



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper
Commissioner

March 12, 2021

Hon. Delegate David LaRock
Virginia House of Delegates
Pocahontas Building
900 E. Main St.
Richmond, VA 23219
DelDLaRock@house.virginia.gov

Delegate LaRock,

Thank you for the email dated February 5, 2021 regarding your concerns about the Department of Elections' (ELECT) decision to delay the National Change of Address Confirmation (NCOA) process. I appreciate the opportunity to address your concerns.

As you are well aware, 2020 was an extraordinary year. Generally, ELECT begins the confirmation process by July 1 with the goal of completing the process at least 90 days before each November General Election as there is a prohibition in federal law from automatically changing a voter's registration status from active to inactive or canceled in the 90 days prior to a federal election. However, in light of the issues due to the pandemic, the primaries were delayed from their original date from June 9, 2020 until June 23, 2020. In a typical year, the primaries are conducted and voter credit is entered into VERIS prior to pulling the voter information to compare to the United States Postal Service's (USPS) NCOA database. With the primary on June 23rd, there was not enough time to complete the NCOA confirmation process prior to the 90 day deadline.

The procedure for confirmation would have required ELECT to pull the necessary voter data prior to the primaries. Note that prior to casting a ballot, a voter must provide their residential address from their voter registration file which affirms their current information or they can provide an updated voter registration application which would have removed them from the NCOA process.

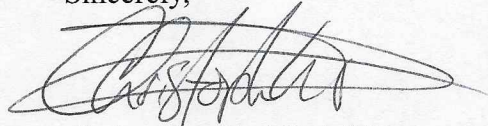
It is important to note that the NCOA process is not a process that automatically removes voters from the rolls. The NCOA process is meant to (1) update addresses of voters who have moved within their jurisdiction, and (2) provide notification to voters who may have moved outside of their jurisdiction to either update or cancel their voter registration. If a voter who falls under category 2 fails to return their notice as required by Va. Code § 24.2-428, the voter will be

moved to inactive status. Inactive status does not automatically remove this voter from the rolls or restrict a voter's access to vote. Inactive status will require the voter to affirm their address or submit a new voter registration application upon checking in to vote. The voter is guaranteed the right to vote or submit a provisional ballot, depending on the situation presented. A voter with an inactive status will not be removed from voter rolls unless two federal election cycles pass without the voter checking in to vote, updating their voter registration information, or corresponding with the general registrar.

Further, § 24.2-401 and § 24.2-402 of the *Code of Virginia* address circumstances where a voter can still cast a ballot in their currently registered precinct even if they have moved to a new address.

You also requested information on when the NCOA process was run following the November General Election. ELECT ran the process in two phases due to the special elections being conducted in January. The first phase did not include voters in districts where special elections were being held. The second phase included only those voters not in the first phase. The first phase's mailing were sent on December 17th and phase two were mailed on February 16th. We will do a full review of those mailings following the 30 day period expiring for the phase two recipients to respond and I am happy to follow up with those numbers when they are available.

Sincerely,

A handwritten signature in dark ink, appearing to read "Chris Piper", with a large, sweeping horizontal stroke underneath.

Christopher E. "Chris" Piper
Commissioner