



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Annual List Maintenance Report

September 1, 2018 – August 31, 2019

Executive Summary

In accordance with the Code of Virginia § 24.2-404 (F) and § 24.2-404.4 (C), 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 the Electronic Registration Information Center (“ERIC”), a nationally recognized voter file list maintenance partnership. The partnership agreement for this organization ensures that the data is properly managed and requires certain practices of each partner state related to improving data quality. This program membership and associated mailing costs generally result in an excess of \$300,000 in expenditures per year. The membership costs are less 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. While these activities do not have a specific dollar figure attached, they require a significant allocation of staff resources. These costs will be offset in upcoming years with the

formation of the new list maintenance team that was authorized and funded by the General Assembly starting Fiscal Year (FY) 2020.

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 law (§ 24.2-428) and the National Voter Registration Act, 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 (this process is conducted as part of ELECT's membership in ERIC). 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 by forwardable mail 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 and a confirmation form that voters can utilize to confirm that their address did or did not change, or to request that the general registrar cancel their registration, if appropriate. 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 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). Voters who have been designated as 'Inactive' 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.

During the reporting period, September 1, 2018 – August 31, 2019, approximately 233,913 voters were mailed a confirmation notice or had their record updated (in-jurisdiction movers). As a result of this process, approximately 134,522 voters were classified as 'Inactive' in August 2019. As a part of this process, 44,821 confirmation mailers were sent to registered voters who, according to NCOA data, had potentially moved within a single Virginia jurisdiction. Pursuant to Va. Code § 24.2-428, registered voters who have moved within a locality will have their resident

address updated automatically by the general registrar. This state requirement permits general registrars to ensure that voters' records stay up-to-date and maintain precinct and polling place assignments.

Following each federal general election, ELECT will cancel those individuals who have been on the inactive list without voting for a period of two federal general elections. Following the 2018 General Election, SBE canceled approximately 188,781 inactive records from the voter rolls.

Comparison of Voter Registration Data with Other States

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 wants 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

(<https://www.elections.virginia.gov/media/formwarehouse/VERIS-Voter-Registration/Cancellation/ELECT-427A.pdf>). This process is often extremely slow, relies on self-reporting by voters and other states, and has not previously been an efficient method to remove voters who have moved out of state.

In order to build upon the aforementioned process, 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 ERIC, the national data sharing agreement. As a result, Virginia has acquired registered voter data from a total of 27 states and the District of Columbia for use in list maintenance activities.

Previously, ELECT also participated in the Interstate Voter Registration Crosscheck Program (Crosscheck) run by the State of Kansas. 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, which was further exacerbated by multiple states pulling their membership and ceasing to share information through Crosscheck.

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. In 2018, Crosscheck failed to run for the reasons detailed above. Additionally, the Department of Homeland Security conducted an audit of the program that raised flags of concern about the potential risk of data exposure due to poor management practices.

Scott Schwab, the current Kansas Secretary of State, indicated that their office was weighing the decision to continue the program or disband it.

Due to all of the above concerns, ELECT determined that it was necessary to formally withdrawal from Crosscheck on August 27, 2019. This decision was not made lightly. The potential security risks that threatened to jeopardize the privacy of Virginia voter information far outweighed any potential benefits from the program. There should be no negative impact as a result of withdrawing from Crosscheck because the majority of states that are required to exchange data with Virginia are already members of ERIC. The remaining statutorily required exchange states are either currently in the process of being confirmed as members of ERIC or ELECT has reached out to their Chief Election Officers to establish bilateral data sharing agreements. The formal withdrawal notice can be found in Appendix B.

ELECT has participated in ERIC on a regular basis since January 2014. States participating in ERIC during the reporting period include:

- Alabama
- Alaska
- Arizona
- Colorado
- Connecticut
- Delaware
- Georgia
- Illinois
- Iowa
- **Kentucky***
- Louisiana
- **Maryland***
- Michigan
- Minnesota
- Missouri
- Nevada
- New Mexico
- Ohio
- Oregon
- Pennsylvania
- Rhode Island
- South Carolina
- Utah
- Vermont
- Washington
- **Washington, D.C.***
- **West Virginia***
- Wisconsin

*Indicates states with whom Virginia is statutorily required to exchange data.

