



Fighting for transparent, secure, and accountable elections all voters can trust.

March 12, 2024

Governor Glenn Youngkin
Patrick Henry Building, Third Floor
1111 East Broad Street
Richmond, VA 23219

Dear Governor Youngkin,

The purpose of this letter is to express the opposition of ETI and its many members – including of course in Virginia – to several bills delivered to you by the General Assembly, which if enacted would impose irreparable harm to the integrity of free and fair elections in the Commonwealth.

As you know, I am the Chairman of the Election Transparency Initiative, where we help lead a national coalition of organizations working every day to improve the transparency, security, accessibility and accountability of elections in every state, so that every American—regardless of color, creed or party affiliation—has confidence in the outcome of every election. I previously served as the Attorney General of Virginia, the Acting Deputy Secretary of the Department of Homeland Security, a member of the Virginia State Senate, and I still serve as a private attorney and litigator.

These underlying bills, all introduced by radical Democrat legislators, would undermine the work of the Department of Elections, remove authority from local electoral boards and registrars, jeopardize list maintenance requirements mandated by Federal law, and infringe on the First and Second Amendment rights of Virginia citizens:

- **HB 26: Provides for New, Non-Verifiable ID for Voting Issued by Welfare Contractors.** Voter identification is a critical element of election security that consistently boasts over 80% support from Americans of every stripe. HB 26 would add unusual forms of “acceptable” voter identification, including those from private organizations certified or licensed by the state, as well as those from the departments of Social Services, Health, Behavioral Health, and Medical Assistance. Even if they are issued for other purposes, these ID cards should not be acceptable for voter identification. No election worker could possibly be expected to recognize even a fraction of the newly proposed forms of identification.
- **HB 623 & HB 1408: Reduces Local Control of Elections.** Decisions about early voting satellite offices, even daily schedules and locations, are removed from local Electoral

Boards who are accountable to and representative of their communities, and instead those decisions would be put under the control of the state or board of supervisors.

- **HB 904 & SB 300: Weakens Verification of Voter Registrations.** Eliminates existing data matching methods and deadlines specified in current law for general registrars and the state, undermining standards for maintaining accurate registered voter lists. Voters in other states or localities would be identified using a more limited set of criteria, thus reducing the number of potentially illegal voters allowed to remain on the rolls.
- **HB 939: Infringes on Second Amendment Rights.** The prohibition of possessing a firearm is expanded from 40 feet out to 100 feet from a polling location, electoral board meeting location, or drop box. Sponsors had no evidence-based justification for the expanded restrictions and the requirement would create a “gotcha” situation for law abiding gun owners who can see the 40 foot restrictions that are commonly posted at election sites.
- **HB 1454 & SB 246: Makes Non-Citizen Voting Easier:** Removes the identifying features used to distinguish between citizen and non-citizen state-issued driver’s permits and special ID cards and extends the valid use period to match the Real ID driver’s license.
- **HB 1534: Limits a Voter’s Right to Challenge Another Voter’s Registration.** Removes a voter’s right to challenge the legitimacy of any voter’s registration directly to the registrar. Instead, three registered voters must challenge in circuit court earlier than 60 days before an election. This would be an astonishing burden that clearly appears intended to end voters participation in cleaning voter rolls.
- **SB 196: Weakens Voter List Maintenance Laws Intended to Ensure Accurate Voter Lists.** Maintaining accurate voter rolls is one of the primary purposes of the Department of Elections and local registrars. In addition, Virginia, like every state, is required by the National Voter Registration Act to maintain accurate voter lists.
- **SB 428: Destroys the Right to Vote.** Permits use of the confusing, complex, and costly system of Ranked-Choice Voting (RCV), also known as ‘Instant-Runoff Voting’ and ‘preferential voting,’ in Virginia elections. RCV, when in use in anything larger than small, particularly knowledgeable groups, has introduced delays, made voting more difficult, reduced transparency, and put confidence and certainty at risk when implemented in public elections, with negative (sometimes disastrous) outcomes in Alaska, California, Colorado, Maine, New York, Utah, Virginia and elsewhere. The result is an epidemic of disenfranchised voters whose ballots no longer are counted fairly and equally.
- **SB 364: Infringes on First Amendment Rights.** SB 364 could suppress protected speech criticizing election administration and appears designed to suppress conservative election officials and particularly poll observers. Election officials and electors are given special protected status, and vaguely defined intimidation and “threats” are made cause for civil lawsuits. Existing laws already protect all persons from intimidation or threats, and even Biden’s DOJ found that 89% of alleged “threats” against election

officials were protected speech. No evidence was submitted by bill sponsors of any actual threats made in Virginia against election officials.

Virginia already has some of the most lenient election laws in the country after being systematically dismantled by Democrats during the previous administration. In fact, an astonishing **70** anti-Election Integrity bills were passed from 2020-2021.

Critically, your veto authority provides an invaluable opportunity to restrain such additional policies from becoming law. But a failure to do so would set our movement back and make Virginia elections less secure, transparent, and accountable.

Although you have already vetoed SB 606, a decision which we support, we urge you to reconsider any potential consideration of an amended SB 196, which we urge you to also veto.

We are grateful for your leadership and that of your administration. I am available to answer any questions regarding these important issues at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Ken C II". The signature is stylized and cursive.

Hon. Kenneth T. Cuccinelli, II
Chairman, Election Transparency Initiative