



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Annual List Maintenance Report

September 1, 2019 – August 31, 2020

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 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.

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 methods and is 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 the use of various 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 funded with general and federal dollars granted in 2002 to Virginia through the Help America Vote Act (HAVA). Those 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 are 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 are being offset with the formation of the 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 maintain 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.

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 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:

<https://www.elections.virginia.gov/media/formwarehouse/VERIS-Voter-Registration/Cancellation/ELECT-427A.pdf>). This process 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 embark upon data sharing relationships with Virginia's neighboring states to maintain the accuracy of the voter registration list. ELECT complies with this requirement by participating in the Election Registration Information Center (ERIC), the national data sharing agreement. As a result, Virginia has acquired registered voter data from a total of 30 states and the District of Columbia for use in list maintenance activities.

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

- Alabama
- Kentucky*
- Pennsylvania

- Alaska
- Arizona
- Colorado
- Connecticut
- Delaware
- Florida
- Georgia
- Illinois
- Iowa
- Louisiana
- Maryland*
- Michigan
- Minnesota
- Missouri
- Nevada
- New Mexico
- Ohio
- Oregon
- Rhode Island
- South Carolina
- Texas
- Utah
- Vermont
- Washington
- Washington, DC*
- West Virginia*
- Wisconsin

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

With the addition of Florida, Georgia, Kentucky, Texas, and Vermont since the last report, ERIC’s membership now consists of 30 states and the District of Columbia, which further improves Virginia’s ability to update and improve the accuracy of its list of registered voters by comparing it to other states’ lists. ERIC continues to recruit additional states and we anticipate membership to continue growing in the years ahead.

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 Election Directors in both states to start discussions of establishing bilateral data sharing agreements. These requests can be seen in Appendix B.

In the previous reporting period, ELECT did not receive a response from Tennessee; however, in that same period, North Carolina did respond with instructions on how to access a publicly provided list of voters. Since North Carolina does not provide social security numbers or complete dates of birth, there is not sufficient information to identify voters registered in Virginia.

The ERIC program membership fee from July 1, 2019 to June 30, 2020 was \$38,808. This membership fee decreases with each new state that joins, and will be \$37,644 for the next annual period. 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 also includes the United States Postal Service's National Change of Address (NCOA) data. This also allows ELECT to utilize NCOA data with increased frequency. Examples of NCOA data use are described in the next section.

Membership in ERIC also requires ELECT to reach out to voters that appear to be eligible to vote, but are not yet registered. This year, ELECT will be conducting an Eligible But Unregistered mailing to Virginia citizens who are identified as being registered with the DMV, but are not registered to vote. In a change from past EBU mailings, this year, ELECT is working with ERIC to conduct a "refresh", sending mailings to all Virginia citizens who have DMV records without corresponding voter registration records, regardless of whether they have been sent a similar mailing in the past. Encouraging voter registration ahead of the 2020 November federal General Election, ELECT's mailings will also present information on how citizens can apply for an absentee ballot.

Confirmation Mailings

Pursuant to state law (§ 24.2-428) and the National Voter Registration Act (NVRA), 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, which is a process that 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. However, following each federal general election, ELECT will cancel individuals who have been on the inactive list without voting for a period of two federal general elections.

Virginia voters identified in ERIC 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 Virginia addresses by forwardable mail.

In addition, ELECT sends cancellation request mailers to those on the Virginia voter registration list who have been identified by ERIC as having moved out-of-state. 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 confirmation mailings described above, including NCOA, in-state movers, and out-of-state cancellations, will be conducted following the November 2020 General Election. Due to the COVID-19 pandemic, the 2020 election calendar was shifted considerably. Thus, the window in which the Department traditionally conducts the NCOA confirmation process was no longer available. Instead of overburdening local offices, who were striving to conduct unprecedented elections under extraordinarily trying pandemic conditions, the Department opted to move the NCOA confirmation mailing process to December, which ensures compliance with existing statutes as described in Va. Codes § 24.2-306 & § 24.2-428.

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 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.

