

Executive Order

NUMBER ## (2024)

ADOPTION OF ADDITIONAL MEASURES TO SECURE THE INTEGRITY OF THE COMMONWEALTH'S VOTER LIST MAINTENANCE PRACTICES

By virtue of the authority vested in me as Governor, I hereby issue this Executive Order to further protect the casting of legal ballots by legally qualified voters in Virginia's elections by guaranteeing all relevant data is expeditiously and effectively utilized to confirm the identity and eligibility of voters and voter registrants and to enhance the Commonwealth's voter list maintenance practices.

Importance of Initiative

Recently, in Executive Order Number Thirty-Five (2024), I directed the Department of Motor Vehicles (DMV) to expedite the interagency data sharing process with the Virginia Department of Elections (ELECT) by generating a daily file of all non-citizen DMV transactions, including names, addresses, and document numbers. Such transmission shall apply as directed under §46.2-328.1(E) to all individuals who provide documentation other than legal presence and shall not be limited to only those individuals who self-declare not to be U.S. citizens. While most non-citizens opt to self-declare their non-citizenship status and correctly decline voter registration at the DMV, some do register either intentionally or inadvertently, and ELECT's use of the Department of Homeland Security (DHS) Systematic Alien Verification for Entitlements (SAVE) program will identify and reject these illegal registrations. Additionally, should noncitizens attempt to register outside of the DMV process, the interagency data sharing procedures and ELECT's use of SAVE will also help identify these illegal registrations.

Directive

Building on my recent initiatives to ensure that individuals cast legal votes in Virginia, I direct-that:

1. ELECT shall use the SAVE program to independently verify the citizenship status of all voter registration applicants who either purposefully or accidentally affirm citizenship, but for whom documentation exists indicating they may not be U.S. citizens. Virginia law already allows for ELECT to employ SAVE, and ELECT has had in place since 2014 the necessary memorandum of agreement (MOA) with DHS to run SAVE verifications. This additional layer of citizenship verification via SAVE will allow ELECT to more accurately ensure that voter registration applications are only approved for legally-eligible voters regardless of the point of origination.
2. ELECT shall implement additional data sharing agreements with the Virginia Departments of Social Services and the Virginia Racing Commission. Like the DMV, each of these agencies already employs the SAVE program when issuing benefits or licenses, and all were deemed Designated State Agencies (DSAs) for voter

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- registration purposes under the National Voter Registration Act (NVRA). These additional data sharing arrangements will ensure ELECT is rapidly provided with all relevant and appropriate information that is available for ELECT to use for voter registration and list maintenance purposes designed to ensure only legally qualified voters are registered.
3. The DMV shall enter into an information exchange agreement (IEA) with the Social Security Administration (SSA) that would allow for full Social Security Number (SSN) verification for voter registration purposes, including Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) registrations. The DMV already has an IEA with the SSA to verify SSNs for the purposes of issuing driving credentials and identification cards, however, the current IEA precludes DMV from verifying SSNs for voter registration purposes. Because Virginia law requires individuals to provide their full SSN when registering to vote, a separate IEA between the DMV and SSA is necessary to allow the DMV to comply with existing state law and assist ELECT in verifying SSNs for voter registration. Specifically, this new agreement would:
 - a. Enable the DMV to administer voter registration information verification system services for full SSNs concerning voter registration through the DMV per the requirements of 52 U.S.C. § 21083(a)(5)(D).
 - b. Enable DMV to provide to ELECT SSN verification services for voter registration applicants who register to vote outside of the DMV and/or for registrants who do not possess a driver's license or ID card issued by the DMV.
 - c. Allow ELECT to identify and assess duplicate SSNs already existing in Virginia's Registered Voter List (RVL) to determine if there are data errors and/or mismatched numbers associated with existing registered voters.
 4. The DMV and ELECT shall update their existing data sharing agreement to include SSN verification as a required data element to enhance proof of identity verification for voter registrants. Currently, the DMV provides for exact matching processes for three data elements (first name, last name, and date-of-birth (DOB)). The additional requirement for exact matching of the SSN for voter registration purposes is necessary to confirm voter identity, detect fraudulent activity, and reduce errors in data exchange and management.

Under this new process requirement:

- a. DMV shall indicate which of the four required data elements (first name, last name, DOB, and SSN) do not match exactly. Any voter registration that returns other than an exact match on all four data elements, but is otherwise

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qualified, shall be provisionally registered pending necessary verification conducted by ELECT and/or the appropriate General Registrar (GR).

- b. To remedy the mismatched data, either ELECT or the appropriate GR shall notify the applicant at the address (and email if available) provided on the voter registration application informing the applicant of his or her provisional registration status. Such notice shall inform the applicant of the information on his or her application that did not match the information as provided by the DMV and shall provide the opportunity for the registrant to correct the information.
5. ELECT shall conduct a full forensic audit of the Commonwealth's Registered Voter List (RVL) prior to the scheduled 2025 replacement of Virginia's Election and Registration Information System (VERIS) and attendant database management transfer to the new Statewide Voter Registration System (SVRS) under contract with The Canton Group. This audit will correct any inaccuracies within the data and existing registrations by applying all relevant data and list maintenance tools. As Virginia transitions to a new statewide voter registration and voter database, it is imperative to delineate, integrate, and streamline all integral data sharing partners and processes to support this conversion.

The agreements outlined herein have indicated both the appropriate state or federal entity as well as the applicable state or federal law that permits the sharing of data and the responsible entities to ensure the accuracy, reliability, privacy, and efficiency of the data used for voter registration and list maintenance.

Given under my hand and under the Seal of the Commonwealth of Virginia this XX day of September, 2024.

Glenn Youngkin, Governor

Attest:

Kelly Gee, Secretary of the Commonwealth