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SENATE BILL NO. 364

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on March 1, 2024)

(Patron Prior to Substitute—Senator Ebbin)

A BILL to amend and reenact §§ 24.2-418 and 24.2-1000 of the Code of Virginia, relating to elections; protection of electors and election officials; civil cause of action; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-418 and 24.2-1000 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-418. Application for registration.

A. Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed by the State Board.

The form of the application to register shall require the applicant to provide the following information: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated and disqualified to vote or convicted of a felony, and if so, whether the applicant's right to vote has been restored. The form shall contain a statement that whoever votes more than once in any election in the same or different jurisdictions is guilty of a Class 6 felony. Unless directed by the applicant or as permitted in § 24.2-411.2 or 24.2-411.3, the registration application shall not be pre-populated with information the applicant is required to provide.

The form of the application to register shall request that the applicant provide his telephone number and email address, but no application shall be denied for failure to provide such information.

B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under this subsection.

1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

2. Any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

3. Any party who has furnished a signed written statement by the party that he is in fear for his personal safety from another person who has threatened or stalked him;

4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2;

5. Any active or retired federal or Virginia justice, judge, or magistrate and any active or retired attorney employed by the United States Attorney General or Virginia Attorney General; and

6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et seq.) of Title 63.2;

7. Any person who is or has been one of the Commonwealth's electors for President and Vice President of the United States; and

8. Any person who is or has been a member of the State Board of Elections, the Commissioner of Elections, an employee of the Department of Elections, a member of a local electoral board, a general registrar, a deputy registrar, an employee in the office of the general registrar, or an officer of election.

C. If the applicant formerly resided in another state, the general registrar shall send the information contained in the applicant's registration application to the appropriate voter registration official or other authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-114.

§ 24.2-1000. Intimidation and threats toward election officials and electors; civil cause of action; penalty.

A. Any person who, by bribery, intimidation, threats, coercion, or other means in violation of the election laws willfully and intentionally hinders or prevents, or attempts to hinder or prevent, the officers of election at any polling place, voter satellite office, or other location being used by a locality for voting purposes from holding an election an election official or the employee of an election official from administering elections pursuant to this title is guilty of a Class 5 felony.

60 *B. Any person who, by bribery, intimidation, threats, coercion, or other means in violation of the*
61 *election laws willfully and intentionally hinders or prevents, or attempts to hinder or prevent, an elector*
62 *for President and Vice President from fulfilling his duty pursuant to § 24.2-203 and federal law is guilty*
63 *of a Class 5 felony.*

64 *C. In addition to the criminal penalty provided in subsections A and B, such actions shall also create*
65 *a cause of action. An election official, employee of an election official, or elector who is intimidated,*
66 *threatened, or coerced by another person in violation of subsection A or B shall be entitled to institute*
67 *an action for preventative relief, including an application for a permanent or temporary injunction,*
68 *restraining order, or other order, against such person. The action shall be instituted in the circuit court*
69 *of the locality where the violation occurred. In any such action, the court may, in its discretion, allow a*
70 *private plaintiff a reasonable attorney fee as part of the costs, if such plaintiff is the prevailing party.*

71 *D. For purposes of this section:*

72 *"Election official" includes members of the State Board of Elections, the Commissioner of Elections,*
73 *members of local electoral boards, general registrars, deputy registrars, and officers of election.*

74 *"Employee of an election official" includes persons employed by the Department of Elections or in*
75 *the office of a general registrar.*

76 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
77 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**
78 **necessary appropriation cannot be determined for periods of imprisonment in state adult**
79 **correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I,**
80 **requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**
81 **\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
82 **appropriation cannot be determined for periods of commitment to the custody of the Department**
83 **of Juvenile Justice.**