIRGINIA MERCURY (April 18, 2023) https://www.virginiamercury.com/2023/04/18/virginia-election-officials-change-process-for-removing-dead-people-from-voter-rolls/.
[2] Virginia Department of Elections. (April 17, 2023). Department of Elections Updates List Maintenance Practices for Deceased Voters [News release]. https://www.elections.virginia.gov/news-releases/department-of-elections-updates-list-maintenance-practices-for-deceased-voters.html.

I would also be interested in any suggestions that you may have for other states attempting to improve their list maintenance practices, and if you have identified any areas in federal law that might need improvement.

I look forward to your response. Please send your response and any questions you may have by May 15, 2023, to Caleb Hays, Committee on House Administration General Counsel and Deputy Staff Director, at Caleb.Hays@mail.house.gov.

Sincerely,

Laurel M. Lee
Chair
Subcommittee on Elections
Committee on House Administration

LML/ad/cjh

COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Susan J. Beals
Commissioner

May 12, 2023

SENT VIA ELECTRONIC MAIL

The Honorable Laurel M. Lee
Chair
Subcommittee on Elections
Committee on House Administration
United States House of Representatives
Caleb.Hays@mail.house.gov

Dear Representative Lee,

Thank you for the letter from the Subcommittee on Elections regarding voter list maintenance practices at the Virginia Department of Elections (ELECT) and its recent efforts to improve data handling procedures. At ELECT, we believe that election integrity starts with the most accurate and up-to-date registered voter list. Based upon feedback from the local general registrar community in Virginia and internal evaluations of existing list maintenance processes, ELECT identified the need for improvements to several list maintenances practices. These improvements relate to various stages of the list maintenance process and include actions at both the local and state levels.

At ELECT, we pride ourselves on listening and responding to concerns from our general registrar community. Often, these concerns help identify and address existing gaps in processes or emerging issues. On this issue, general registrars raised concerns about the existing process for identifying and removing voters known to be deceased. Based upon previous guidance from ELECT, general registrars were limited to only using death records provided by the Virginia Department of Health (VDH) to ELECT. While most deceased registered voters are captured by this process, some, including those who die out of state, are not. To address these concerns at the local level, ELECT enacted three measures.

1. Creation of a form that allows family members of a deceased voter to report to the general registrar the death of the voter (*See* Exhibit 1).
2. Update of ELECT guidance to allow general registrars to use an obituary in confirming the death of a registered voter (*See* Exhibit 2).
3. Introduction of a new tool to give general registrars access to a national database to lookup Virginia voters who may have died in another state. If a general registrar is unable to obtain

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sufficient documentation to determine the death status of a registered voter, a request may be sent to ELECT to perform a search of national death records through the National Association for Public Health Statistics and Information Systems (NAPHSIS) (*See* Exhibit 3). Since this tool was first offered on March 31, 2023, ELECT staff members have conducted 125 NAPHSIS lookups and confirmed matching death records for 21 registered voters.

At the agency level, ELECT examined its data sharing relationship with VDH in relation to death records. ELECT requested a review of all VDH death records dating back to 1960 and compared those records with the current statewide voter registration list. This review uncovered death records not previously shared with ELECT. From these records, ELECT identified 18,990 records of deceased registered voters that were provided to general registrars for removal from the registered voter list in accordance with state law.

In terms of list maintenance best practices, two other processes at ELECT merit a mention. Starting this year, ELECT will conduct two USPS National Change of Address (NCOA) mailings as part of its list maintenance process. In previous years, ELECT has sent only one mailing to meet its statutory obligation.[1] The impetus for an additional mailing was a recommendation from a 2018 report on operations and performance of ELECT by the Joint Legislative Audit and Review Commission.[2] ELECT also produces an annual List Maintenance Report to the Virginia General Assembly that summarizes and highlights ongoing efforts to update Virginia's voter rolls. Virginia's list maintenance reports are available on ELECT's website dating back to 2013, providing a historical and transparent look into all ongoing list maintenance practices.[3]

ELECT continually seeks ways to ensure the highest level of accuracy of the registered voter list in Virginia. We are confident that the measures outlined in this letter are important steps to that end. These actions empower general registrars at the local level to conduct list maintenance in a more accurate manner and bolster processes at the agency level, all while maintaining protections for properly registered voters to remain on the voter list.