From September 1, 2019 – August 31, 2020, 4,645 voters were cancelled after a felony conviction was reported to ELECT.

Restoration of Rights Records

Pursuant to §53.1-231.2, on a monthly basis, ELECT receives a list of convicted felons 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 potential matches are provided to the appropriate general registrars for further review and processing.

From September 1, 2019 - August 31, 2020, 6,317 citizens registered to vote after having their rights restored by the Secretary of the Commonwealth..

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 these data electronically.

From September 1, 2019 – August 31, 2020, 482 voters were cancelled after a mentally incapacitated adjudication was reported to ELECT.

Non-Citizen Records

The Va. Code § 24.2-410.1 requires the DMV to request all customers identify their citizenship status. 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 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.

From September 1, 2019 – August 31, 2020, 802 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 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).
- Va. Code § 24.2-408 requires the Bureau of Vital Statistics (BVS) at the Virginia Department of Health to provide ELECT 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 provided to the responsible local general registrar for further review and processing.

ELECT had previously 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.

During this reporting period, to improve the accuracy and timeliness of the voter registration list, ELECT entered into discussions with the Virginia Department of Health to update our data sharing agreement so that the monthly list of BVS death notices reflect the month prior as opposed to two months prior, as was previously the practice. After conducting a rigorous quality assurance process, VDH enacted these changes in August. This development will further improve the accuracy of Virginia death notification records.

From September 1, 2019 – August 31, 2020, 47,588 voters were cancelled due to having been identified as deceased.

List Maintenance Team

After assessing potential improvements to ELECT's list maintenance program, several enhancements have been implemented in the past year, and several more are being planned.

Firstly, a list maintenance calendar was established, which serves as a timeline that includes each list maintenance process throughout the year within the context of election dates, list maintenance blackout periods, and reporting requirements. This calendar facilitates continuity of list maintenance practices amongst ELECT and general registrars.

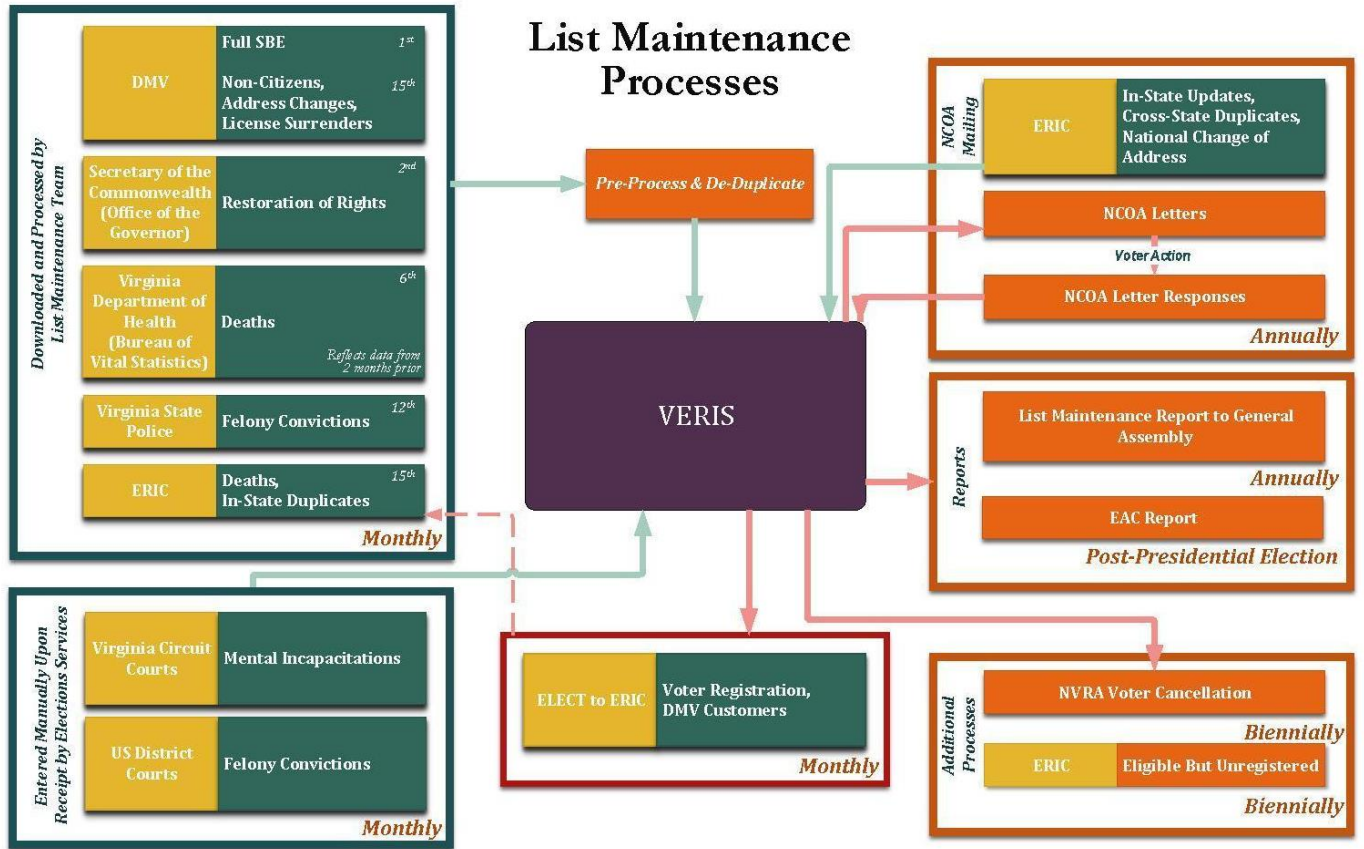
Similarly, communication with general registrars has increased with the initiation of bimonthly list maintenance schedule updates. These updates, sent to the general registrars through email at the beginning and mid-point of each month, include dates of expected data downloads, estimated processing time, and are updated with the actual availability date of data within VERIS, and are intended to serve as a planning tool for the general registrars at each of Virginia's 133 localities.

