

Congress of the United States

Washington, DC 20515

October 30, 2023

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland,

We are writing to follow up on our request for the Department of Justice (DOJ) to conduct an investigation into the removal of eligible voters from the voting rolls in Virginia. Our letter, dated October 6, 2023, also asked that DOJ determine if the Virginia Department of Elections had violated Section 2 of the Voting Rights Act or other federal laws.

Earlier this month, the Virginia Department of Elections (the Department) first announced that it had improperly removed about 270 voters whose rights were restored after felony convictions. News reports from late last week indicated that the Department had actually improperly removed 3,400 qualified voters.¹ This is over 10 times more voters than initially announced, and the information comes less than two weeks before Election Day and more than a month after the start of early voting. The Department has indicated those affected voters' records have been sent – and updated – to the local registrars who have then notified these voters via mail; however, it is not clear that these voters will receive the information they are reinstated in a timely manner. Further, the Department noted that 100 of the voters who were wrongly removed have yet to be reinstated and may not be notified of their reinstatement with sufficient time to cast a ballot in next month's election.

As noted in our October 6 letter to you, these improper removals follow other troubling actions related to voting rights in the Commonwealth. Just last year, it was reported that “unspecified technical problems” created a backlog at the Department of Elections, and resulting in local registrars receiving 107,000 new voter records overnight just one month from the election, putting those applications at risk of not being processed in time for the elections.² Later that month, after several Virginians tried to vote and were turned away, it was reported that the Department of Elections failed to pass along an additional 149,000 voting records.³

¹ Sarah Rankin, *Youngkin administration says 3,400 voters removed from rolls in error, but nearly all now reinstated*, Associated Press (October 27, 2023), <https://apnews.com/article/glenn-youngkin-voting-rights-virginia-c46eb357a3f6407423a867653956e962>

² Laura Vozzella, *IT issues stall voter-records processing for 107,000 in Virginia*, Washington Post (Oct. 5, 2022), <https://www.washingtonpost.com/dc-md-va/2022/10/05/virginia-voter-registration-youngkin/>


³ Dean Mirshani, *Computing error stalls 149,000 more voter records in Virginia*, ABC 8 News (Oct. 31, 2022) <https://www.wric.com/news/politics/local-election-hq/computing-error-stalls-149000-more-voter-records-in-virginia/>; Ben Paviour, *Virginia elections office finds another 149,000 voter registration records affected by IT error*, WHR (Nov. 1, 2022), <https://whro.org/news/local-news/33485-virginia-elections-office-finds-another-149-000-voter-registration-records-affected-by-it-error>

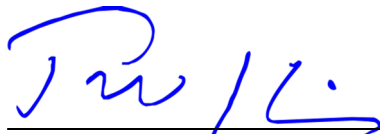
Our concerns are further compounded by Virginia’s May 2023 exit from the bipartisan Electronic Registration Information Center, or ERIC, which is a multistate program aimed at keeping voting rolls up to date. The removal came amid “fringe conservative media reports and conspiracy theories attempting to connect the group to liberal donors and activists.”⁴


We reiterate our request that DOJ take immediate action to investigate how these removals happened and what is being done to ensure that those whose names were illegally removed from the voting rolls are informed in a timely and effective manner so that they are able to cast a vote in the November 7, 2023, Virginia election.

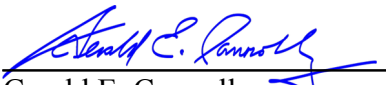
Thank you for your attention to our concerns. We look forward to your response.

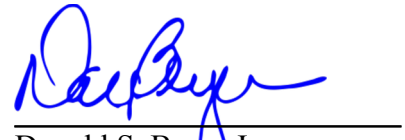
Sincerely,



Mark R. Warner
United States Senator



Tim Kaine
United States Senator



Robert C. "Bobby" Scott
Member of Congress


Gerald E. Connolly
Member of Congress


Donald S. Beyer Jr.
Member of Congress


Abigail Davis Spanberger
Member of Congress


Jennifer Wexton
Member of Congress


Jennifer L. McClellan
Member of Congress

⁴ Ben Paviour, Miles Parks, *Virginia becomes the latest GOP-governed state to quit a voter data partnership*, WAMU (May 11, 2023), <https://www.npr.org/2023/05/11/1175662382/virginia-eric-withdrawal>

cc: Kristen Clarke, Assistant Attorney General, Civil Rights Division, Department of Justice