Thank you for your interest in our efforts in Virginia. Please let me know if ELECT can provide any additional information to assist the work of the Subcommittee on Elections.

Sincerely,

Susan J. Beals
Commissioner, Department of Elections

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[1] Code of Virginia § 24.2-428 (A)
[2] Joint Legislative Audit and Review Commission (September 10, 2018), *Operations and Performance of Virginia's Department of Elections*, 16, http://jlarc.virginia.gov/pdfs/reports/Rpt508.pdf
[3] https://www.elections.virginia.gov/resultsreports/maintenance-reports/

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Appendix B: ELECT 427B Report the Death of a Registered Voter Form

★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Report of Death of Registered Voter

PURPOSE: This form is intended to provide notification of the death of a Commonwealth of Virginia registered voter. Upon review by the general registrar of the locality in which the voter is registered in, the general registrar will **cancel** the voter's registration. This form may only be completed by a specified relative, a personal representative of the deceased voter's estate, or a general registrar or deputy registrar who personally knows the voter to be deceased.

INSTRUCTIONS
Complete this form as thoroughly as possible. Sign the form and then submit it to the general registrar's office of the locality in which the deceased voter was registered prior to death. The form may be submitted in person, mailed, or faxed. Contact information for local general registrar's offices can be found on ELECT's website here: Voter Registration Office Lookup

Deceased Voter Information				
Last Name (Please print)	**First Name**		**Middle Name**	**Suffix**
Date of Birth (MM/DD/YYYY)	**Date of Death** (MM/DD/YYYY)	**Gender**	**Last 4 of SSN** (if known)	**Voter Registration #** (if known)
Voter Registration Address				
Number and Street name	**City**		**State**	**Zip Code**

Person Providing Information			
Last Name (Please print)	**First Name**	**Middle Name**	**Suffix**
Residential Address		**Relationship to voter:** (Required, please check one)	
Number and Street Name			
City	**State**	**Zip Code**	
Signature			
X_____			
Signature (Required)		**Date Signed**	

- Spouse ☐
- Parent ☐
- Child ☐
- Grandparent ☐
- Great-Grandparent ☐
- Grandchild ☐
- Great-Grandchild ☐
- Sibling ☐
- Legal Guardian ☐
- Representative of Estate ☐
- General Registrar or Deputy Registrar ☐

WARNING: Intentionally making a materially false statement on this form constitutes the crime of election fraud, punishable under Virginia law as a felony. Violators may be sentenced to up to 10 years in prison, or up to 12 months in jail and/or fined up to $2,500.

This form must be retained for four (4) years after cancellation in compliance with the LVA GS-01 records retention schedule

Form number (ELECT-427B) Rev. 2/2023

Appendix C: Letters to Neighboring States to Establish Data-Sharing Agreements

COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Susan J. Beals
Commissioner

May 31, 2023

Karen Sellers
Executive Director, Commonwealth of Kentucky
State Board of Elections
140 Walnut Street
Frankfort, KY 40601

Dear Ms. Sellers:

Maintaining the accuracy of the voter registration system is a top priority for Virginia, as we work to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered. The Code of Virginia § 24.2-404.4 requires that Virginia compares its voter registration list to those of neighboring states annually, which is fundamental to this goal. Historically, Virginia has relied upon the Electronic Registration Information Center (ERIC) programs to complete this task. However, the Virginia Department of Elections is no longer a member of ERIC, and we are pursuing individualized data sharing partnerships with neighboring states.

We respectfully request that Kentucky provide Virginia with a current list of registered voters so that we can conduct our own comparison of our lists. Upon request, Virginia will share the results of such a comparison with your office. Excluding any matches, Virginia will destroy all data received from your state office once the review is complete. We will also attempt to contact any Kentucky voters that match an older Virginia record at both their Kentucky and Virginia addresses in hopes that the voters will contact Virginia and update their record accordingly.

Thank you in advance for your consideration. I look forward to receiving your formal response. If you have any questions, please feel free to contact me directly at susan.beals@elections.virginia.gov or via telephone at 804-864-8901.

