

General Assembly Update February 20 2015

Highlights for this week's actions before the session ends next week:

HB1318 (Campbell) - to require Photo ID with application for absentee ballot request has passed in the House and the Senate so it will now go to the Governor for his action – to amend, sign or veto. Because Registrars do not have a Photo ID for matching what would be sent and would be burdened with unnecessary paperwork, sending a Photo ID is essentially useless. It can also be a hurdle for many voters who would have to travel to get a Photo ID and/or a copy of their Photo ID.

HJ515 (Head) - has passed in the House (61-32) and in the Senate P&E Committee. It was passed by in the Senate Friday so it may be on the calendar Monday. It gives the GA power to nullify administrative rules and regulations if they have a joint resolution agreed to by a majority elected to each house. The Senators who favor this were reminded again that there are three branches in our government and that the judicial branch has a job. The companion Senate bill barely failed on a tie vote (19-19) because 21 votes are required for it to pass. This will be a very important vote if it comes up on Monday.

HB1574 (Pogge) - Failed: It originally required proof of citizenship to register to vote and was referred to Appropriations where it was laid on the table. It had been modified to require a statement, subject to a felony, that the registrant was indeed a citizen but not the requirement for proof.

SB1352 (Smith) - Passed the Senate but was referred to the House Rules Committee where it was laid on the table. This disappointed several groups that were extremely hopeful that more budget transparency could be achieved this year. It provided that no legislative action shall be taken on the conference committee report on the biennial budget or general appropriation act until the conference committee report has been posted to the General Assembly's website for at least 48 hours. The Speaker of the House and Chairman of its Rules Committee had made a statement previously that he believed that a directive from him would suffice. Sen. Stuart spoke in favor of the bill on the Senate floor as a welcome opportunity for an open and transparent process. Sen. Stosch also stated that he did not think it was necessary because significant information is already posted online.

HB1653 (Bulova) - Passed in both the House (84-16) AND the Senate (38 to 0) to add the Photo ID of private high school students to the eligible list for voting. It would be great if this would be one of the first bills signed by the Governor. Think of all the paper and energy expended to pass such a simple, logical measure.

SB816 (Sen. Howell) - Passed! Another logical change that took significant time and energy to process successfully. It removes the requirement that a person applying to vote absentee because of a religious obligation also state the nature of that obligation. As Sen. Howell said it is not the government's business to know that. Marco Grimaldo of VICPP presented the statement that there are many different religions with a variety of obligations that are not appropriate for government inquiry.

SJ238 (Dance) - Failed in the House P&E Subcommittee after passing in the Senate 29 -9. This resolution for a Constitutional amendment would authorize the General Assembly to make a law

for the restoration of voting rights to persons convicted of nonviolent felonies, who have completed their sentences, including any period or condition of parole, probation, or suspension of sentence. Currently, the Constitution of Virginia authorizes the Governor to restore civil rights to persons convicted of a felony and that provision would be retained. Even though the record shows that it was laid on the table by a voice vote with no record of individual votes one delegate opposed it by explaining that he preferred an amendment that would restore rights to ALL felons. He also prefers changes in laws to add fairness in the conviction process that would reduce incarcerations for very minor offenses.

SB1017 (Dance) - Failed: The “Ban the Box” bill that would allow former felons to be granted a job interview at a state agency or at localities before checking the box that means he was convicted at some time. It managed to pass in the Senate but failed in the House Courts of Justice Civil Law subcommittee. Three subcommittee members were sympathetic, however, and believe there is a way to adjust the bill for success in another session. Several cities have a “Ban the Box” provision in place already.

SJ216 (Ebbin) - The Equal Rights Amendment bill barely passed in the Senate and was never placed on the House P&E Committee docket. Even so, Del. Joannou kindly made a motion to hear the ERA resolution. It was seconded but Del. Cole denied a vote by stating that the deadline for ratification had passed. Then there was the immediate motion to adjourn.

HB2281 (Carr, Byron, Simon) - Passed the House (100 to zero) and the Senate Rules Committee. The bill establishes the **Commission for the Commemoration of the Centennial of Women's Right to Vote**. The Commission is charged with planning and leading the commemoration throughout Virginia in 2020 and educating citizens concerning the importance and significance of the right to vote by all citizens in a democracy. An amendment by the Senate P&E committee changed the number of Senators to be appointed to three so that the two houses have equal representation. We shall see if the House accepts that change. The LWV-VA will be represented on this commission by appointment of the Speaker of the House.