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: North Carolina and Tennessee. ELECT has reached out to the Chief Election Officers in both states to start discussions of establishing bilateral data sharing agreements.

ELECT did not receive a response from Tennessee. North Carolina did respond with instructions on how to access a publicly provided list of voters, but since the state does not provide Social Security Numbers or full dates of birth, there is not sufficient information to identify voters registered in Virginia. Additionally, ELECT made numerous attempts to establish an “interagency agreement” with North Carolina to exchange voter lists that contained the necessary personally identifiable information (PII) for list matching, but ELECT did not receive responses from their office. The correspondence pertaining to these attempts is included in Appendix C of this report.

Virginia voters identified in ERIC as those who moved were entered into the confirmation process as required by NVRA and Va. Code § 24.2-428 and received confirmation mailers at their Virginia addresses by forwardable mail. In addition, ELECT sent cancellation request mailers to their out-of-state addresses. The out-of-state mailer project is expected to reach voters soon after they move, allowing voters to cancel their registration immediately without having to wait for the routine confirmation process. This additional mailer to the out-of-state addresses increases the likelihood that registered voters will receive the notice and instruct ELECT to cancel their Virginia voter registrations. 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 membership fee during the last cycle was \$37,758. This membership fee decreases with each new state that joins and the data quality from the ERIC program is significantly better than other interstate exchange programs and any program that ELECT could operate in-house with existing resources. 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 which allowed 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, 2018 – August 31, 2019, approximately 105,867 voters were mailed a cancellation request mailer at their out-of-state address. Approximately 48,448 voters were canceled after registering to vote in another state during the same reporting window.

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 appropriate local general registrar for further review and processing.

From September 1, 2018 – August 31, 2019, 5,584 voters were canceled 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. This information is sent to the appropriate local general registrar for further review and processing. ELECT is currently working to develop a means of gathering this data electronically.

From September 1, 2018 – August 31, 2019, 547 voters were canceled after a mentally incapacitated adjudication was reported to ELECT.

Non-Citizen Records

The Va. Code § 24.2-410.1 requires the DMV to ask all customers seeking to complete certain transactions about their citizenship status. The DMV periodically sends 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 will result in 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.

It is worth noting that there were some issues with the delivery of the DMV non-citizen file over the past list maintenance period due to a restructuring of DMV’s internal processes. In March of 2019, DMV contacted the Commissioner of Elections to inform the Department that they would be instituting a change in procedures regarding the production of the non-citizen monthly file beginning with the April 2019 file. After ELECT and DMV reviewed the new files an issue was found in a DMV process that caused a limited number of erroneous records to be added to the non-citizen monthly file. DMV has since corrected the file for July 2019 and ELECT has processed that file. DMV is in the process of correcting the April, May, and June 2019 files and ELECT will immediately process upon completion. This process should be completed well before any applicable deadlines for the November 2019 General Election.

Va. Code § 24.2-427(B) and (B)(1) 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, 2018 – August 31, 2019, 524 voters were canceled after declaring themselves to be a non-citizen.

Death Records

Pursuant to Va. Code §§ 24.2-404.3 and 24.2-408, ELECT is required 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 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 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 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 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, 2018 – August 31, 2019, 44,265 voters were canceled due to having been identified as deceased.

List Maintenance Team

During the 2019 General Assembly session, an additional \$297,433 in general funds and 2.00 full-time equivalents (FTE) in FY '20 were allocated adding two voter list maintenance positions to the Department. This was in response to recommendations regarding the current list maintenance program presented by the Joint Legislative Audit and Review Commission (JLARC) in its September 2018 'Operations and Performance of Virginia's Department of Elections' report. These positions will greatly assist ELECT in our efforts to build upon the already robust voter list maintenance and auditing processes, and to help ensure standard list maintenance practices amongst general registrars.