Many thanks,

Susan J. Beals
Commissioner

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COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Susan J. Beals
Commissioner

May 31, 2023

Linda Lamone
Administrator of Elections, State of Maryland
State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401

Dear Ms. Lamone:

Maintaining the accuracy of the voter registration system is a top priority for Virginia, as we work to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered. The Code of Virginia § 24.2-404.4 requires that Virginia compares its voter registration list to those of neighboring states annually, which is fundamental to this goal. Historically, Virginia has relied upon the Electronic Registration Information Center (ERIC) programs to complete this task. However, the Virginia Department of Elections is no longer a member of ERIC, and we are pursuing individualized data sharing partnerships with neighboring states.

We respectfully request that Maryland provide Virginia with a current list of registered voters so that we can conduct our own comparison of our lists. Upon request, Virginia will share the results of such a comparison with your office. Excluding any matches, Virginia will destroy all data received from your state office once the review is complete. We will also attempt to contact any Maryland voters that match an older Virginia record at both their Maryland and Virginia addresses in hopes that the voters will contact Virginia and update their record accordingly.

Thank you in advance for your consideration. I look forward to receiving your formal response. If you have any questions, please feel free to contact me directly at susan.beals@elections.virginia.gov or via telephone at 804-864-8901.

Many thanks,

Susan J. Beals
Commissioner

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COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Susan J. Beals
Commissioner

May 31, 2023

Karen Brinson Bell
Executive Director, State of North Carolina
State Board of Elections
Dobbs Building
430 N. Salisbury Street, 3rd Floor
Raleigh, NC 27603-1362

Dear Ms. Brinson Bell:

Maintaining the accuracy of the voter registration system is a top priority for Virginia, as we work to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered. The Code of Virginia § 24.2-404.4 requires that Virginia compares its voter registration list to those of neighboring states annually, which is fundamental to this goal. Historically, Virginia has relied upon the Electronic Registration Information Center (ERIC) programs to complete this task. However, the Virginia Department of Elections is no longer a member of ERIC, and we are pursuing individualized data sharing partnerships with neighboring states.

We respectfully request that North Carolina provide Virginia with a current list of registered voters so that we can conduct our own comparison of our lists. Upon request, Virginia will share the results of such a comparison with your office. Excluding any matches, Virginia will destroy all data received from your state office once the review is complete. We will also 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.

Thank you in advance for your consideration. I look forward to receiving your formal response. If you have any questions, please feel free to contact me directly at susan.beals@elections.virginia.gov or via telephone at 804-864-8901.

Many thanks,

Susan J. Beals
Commissioner

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COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Susan J. Beals
Commissioner

May 31, 2023

Mark Goins
Coordinator of Elections, State of Tennessee
Division of Elections
William R. Snodgrass Tower
312 Rosa L. Parks Avenue, 7th Floor
Nashville, TN 37243-1102

Dear Mr. Goins:

Maintaining the accuracy of the voter registration system is a top priority for Virginia, as we work to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered. The Code of Virginia § 24.2-404.4 requires that Virginia compares its voter registration list to those of neighboring states annually, which is fundamental to this goal. Historically, Virginia has relied upon the Electronic Registration Information Center (ERIC) programs to complete this task. However, the Virginia Department of Elections is no longer a member of ERIC, and we are pursuing individualized data sharing partnerships with neighboring states.

We respectfully request that Tennessee provide Virginia with a current list of registered voters so that we can conduct our own comparison of our lists. Upon request, Virginia will share the results of such a comparison with your office. Excluding any matches, Virginia will destroy all data received from your state office once the review is complete. We will also 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.

Thank you in advance for your consideration. I look forward to receiving your formal response. If you have any questions, please feel free to contact me directly at susan.beals@elections.virginia.gov or via telephone at 804-864-8901.

Many thanks,

Susan J. Beals
Commissioner

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COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Susan J. Beals
Commissioner

May 31, 2023

Brittany Westfall
Elections Director, State of West Virginia
State Election Commission
State Capitol
1900 Kanawha Boulevard East, Building 1, Suite 157-K
Charleston, WV 25305

Dear Ms. Westfall:

Maintaining the accuracy of the voter registration system is a top priority for Virginia, as we work to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered. The Code of Virginia § 24.2-404.4 requires that Virginia compares its voter registration list to those of neighboring states annually, which is fundamental to this goal. Historically, Virginia has relied upon the Electronic Registration Information Center (ERIC) programs to complete this task. However, the Virginia Department of Elections is no longer a member of ERIC, and we are pursuing individualized data sharing partnerships with neighboring states.

