

DOJ Sues Virginia Over Enforcement of 2006 Law Removing Noncitizens From Voter Lists

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The Department of Justice (DOJ) announced that it was filing a lawsuit against the “State of Virginia, Virginia State Board of Elections and Virginia Commissioner of Elections” over the state’s enforcement of a 2006 law, removing non-citizens from voter lists.

In a press release on Friday, the DOJ [wrote](#) that the removal of voters from “election rolls” so close to the upcoming presidential election violated “Section 8(c)(2)” of the National Voter Registration Act (NVRA) of 1993, “also known as the Quiet Period Provision.”

Justice Department Sues Virginia for Violating Federal Law’s Prohibition on Systematic Efforts to Remove Voters Within 90 Days of an Election

Friday, October 11, 2024

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For Immediate Release

Office of Public Affairs

The Justice Department announced today that it has filed a lawsuit against the State of Virginia, Virginia State Board of Elections and Virginia Commissioner of Elections to challenge a systematic state program aimed at removing voters from its election rolls too close to the Nov. 5 general election in violation of the National Voter Registration Act of 1993 (NVRA).

Screenshot from [justice.gov](#)

Under Section 8(c)(2) of the NVRA, states are required “to complete systematic programs”

in order to remove “the names of ineligible voters from voter registration lists no later than 90 days before federal elections,” the DOJ added:

Section 8(c)(2) of the NVRA, also known as the Quiet Period Provision, requires states to complete systematic programs aimed at removing the names of ineligible voters from voter registration lists no later than 90 days before federal elections. The Quiet Period Provision applies to certain systematic programs carried out by states that are aimed at striking names from voter registration lists based on a perceived failure to meet initial eligibility requirements — including citizenship — at the time of registration.

The DOJ’s lawsuit comes after Virginia **Gov. Glenn Youngkin** (R) [issued](#) an Executive Order in August, which required “all registrars” to “cancel the registrations of non-citizens who have registered to vote in a local, state, or federal election by falsely claiming that they are a citizen, including the forging of documentation or any other means of improper registration.”

In Youngkin’s announcement of the Executive Order, he revealed that roughly “79,867 deceased voters” had been removed from voter lists in 2023, and that roughly “6,303 non-citizens” had been taken off of voter lists between January 2022 and July 2024.

Assistant Attorney General Kristen Clarke with the DOJ’s Civil Rights Division explained that “by cancelling voter registrations within 90 days” of an election, “qualified voters” in the state were placed at risk “of being removed from the rolls.”

“As the National Voter Registration Act mandates, officials across the country should take heed of the law’s crystal clear and unequivocal restrictions on systematic list maintenance efforts that fall within 90 days of an election,” Clarke said in a statement. “By cancelling voter registrations within 90 days of Election Day, Virginia places qualified voters in jeopardy of being removed from the rolls and creates the risk of confusion for the electorate. Congress adopted the National Voter Registration Act’s quiet period restriction to prevent error-prone, eleventh hour efforts that all too often disenfranchise qualified voters.”

Youngkin [responded](#) to the DOJ’s lawsuit in a press release by labeling it as an “unprecedented lawsuit” against him “and the Commonwealth of Virginia, for appropriately enforcing a 2006 law” that was signed by Sen. Tim Kaine (D-VA), who previously served as the governor of Virginia.

With less than 30 days until the election, the Biden-Harris Department of Justice is filing an unprecedented lawsuit against me and the Commonwealth of Virginia, for appropriately enforcing a 2006 law to remove noncitizens from the voter rolls.

Virginians – and Americans – will...

— Glenn Youngkin (@GlennYoungkin) [October 11, 2024](#)

“Virginians – and Americans – will see this for exactly what it is,” Youngkin added. “A desperate attempt to attack the legitimacy of the elections in the Commonwealth, the very crucible of American Democracy. With the support of our Attorney General, we will

defend these commonsense steps, that we are legally required to take, with every resource available to us.”

Youngkin added that the state’s election would be “secure and fair,” and stated he would “not stand idly by as this politically motivated action tries to interfere in our elections.”

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