



COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

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COURTS OF JUSTICE
HEALTH, WELFARE AND INSTITUTIONS
PUBLIC SAFETY

April 24, 2020

Dear Neighbor,

Thank you once again for the privilege of serving as your State Delegate. I know times are tough right now. For some of us, we are busier than ever just trying to stay healthy and make ends meet. But for those of you that do have some free time, I am honored to present to you my annual letter that I send every year after the legislative session has concluded.

As usual, I have a lot to say, but whether you read every word here, or just skim the letter, please know that I'm always available to answer your questions and address your concerns, whether you need help with a state agency, have an idea for legislation, or just want to understand a new law or state policy. See "**Constituent Services**" at the end of the letter for my office's contact information.

As usual, if you want to hear from me more frequently than once a year by postal mail, I highly recommend you sign up for my emailed newsletters on my website at **MarkforDelegate.com**. You'll find them chock-full of timely information (even more than you'll find here) about my work on your behalf in Richmond and at home. Please know, if you sign up, that I have never and will never give your email address to anyone else. I hate that. Don't you?

What a difference a year makes! Last year's annual letter preceded the historic 2019 November election that resulted in Virginia voters electing a Democratic majority in both the House of Delegates and the Senate—along with Democrats in all statewide elected positions—for the first time in 26 years. We now have a 55-45 margin in the House and a 21-19 margin in the State Senate. That, plus control over the Governor's Mansion, gave Democrats a chance to reshape Virginia. And as you'll see, we went to work in 2020 doing just that!

Virginians also elected the most diverse General Assembly in the history of the Commonwealth. The 2020 legislative session, which lasted from early January to mid-March, gave Virginia its first woman and first Jewish person as Speaker of the Virginia House of Delegates in our 401-year history: my friend Eileen Filler-Corn. My fellow Alexandrian Delegate Charniele Herring is now the first woman and first black person to ever serve as Majority Leader in the House of Delegates. Suzette Denslow became the first woman to be Clerk of the House. And Senator Louise Lucas became the first black person and first woman to ever serve as President pro tempore of the Senate.

It is a new day in Virginia.

I went from serving on just two committees to serving on four:

- Courts of Justice
- Health, Welfare and Institutions
- Privileges and Elections
- Public Safety (for which I was honored to be chosen as Chair of the Public Safety subcommittee)

This year, the Virginia General Assembly considered a new record of more than 3,000 bills: 40% more than we had ever considered before. We enacted about 1300 of them into law, another new record. (Last year, we passed about 900.) And **I introduced 47 bills**, a new personal record for me and the second most of any delegate. We enacted into law or policy about half of these bills: 23 out of 47. You will see below a list of every bill I introduced and what happened to it. **Passing 23 of my bills this session** was also a personal record. Indeed, I had more bills pass this year than in my prior four years combined. It's just a lot easier to pass legislation when you serve in the majority.

No doubt, with one major exception, it was a banner year of positive news for Virginia. That exception, of course, is the novel coronavirus which ramped up in the Commonwealth just in time to dampen everyone's spirits and force us to engage in quarantine and social distancing that the USA has not seen in more than a century.

I fully realize that celebrating our great achievements that occurred just a month or two ago may seem distant and hollow right now, and I don't mean to diminish in any way the pain and sorrow Americans, and indeed the entire world, is currently facing. At the time I write this, almost 60,000 Americans and 200,000 people have lost their lives. We've lost almost 500 in Virginia alone. Our economy is facing its greatest challenge since the Great Depression, and unemployment levels may even break that terrible record. Yet, I refuse to let even this terrible event prevent me from celebrating all the good we did this year for Virginia.

Perhaps Charles Dickens said it best in his opening words to *A Tale of Two Cities*:

It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us, we were all going direct to Heaven, we were all going direct the other way – in short, the period was so far like the present period, that some of its noisiest authorities insisted on its being received, for good or for evil, in the superlative degree of comparison only.

By now, if you've even gotten this far, **you're thinking, "Wow. This is a long letter!"** Yes, it is. To save on postage, I usually send out only one postal mailing like this a year. It's not a glossy brochure but a detailed wonky look at everything I did and most of everything the General Assembly did in its 2020 Session.