We respectfully request that West Virginia provide Virginia with a current list of registered voters so that we can conduct our own comparison of our lists. Upon request, Virginia will share the results of such a comparison with your office. Excluding any matches, Virginia will destroy all data received from your state office once the review is complete. We will also attempt to contact any West Virginia voters that match an older Virginia record at both their West Virginia and Virginia addresses in hopes that the voters will contact Virginia and update their record accordingly.

Thank you in advance for your consideration. I look forward to receiving your formal response. If you have any questions, please feel free to contact me directly at susan.beals@elections.virginia.gov or via telephone at 804-864-8901.

Many thanks,

Susan J. Beals
Commissioner

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COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Susan J. Beals
Commissioner

May 31, 2023

Monica Evans
Executive Director,
District of Columbia Board of Elections
1015 Half Street SE, Suite 750
Washington, DC 20003

Dear Ms. Evans:

Maintaining the accuracy of the voter registration system is a top priority for Virginia, as we work to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered. The Code of Virginia § 24.2-404.4 requires that Virginia compares its voter registration list to those of neighboring states annually, which is fundamental to this goal. Historically, Virginia has relied upon the Electronic Registration Information Center (ERIC) programs to complete this task. However, the Virginia Department of Elections is no longer a member of ERIC, and we are pursuing individualized data sharing partnerships with neighboring states.

We respectfully request that the District of Columbia provide Virginia with a current list of registered voters so that we can conduct our own comparison of our lists. Upon request, Virginia will share the results of such a comparison with your office. Excluding any matches, Virginia will destroy all data received from your office once the review is complete. We will also attempt to contact any District of Columbia voters that match an older Virginia record at both their District of Columbia and Virginia addresses in hopes that the voters will contact Virginia and update their record accordingly.

Thank you in advance for your consideration. I look forward to receiving your formal response. If you have any questions, please feel free to contact me directly at susan.beals@elections.virginia.gov or via telephone at 804-864-8901.