Previously, ELECT did not have dedicated staff resources to manage the list maintenance program. The program was primarily operated by different staffers across sections both within the information services division and the agency itself. This new investment has allowed ELECT to create a team solely dedicated to list maintenance. ELECT is in the process of transitioning all existing list maintenance processes to this newly formed team.

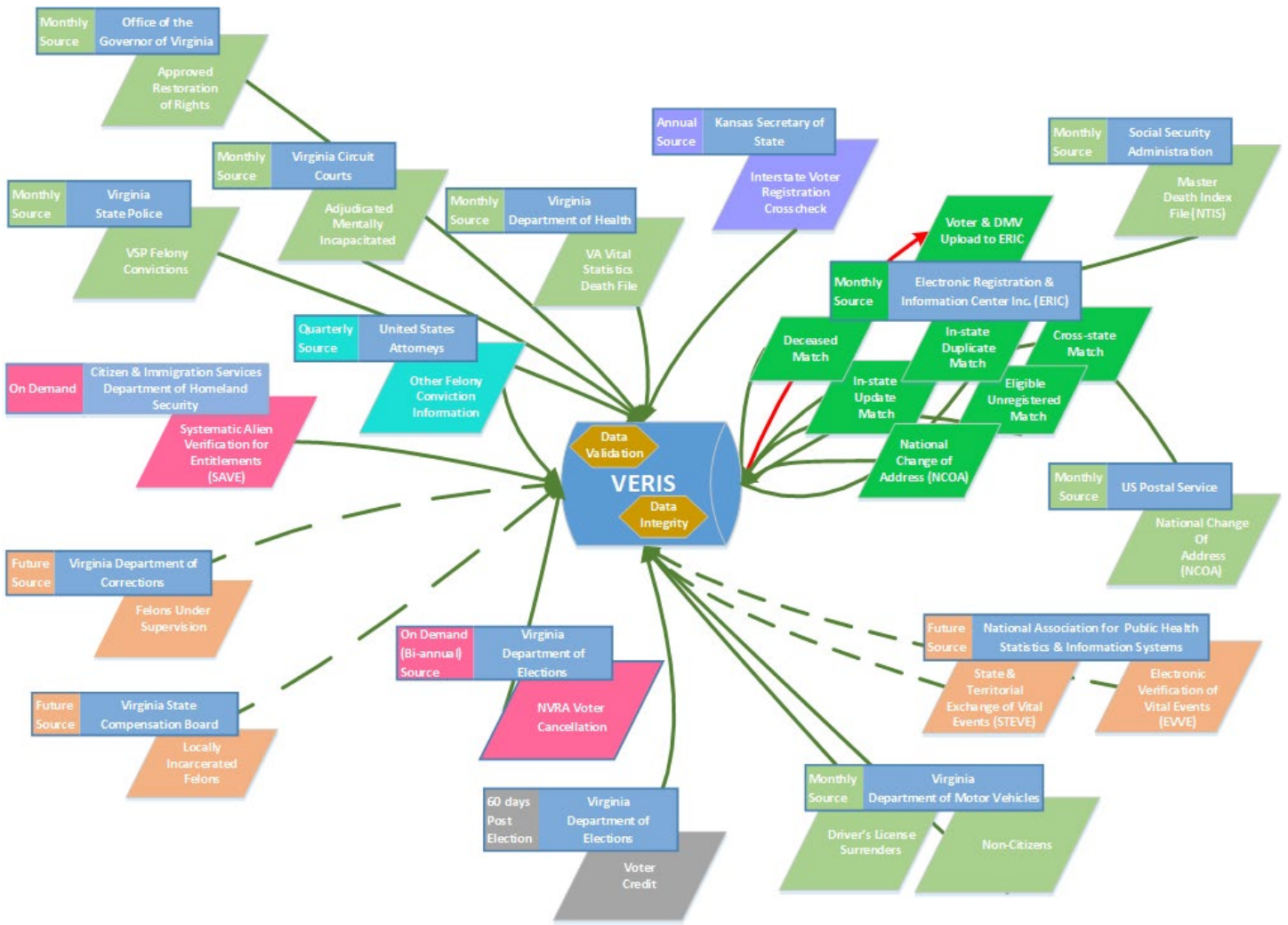
Additionally, ELECT is creating a long-term project plan to improve upon the existing list maintenance program. This will include, but is not limited to, automating data management practices, expanding the frequency of NCOA confirmation mailings, evaluating different data sources, and implementing data integrity audits. This team will also collaborate with the new training positions, approved and funded by the General Assembly in FY'20, to develop programs to assist general registrars in their efforts to implement standardized list maintenance practices across all 133 localities.