Additionally, ELECT has updated data sharing agreements to improve the timeliness, accuracy, and security of list maintenance data sources. For example, ELECT is migrating from receiving DMV data from the organization's mainframe to a more secure system-to-system data exchange process. In addition, as described above in the 'Death Records' section, ELECT has entered into discussions with the Virginia Department of Health to establish a data sharing agreement which updates the timeliness of Bureau of Vital Statistics death records to reflect one month prior as opposed to two months prior.

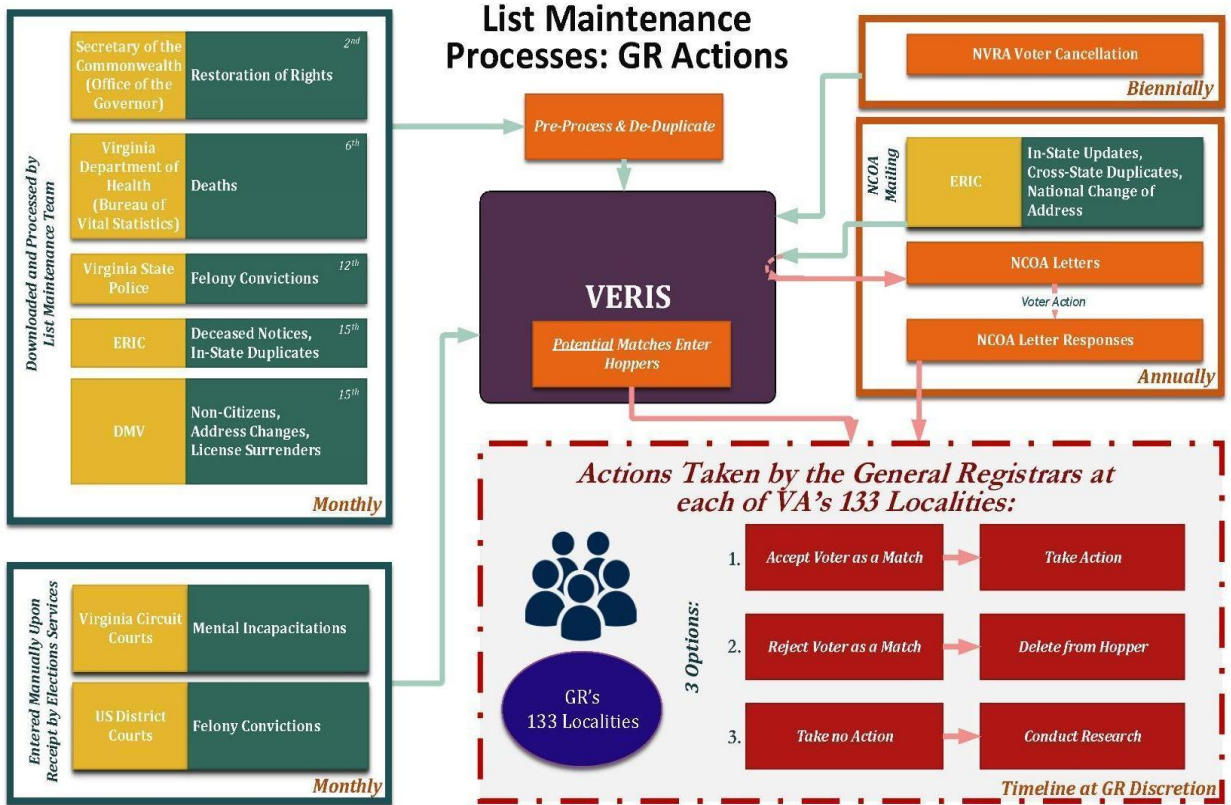
Further refining security methods, ELECT has also reviewed and adjusted list maintenance procedures to better safeguard secure transfer of sensitive information. For instance, additional encryption measures have been implemented in the process used to share reports with other states. These reports contain protected information associated with citizens who have transferred to Virginia.

We are also moving toward the reduction of blackout periods, which are the periods of time before each election when list maintenance processing is suspended (§24.2-306). Currently, all localities, even if not participating in an election, are impacted by list maintenance blackout periods. Moving forward, we will adjust our system so that only locations participating in an upcoming election date are impacted by a blackout period. As a result of this change, we anticipate an overall increase in the timeliness of voter registration list updates and therefore data accuracy.

Appendix A: List Maintenance Sources and Processing Frequency Diagram



Last Updated: 2020-05-08



Last Updated: 2020-05-14

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



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper
Commissioner

Jessica N. Bowman
Deputy Commissioner

August 18, 2020

Karen Brinson Bell
PO Box 27255
Raleigh, NC 27611

Ms. Bell,

Virginia law requires that we compare our voter registration list to our neighboring states' voter lists annually. Historically, Virginia has relied upon the Electronic Registration Information Center (ERIC) program to complete the task; however, North Carolina does not participate in ERIC. We believe that there would be great mutual gain for both states in our sharing this information with the establishment of a memorandum of understanding to govern such an arrangement.

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 also share the results of such a comparison with your office, if desired. Excluding any matches, Virginia will securely 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. In doing so, we will potentially increase the validity of registration lists within both states.

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



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper
Commissioner

Jessica N. Bowman
Deputy Commissioner

August 18, 2020

Mark Goins
312 Rosa L. Parks Ave.
7th 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 Electronic Registration Information Center (ERIC) program to complete the task; however, Tennessee does not participate in ERIC. We believe that there would be great mutual gain for both states in our sharing this information with the establishment of a memorandum of understanding to govern such an arrangement.

As such, we are respectfully requesting consideration that Tennessee provide Virginia with its list of registered voters so that we can conduct our own comparison of our lists. Virginia will also share the results of such a comparison with your office, if desired. Excluding any matches, Virginia will securely 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 Tennessee and Virginia addresses in hopes that the voters will contact Virginia and update their record accordingly. In doing so, we will potentially increase the validity of registration lists within both states.

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,

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Christopher E. "Chris" Piper
Commissioner

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