Please **feel free to skim this letter** and just review the parts most interesting to you. I won't mind. (I won't even know.) I realize only the truly intrepid will read every word of it.

To make it as convenient as possible for you to read about what most interests you, I have organized this letter as follows:

1. Coronavirus Resources
2. The Budget
3. Upcoming Elections
4. Historic Legislative Successes
5. The Fate of my Bills
6. Defense
7. Redistricting
8. Constituent Services/How to Contact Me

Thank you for taking the time to read this very long letter.

1. Coronavirus Resources

I know this is a difficult time for everyone around the Commonwealth. Please hang in there, stay strong, and please stay home as much as you possibly can. ***We are here for you.*** We are working every day with state, local, and federal leaders to try to do everything we can to help you and every Virginian through these especially difficult times. We will beat this. We must all work together. We can greatly restrict the spread of the infectious and deadly novel coronavirus SARS-CoV-2 (also known as COVID-19) until that wonderful day arrives when a safe and effective vaccine is developed to protect us all worldwide.

If there is any consolation to this, think of that fact that the entire globe faces this pandemic. Rarely, if ever, does every human being on planet Earth face the same challenge. Never has the world felt smaller. Whether you live in Virginia or Namibia, Spain or South Korea, Chile or Australia, this crisis affects you in some way or another. Virtually every person on the planet aged five years or older alive today will remember this time for the rest of their lives. It is an epochal event. I don't know about you, but I find some solace in the pandemic's highly unusual universalness that helps me get through these trying times. How ironic that in a time of social distancing, everyone on the globe has a shared experience. As the world works together to stop the spread of the disease and search for a cure, it gives me hope that we will also be able to work better together one day to solve another pressing global problem: the threat of climate change.

I don't mean to be pollyannaish here. I realize there are elements of our government and that of other countries that resist international cooperation. I'm hopeful this pandemic will give Americans and people of other nations the wisdom to elect leaders who recognize that international cooperation and collaboration are the key to solving our world's biggest problems and to remove those from office with more selfish provincial mentalities. If nothing else, this virus should show all of us that, like it or not, we are all in this together. It's the only planet we have.

As you know, **social distancing** is vital today to protecting our neighbors most vulnerable to having severe complications from COVID-19: the elderly, those with a history of heart or lung disease or certain other illnesses, and those with compromised immune systems. The Center for Disease Control (CDC) also advises the use of **simple cloth face coverings** to help prevent the transmission of the virus to others. Cloth face coverings may be purchased, fashioned from household items, or made at home from common materials at low cost.

If you are sick and think you may have contracted the virus, please call your doctor. If you are uninsured, residents of the City of Alexandria or Fairfax County should contact the Neighborhood Health Clinic at 703-535-5568; uninsured residents of Arlington County should call the Arlington Free Clinic at 703-979-1400.

As this is a rapidly evolving situation, I have devoted a page on my website entirely to the novel coronavirus to provide constantly updated information and the various state, local, and federal resources you can and should reach out to for your health or economic needs. You can reach that page from the front page of my website at **[MarkforDelegate.com](#)** or by going to **[MarkforDelegate.com/COVID19](#)**. Because of that page, I will not attempt to give an exhaustive list of facts and resources here but some of the most helpful are as follows:

Governor Northam's Stay at Home Order

Governor Northam issued a Stay at Home Order on March 30. **It will remain in place until June 10, 2020**, unless amended or rescinded.

You should only leave your home for:

- medical needs, such as picking up a prescription;
- groceries (wait until you have a big list);
- caring for family and household members;
- banking;
- work, or
- exercise.

Evictions, Utility Shutoffs Halted

As of today, evictions, utilities shutoffs for nonpayment, and enforcement of driver's license and identification card expirations have all been halted.

Tax Deadlines Extended

Any **Virginia income tax payments** normally due during the time period from April 1, 2020 to June 1, 2020 **will now be due on June 1, 2020**. This includes both individual and corporate income taxes. **There will be no late fee, failure to file penalty, or interest penalty for anyone who pays their taxes by June 1**. Estimated taxes normally due on May 1 may be paid by June 1 as well. The filing deadline remains November 1, as always.