I hereby certify that the data contained in this report at the time of its preparation is accurate and reliable to the best of my knowledge and belief.

A handwritten signature in blue ink, appearing to read "Chris Piper", with a large, sweeping flourish underneath.

Christopher E. Piper, Commissioner

Appendix A: List Maintenance Sources and Processing Frequency Diagram



Appendix B: Formal Notice of Withdrawal from the Interstate Voter Registration Crosscheck Program



COMMONWEALTH of VIRGINIA DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper
Commissioner

Jessica N. Bowman
Deputy Commissioner

August 27, 2019

The Honorable Scott Schwab
Kansas Secretary of State
Memorial Hall, 1st Floor
120 SW 10th Avenue
Topeka, KS 66612-1594

Dear Secretary Schwab:

On behalf of the Virginia Department of Elections, I am writing to provide formal notice of Virginia's withdrawal from the Interstate Voter Registration Crosscheck Program (IVRC) and the dissolution of the enclosed Memorandum of Understanding. Although we appreciate the efforts of the Kansas Secretary of State's office, in light of IVRC's recent operational difficulties and the concerning findings of the Department of Homeland Security audit, Virginia can no longer continue to participate in this program.

Our Commonwealth remains committed to protecting the integrity of our elections by ensuring the accuracy of our voter rolls. Pursuant to subsections B and C of Virginia Code § 24.2-406, our Department will continue to exchange voter data with other states through our membership in the Electronic Registration Information Center (ERIC) or through the establishment of formal data exchange agreements with the Chief Election Officer of any state. Please feel free to reach out to my office if you have any questions or would like more information on our data exchange requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Piper", written over a horizontal line.

Christopher E. Piper
Commissioner

Enclosure

Appendix C: Correspondence with Non-ERIC Member, Neighboring States to Establish Data-Sharing Agreements

NORTH CAROLINA



RECEIVED

MAR 08 2019

COMMONWEALTH of VIRGINIA STATE BOARD OF ELECTIONS
DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper
Commissioner

Jessica N. Bowman
Deputy Commissioner

March 4, 2019

Gary Bartlett
PO Box 27255
Raleigh, NC 27611

Mr. Bartlett,

Virginia law requires that we compare our voter registration list to our neighboring states' voter lists annually. Historically, Virginia has relied upon the Interstate Crosscheck and the Electronic Registration Information Center (ERIC) programs to complete this task; however, Crosscheck has not been run for the past several years and recent news reports indicate the program is indefinitely suspended. Unfortunately, North Carolina does not participate in ERIC.

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 data from your state 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.

I thank you in advance for your consideration and look forward to receiving your formal response. If you have any questions, please feel free to contact me directly at chris.piper@elections.virginia.gov or via telephone at (804) 864-8903.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Piper".

Christopher E. "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

----- Forwarded message -----

From: Lawson, Joshua <joshua.lawson@ncsbe.gov>

Date: Mon, Apr 8, 2019 at 4:50 PM

Subject: North Carolina Registration Data

To: chris.piper@elections.virginia.gov <chris.piper@elections.virginia.gov>

Cc: Strach, Kim <kim.strach@ncsbe.gov>, Neesby, Brian <Brian.Neesby@ncsbe.gov>, SBOE_Grp - Legal <Legal@ncsbe.gov>

Dear Commissioner Piper,

North Carolina has received your letter requesting data necessary to conduct an intrastate comparison of registration data (attached). We are very interested in working with you. Our State has not yet secured appropriations necessary to participate in ERIC, and we would appreciate the opportunity to coordinate where possible to ensure proper maintenance of the rolls.

