

Bill Analysis | HB 1657/SB 813

Restricted Time Frame for Voter List Maintenance

Patron: Delegate Henson/Senator Rouse

Recommendation: VETO

What does the bill do?

This bill creates a 90 day “quiet period” (also called a blackout period) before every primary and general election conducted in the Commonwealth, during which systematic updates to the Registered Voter Roll are not permitted. Under federal law, such restrictions only apply to federal primaries and general elections, but not elections for state or local office. The bill also doubles the time (from 30 days to 60 days) that registrars have to remove individuals from the voter rolls after they receive information from the Department of Elections that indicates an individual is unqualified to be on the list.

Rationale for opposition

- The proposed change restricts the time available to complete any systematic updates for maintaining the voter registration records in preparation of all local, state and federal primary and general elections. (Note: this bill does not include the same 90-day restriction for special elections)
- The proposed 90-day cut-off period would equate to a total of 6-months out of every year that general registrars would be prohibited from doing their job of updating and maintaining the voter registration records
- The poorly worded and much litigated federal law [NVRA 52 U.S.C. § 20507(c)(2)(A)] applies the 90-day limitation to primary and general elections for federal offices.
- Were this were an attempt to protect both voters and election integrity, it would identify, specifically by code and section, which election processes qualify as systematic and are thereby subject to the proposed 90-day restriction. It would also require all future legislation restricted as systematic to be so identified at the time of passage. This would allow for honest debate prior to passage as to the merits of the restriction rather than leave open a door for litigation after passage, further eroding trust in Virginia’s elections.
- Without timely updates to voter registration records, the voter’s experience in the elections will be adversely impacted. Pollbook information would be outdated and cause a lot of confusion for voters and election office.
- Mailed absentee ballots would be mailed to wrong addresses which again would severely impact voters who would not receive their mailed absentee ballot or much later during the 45-days of early voting.
- Some voters may wait too long to request a ‘replacement/reissue’ mailed absentee ballot and would be completely disenfranchised from voting – as they may not be able to present in-person to vote
- Due to the delay in updating voter records, would create much more work for the election officers to handle undeliverable mailed absentee ballots and process as rejected unused ballots.
- The fiscal impact statement for this bill estimates that implementation will cost about \$80,000 to \$90,000 per year for ELECT and the cost to the DMV is indeterminate.

Conclusion: **Please veto HB 1657 and SB 813.** Murky and ideologically driven legislation is not in the best interest of the electorate and should be dismissed out of hand.