



March 2, 2016

By E-Mail

Dear Governor McAuliffe:

On behalf of Project Vote, I am writing to express our opposition to HB 9 (required information on the voter registration application form). Project Vote is a national nonpartisan, nonprofit organization whose mission is to build an electorate that accurately represents the diversity of America's citizenry. Through advocacy, litigation, and technical assistance, Project Vote is fighting to make sure that every eligible citizen is able to register, vote, and cast a ballot that counts. Project Vote has considerable experience with assisting applicants to complete voter registration applications. We urge you to immediately veto this bill.

If enacted, this bill will disenfranchise eligible Virginians and would also be subject to potential legal challenge under the Civil Rights Act of 1964. Just two days ago, the Washington Post published a letter to the editor entitled "Virginia voter registration is a nightmare."¹ It is particularly concerning that lawmakers are actively working to make the registration process more difficult to navigate, at a time when many state legislatures are working to make registration and election procedures more convenient.

This bill is problematic because it calls for the rejection of voter registration applications for certain omissions, no matter how minor or absurd. For example, an applicant would be rejected if the person provides their date of birth, but misses a checkbox to indicate that they will be 18 years of age by the next election—even though the fact that they are over 18 can be easily determined from the birth date. This bill even calls for rejection of an application when the missing information of a previously registered voter is available in the VERIS system. The bill also does not appear to give applicants any opportunity to complete their applications.

It makes no sense to require blanket rejection of applicants for failure to provide information which the state or locality already has, can easily obtain, or if the omission is minor and irrelevant to assessing whether the applicant is eligible to register to vote. Information should also only be required to the extent known by the applicant. For example, a potential applicant who does not remember his or her previous registration information should not be left out of the process because the person cannot complete this information and is discouraged from submitting a form.

As the voter registration form is currently designed, many voters are already rejected for failure to complete information on the form, for example, failure to indicate that they were not previously registered in Virginia. This bill would only worsen this problem.

Additionally, this bill raises significant legal concerns as it calls into question compliance with the Civil Rights Act of 1964. Under federal law, the state may not "deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or

¹ https://www.washingtonpost.com/opinions/virginia-voter-registration-is-a-nightmare/2016/02/29/1ea2cc7e-de65-11e5-8c00-8aa03741dced_story.html



other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election.” 52 U.S.C. § 10101. As such, voter registration applications may only be rejected if the missing information is necessary to assess the applicant’s eligibility to vote.

Further, this bill interferes with local registrars’ follow-up with eligible applicants who may have provided incomplete information. Applicants who fail to provide information necessary to assessing their eligibility should not be rejected, but should instead be able to easily provide the missing information and get registered. But this bill would require applicants to be rejected, seemingly prohibiting such opportunities, and as a result, reduces the number of eligible Virginians who can register and participate.

Virginia election reforms should focus on guaranteeing the right to vote for all eligible residents and modernizing the system for our busy, everyday lives. Instead, this bill may add further election administration complications and may result in costly legal challenges. Worst of all, it will needlessly deprive Virginians of the right to make their voices heard in our democracy.

Sincerely,

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