Please let us know if Virginia envisions an exchange that includes PII associated with individual voters (DOB, SSN#4, etc.), as that will significantly affect our process and require an interagency agreement. If not, we are among very few states for which the entire voter database is available (without PII) via a free FTP site: <https://dl.ncsbe.gov/index.html?prefix=data/> ("ncvhis_Statewide.zip").

I have copied North Carolina's chief state elections official, Executive Director Kim Westbrook Strach, and our chief information officer, Brian Neesby.

We look forward to working with you.

Josh Lawson | General Counsel
o: 919-814-0755 | f: 919-715-0135



On Thu, Apr 18, 2019 at 4:08 PM Piper, Christopher <chris.piper@elections.virginia.gov> wrote:

Josh,

Thank you very much for replying. Virginia is looking forward to working with you and your team to develop an inter-agency agreement to begin sharing voter registration lists including PII to ensure we can accurately match potential voters. I have included the members of my team who will be working on this project going forward and keeping me updated.

I've copied our CIO, Dan Persico, who will be taking the lead on this project and I suggest you two work together to find a date and time to establish the initial meeting (other members of our staff who will participate are also copied on this email).

Thanks again for your reply and we look forward to creating a strong partnership between our two agencies!

Regards,

Christopher E. "Chris" Piper
Commissioner
Department of Elections
chris.piper@elections.virginia.gov
(804) 864-8903

Department of Elections Email 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 FOIA. 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>.

----- Forwarded message -----

From: Persico, Daniel <daniel.persico@elections.virginia.gov>
Date: Fri, Apr 19, 2019 at 9:26 AM
Subject: Re: North Carolina Registration Data
To: Piper, Christopher <chris.piper@elections.virginia.gov>
CC: Lawson, Joshua <joshua.lawson@ncsbe.gov>, Strach, Kim <kim.strach@ncsbe.gov>, Neesby, Brian <Brian.Neesby@ncsbe.gov>, SBOE Grp - Legal <Legal@ncsbe.gov>, Sears, Matthew <matthew.sears@elections.virginia.gov>, David Allen <david.allen@elections.virginia.gov>, West, Alex W. <AWest@oag.state.va.us>, Buckley, Samantha <samantha.buckley@elections.virginia.gov>

Hello Josh,

Can you provide me with some times you and your team would be available to have an initial discussion around drafting an inter-agency agreement? Thank you.

Dan

TENNESSEE



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper
Commissioner

Jessica N. Bowman
Deputy Commissioner

March 4, 2019

Mark Goins
312 Rosa L. Parks Ave.
9th Floor
William R. Snodgrass Tn Tower
Nashville, TN 37243

Mr. Goins,

Virginia law requires that we compare our voter registration list to our neighboring states' voter lists annually. Historically, Virginia has relied upon the Interstate Crosscheck and the Electronic Registration Information Center (ERIC) programs to complete this task; however, Crosscheck has not been run for the past several years and recent news reports indicate the program is indefinitely suspended. Unfortunately, Tennessee does not participate in ERIC.

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 data from your state 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.

I thank you in advance for your consideration and look forward to receiving your formal response. If you have any questions, please feel free to contact me directly at chris.piper@elections.virginia.gov or via telephone at (804) 864-8903.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Piper", written over a circular stamp or seal.

Christopher E. "Chris" Piper
Commissioner



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper
Commissioner

Jessica N. Bowman
Deputy Commissioner

August 27, 2019

The Honorable Scott Schwab
Kansas Secretary of State
Memorial Hall, 1st Floor
120 SW 10th Avenue
Topeka, KS 66612-1594

Dear Secretary Schwab:

On behalf of the Virginia Department of Elections, I am writing to provide formal notice of Virginia's withdrawal from the Interstate Voter Registration Crosscheck Program (IVRC) and the dissolution of the enclosed Memorandum of Understanding. Although we appreciate the efforts of the Kansas Secretary of State's office, in light of IVRC's recent operational difficulties and the concerning findings of the Department of Homeland Security audit, Virginia can no longer continue to participate in this program.