Many thanks,

Susan J. Beals
Commissioner

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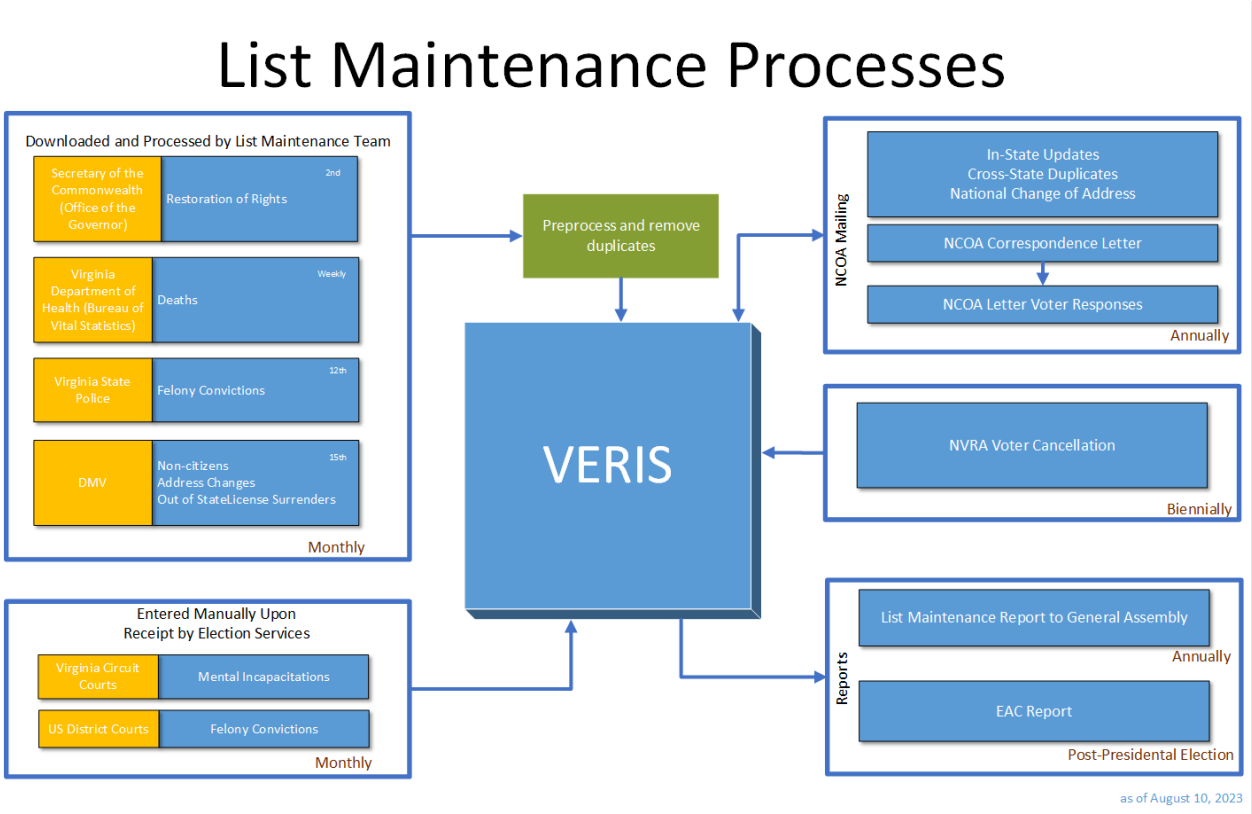
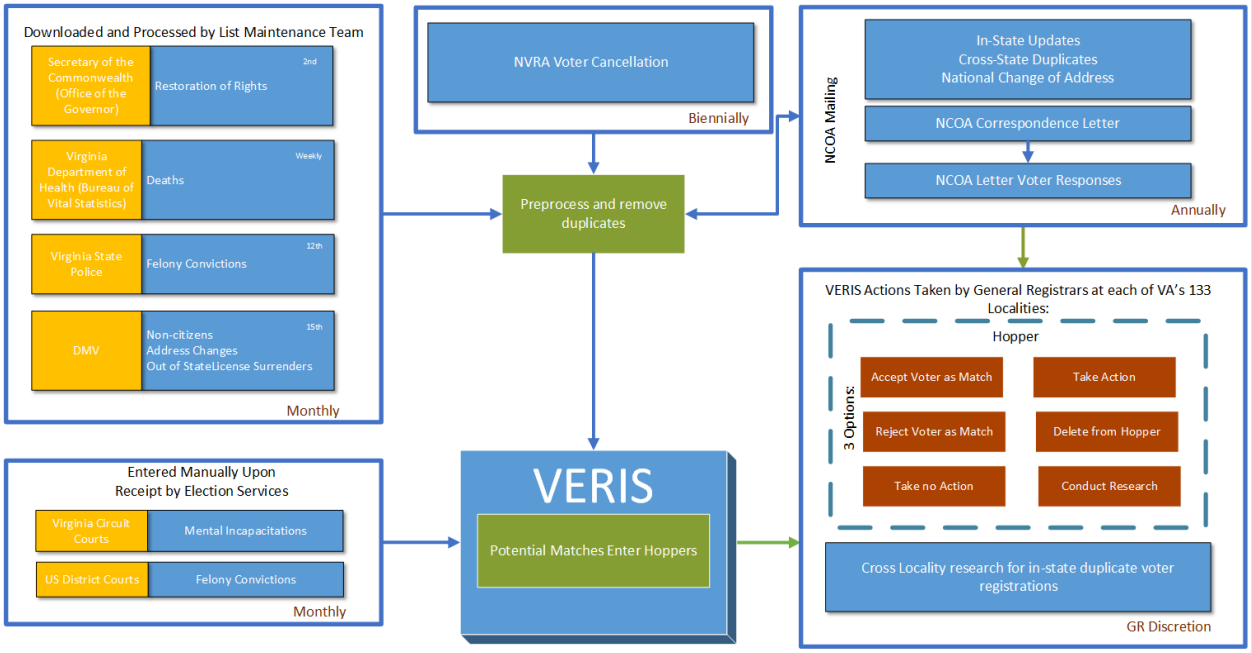
Appendix D: List Maintenance Sources and Processing Frequency Diagram



List Maintenance Processes: GR Actions