1	SENATE BILL NO. 364
2	AMENDMENT IN THE NATURE OF A SUBSTITUTE
3	(Proposed by the House Committee on Privileges and Elections
4	on February 23, 2024)
5	(Patron Prior to SubstituteSenator Ebbin)
6	A BILL to amend and reenact §§ 24.2-418 and 24.2-1000 of the Code of Virginia, relating to elections;
7	protection of electors and election officials; civil cause of action; penalty.
8	Be it enacted by the General Assembly of Virginia:
9	1. That §§ 24.2-418 and 24.2-1000 of the Code of Virginia are amended and reenacted as follows:
10	§ 24.2-418. Application for registration.
11	A. Each applicant to register shall provide, subject to felony penalties for making false statements
12	pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless
13	physically disabled, he shall sign the application. The application to register shall be only on a form or
14	forms prescribed by the State Board.
15	The form of the application to register shall require the applicant to provide the following
16	information: full name; gender; date of birth; social security number, if any; whether the applicant is
17	presently a United States citizen; address of residence in the precinct; place of last previous registration
18	to vote; and whether the applicant has ever been adjudicated incapacitated and disqualified to vote or
19	convicted of a felony, and if so, whether the applicant's right to vote has been restored. The form shall
20	contain a statement that whoever votes more than once in any election in the same or different jurisdictions
21	is guilty of a Class 6 felony. Unless directed by the applicant or as permitted in § 24.2-411.2 or 24.2-
22	411.3, the registration application shall not be pre-populated with information the applicant is required to
23	provide.

24 The form of the application to register shall request that the applicant provide his telephone number25 and email address, but no application shall be denied for failure to provide such information.

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26	B. The form shall permit any individual, as follows, or member of his household, to furnish, in
27	addition to his residence street address, a post office box address located within the Commonwealth to be
28	included in lieu of his street address on the lists of registered voters and persons who voted, which are
29	furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for public
30	inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-
31	706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the post
32	office box address provided under this subsection.
33	1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. §
34	8331(20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);
35	2. Any party granted a protective order issued by or under the authority of any court of competent
36	jurisdiction, including but not limited to courts of the Commonwealth of Virginia;
37	3. Any party who has furnished a signed written statement by the party that he is in fear for his
38	personal safety from another person who has threatened or stalked him;
39	4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2;
40	5. Any active or retired federal or Virginia justice, judge, or magistrate and any active or retired
41	attorney employed by the United States Attorney General or Virginia Attorney General;-and
42	6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et
43	seq.) of Title 63.2 <u>:</u>
44	7. Any person who is or has been one of the Commonwealth's electors for President and Vice
45	President of the United States; and
46	8. Any person serving as a member of a local electoral board pursuant to § 24.2-106, a general
47	registrar pursuant to § 24.2-110, a deputy registrar or employee in the office of the general registrar
48	pursuant to § 24.2-112, or an officer of election pursuant to § 24.2-115.
49	C. If the applicant formerly resided in another state, the general registrar shall send the information
50	contained in the applicant's registration application to the appropriate voter registration official or other
51	authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-
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§ 24.2-1000. Intimidation and threats toward election officials and electors; civil cause of action; penalty.

<u>A.</u> 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.

B. 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, an elector
 for President and Vice President from fulfilling his duty pursuant to § 24.2-203 and federal law is guilty
 of a Class 5 felony.

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

71 2. That the provisions of this act may result in a net increase in periods of imprisonment or 72 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary 73 appropriation cannot be determined for periods of imprisonment in state adult correctional 74 facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the 75 Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant 76 to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot 77 be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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