Redistricting Bills:

SJ284 (Vogel) - Senator Vogel’s resolution for a Constitutional Amendment to establish a bipartisan redistricting commission was not heard in the P&E subcommittee or full committee. Had the P&E committee allowed what happened two weeks ago the bill might have at least been brought up for a vote. Del. Minchew had told me that he thought it would be on the docket but it was not. There was still hope that one delegate would be brave and ask for it. Sen. Vogel presented her other bills to the committee but there was no indication that she had asked to present SJ284; hence, redistricting reform will not happen this session.

This is a review of the others that were not successful:

1. SB824 (Miller) - Failed in the House P&E Subcommittee: SB824 would have provided for a statewide referendum in 2015 to give the voters the opportunity to demonstrate their preference on adopting an amendment to the Constitution to establish an independent redistricting commission. It went down almost immediately when the more than \$131,000 price tag was noted. This was the first bill heard early in the morning when the chairman, without allowing public comment, accepted a motion to lay it on the table.

2. SB1000 (Lewis) - Senator Lewis valiantly presented the proposal for redistricting criteria and a temporary redistricting advisory commission based on the Iowa process, but Del. Landes insisted on knowing who would have the authority to decide boundaries. He stated that the GA actually has the constitutional authority and that an unelected body should not have that authority. Several

individuals and groups spoke in support and no one in opposition. Before the usual motion to lay the bill on the table a delegate requested that the bill be heard in the full House P&E Committee since there was no public opposition presented at this meeting; thus, he stated it would be valuable to continue the conversation and include public comment in the full committee. But the motion was to lay the bill on the table with the two delegates in opposition clearly raising their hands and their voices.

3. SB840 (Watkins) - The bill, setting redistricting criteria did not pass. Members of the House P&E Subcommittee described his bill as "good" but came up with an excuse not to pass it. Del. Landes thought that passing a bill with criteria for redistricting when the current 3rd Congressional District lawsuit was pending was not a good idea. Del. Landes said that it might even happen that if the bill appeared next session that you would see "Del. Landes" as the patron. Del. Minchew stated after adjournment that the lawsuit was not a good argument because there are always a significant number of civil cases pending when they pass related legislation during the GA session. The pending cases cannot or should not be the deciding factor in whether or not related bills are presented or will pass.

The historic news of the day yesterday, for me and others who watch the subcommittee votes, was the vote of 4 to 3 instead of the regular 5 to 2 because it was not strictly on party lines as is the usual case.

Voter list Maintenance Bills that affect cancellation of a voter's registration. Those introduced varied and affect different sections of the Code.

HB2379 (Bell, R.B.) - Passed the House and then the Senate with amendments. Originally it required the State Board of Elections to use the data it receives as a member of *interstate cross-check systems* to maintain the overall accuracy of the voter registration system by identifying duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered.

The amendments slightly change the source of voter information from other states. It was changed from having to use "the interstate cross-check systems" to using "*list comparisons with other states*". The set of states for data comparison is defined less specifically so that ERIC can be used. In addition, this bill requires that the SBE report annually on the number of duplicate registrations found and the procedures that the SBE and registrars are following to eliminate duplicate registrations. Amends 24.2-404.4. Exchange of registered voter lists with other states.

SB1337 (McEachin) - Failed. The bill had similar language regarding the lists to use: "the lists of registered voters developed through *list comparisons with other states* shall be completed in accordance with § 24.2-428." The bill also added that the maintenance was required to be completed not less than 90 days prior to all elections – primary and general – not just Federal elections. Would have amended both 24.2-404 and 24.2-428.

SB1350 (Vogel) Passed in the Senate and the House P&E Committee so it still needs a vote on the House floor before the end of the session. This provides for a voter to send notification to the Registrar to cancel his registration by electronic means. It also adds commercially available sources to the USPS as a source of change of address of voters. The language is also stronger (from 'may' to 'shall') to require the registrar to cancel a voter's registration after notice from the DMV of a change of address. It retains the process of notification to the voter. Amends 24.2-427 and 24.2-428 of the Code of Virginia, relating to cancellation of voter registration.

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