Our Commonwealth remains committed to protecting the integrity of our elections by ensuring the accuracy of our voter rolls. Pursuant to subsections B and C of Virginia Code § 24.2-406, our Department will continue to exchange voter data with other states through our membership in the Electronic Registration Information Center (ERIC) or through the establishment of formal data exchange agreements with the Chief Election Officer of any state. Please feel free to reach out to my office if you have any questions or would like more information on our data exchange requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Piper", written over a circular embossed seal.

Christopher E. Piper
Commissioner

Enclosure

MEMORANDUM OF UNDERSTANDING

For Interstate Voter Registration Data Comparison

December, 2012

This Memorandum of Understanding is made between the chief state election officials respectively of the States of Arizona, Arkansas, Colorado, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas and Virginia.

WHEREAS, the States through the offices of the chief state election officials and under the authority of the respective state laws have each separately implemented a variety of changes to election processes as required by Public Law 107-252, the Help America Vote Act of 2002, among these changes being the implementation of a centralized, interactive, computerized statewide voter registration list, and;

WHEREAS, the existence of centralized, interactive, computerized statewide voter registration lists facilitates the interoperability of such lists for the purpose of comparison and cross checking of registration records, and;

WHEREAS, the chief state election officials of the respective States desire to enter into this Memorandum of Understanding to set forth the terms of an agreement between the respective officers, on behalf of their respective States, to establish between them and between the States a process for each State to improve the accuracy of each State's voter registration list;

NOW, THEREFORE, the undersigned chief state election officials, in exchange for the mutual promises and commitments contained in this Memorandum of Understanding, do hereby agree as follows:

1. The States agree to share voter registration information for the purposes of cross checking and identifying duplicate registrations and instances of multiple votes by the same individuals.
2. The process of cross checking will be as follows:
 - a. Each State will send a file containing voter registration data to the Kansas Secretary of State's office in a format and on a schedule to be determined by mutual agreement, with the intention of conducting a cross check at minimum once per year.
 - b. Each participating State's list will be compared to the lists from the other participating States.
 - c. The Kansas Secretary of State will return the results of the data cross check to each participating State. The data will include the State possessing the matching record, any information about such voter provided by said State, and the date the voter registered in said State.
 - d. Potential duplicate records will be identified when the first names, last names and dates of birth match.

- e. All data will be transferred to and from the Kansas Secretary of State using industry standard encryption technology and passwords.
 - f. All original data will be securely destroyed upon completion of the project.
3. The Kansas Secretary of State shall maintain procedures and controls acceptable to other participating states for the purpose of assuring that information in its possession is not mishandled, misused, released, disclosed, or used in an inappropriate manner by it, its agents, officers, or employees. All parties to this agreement shall take all reasonable steps and precautions to safeguard this information and shall not divulge the information to parties other than those needed for the performance of duties under the agreement. Information transferred under this agreement shall be used only for the purposes identified in the agreement.
 4. Notwithstanding aggregate usage statistics used for reporting purposes, and subject to the Kansas Open Records Act, the Kansas Secretary of State shall keep confidential all information concerning individual registrants. The Kansas Secretary of State shall not, under any conditions, resell, transfer or convey information about registrants to any third party.
 5. Each chief state election official shall designate such staff from his or her respective office as may be deemed necessary to carry out the terms of the Memorandum of Understanding.
 6. This Memorandum of Understanding may be joined by additional States by signature of the chief state election officer in each such State without prior approval of the original participating states.

SIGNED ON BEHALF OF THEIR RESPECTIVE STATES BY:



Donald Palmer
Secretary, State Board of Elections
Commonwealth of Virginia

12-11-2012

Date