Your federal taxes are not due until July 15, but we unfortunately could not extend the Virginia tax deadline to that date because the Virginia fiscal year begins on July 1, and we have a large number of coronavirus-related and other expenses that must be paid prior to the ending of the current fiscal year on June 30, 2020.

Federal Resources:

- [USA.gov/coronavirus](https://www.usa.gov/coronavirus)
- State Resources:
 - State efforts: [virginia.gov/coronavirus](https://www.virginia.gov/coronavirus)
 - Virginia Department of Health: vdh.virginia.gov/coronavirus or call 877-275-8343
 - Unemployment Benefits: vec.virginia.gov or call 1-866-832-2363
 - Taxes: tax.virginia.gov or call 804-367-8031
- Local Resources:
 - COVID Information Hotlines:
 - City of Alexandria: 703-746-4988
 - Arlington County: 703-228-7999
 - Fairfax County: 703-267-5311
- Other Helpful Resources:
 - Information on community services: Call 2-1-1 or visit 211Virginia.org
 - Food for children: text 'FOOD' or 'COMIDA' to 877-877
 - Child care hotline: 866-543-7852
 - 24-hour National Domestic Violence Hotline: 1-800-799-7233 or visit thehotline.org
 - National Suicide Prevention Lifeline: 1-800-273-TALK or 1-800-SUICIDE

2. The Budget

As I discussed in more detail in my March 16 e-newsletter (which you can find easily by going to MarkforDelegate.com), I was very proud of the biennial budget we passed for Fiscal Years 2021 and 2022 (July 1, 2020-June 30, 2022). It included historic investments in education, healthcare, housing, and environmental

protection. The budget we passed on March 12 also contained a record surplus—the highest in Virginia history—of more than \$600 billion.

Unfortunately, the pandemic has now changed all of that. As compared to our original forecasts of tax revenue, the Commonwealth may lose \$1 billion in tax revenue *each year* of this biennial budget. Because, unlike the federal government, we are required to have a balanced budget and cannot “print money,” the effect on our budget without federal help will be devastating.

At the General Assembly’s April 22 reconvened session (where we vote on the Governor’s recommended changes to our bills and budget), we were forced by the pandemic to put most of our plans on hold. With a heavy heart, **we passed, and I voted for, the Governor’s budget amendments to suspend about \$2 billion in new spending** in the two-year budget that will take effect on July 1.

To be clear, the spending was “frozen,” not cut. In technical budget terms, it was “unallotted.” **Governor Northam has suggested calling us into special session later this year**, once we have determined a new revenue forecast. At that time, **if our budget situation has improved, we can reconsider many of these spending initiatives** that mean so much to me and to you (such as increases in teacher salaries, for example) and my own budget amendment to train teachers in de-escalation techniques to better handle disruptive students in order to reduce harm to these students, their classmates, and the teachers themselves.

We also created the Virginia COVID-19 Relief Fund that will be funded through a tax on electronic skills games. The money will help small businesses, reduce homelessness, and pay for the large new expenses incurred by the state’s response to the pandemic, including aiding long-term care facilities. I think we can do even more during a special session: I’d like to see hazard pay for essential workers, more socio-economic supports for our most vulnerable Virginians, and more spending to ramp up our healthcare system’s capacity to deal with this crisis.

The budget that the General Assembly passed did include **\$25 million for Alexandria’s combined sewer overflow (CSO) system overhaul**, and I’m pleased to say we kept that funding in the final budget. The Governor had proposed an amendment to the budget that would have allowed him to delay funding on such capital projects, but I voted against this amendment and it was defeated by the House.

However, Alexandria did lose some money when we passed amendment #98, which “froze” \$2.4 million for Alexandria to renovate and restore Freedom House, the former headquarters and slave pen of the nation’s largest domestic slave traders located at 1315 Duke Street. This does not rule out reclaiming such funding when we have a better indication of our fiscal situation. I will continue to advocate for this funding, which I do expect Alexandria to receive at some point in the future once the fiscal threat from COVID-19 has receded.

3. Upcoming Elections

Despite the pandemic, 2020—like every year in Virginia—is an election year, and we have several elections coming up just around the corner, long before the single most important election of our lifetimes: the Presidential Election on Tuesday, November 3, 2020.

If you live in Arlington, you may have to take action very soon after you open this letter. Due to the untimely, tragic death of Arlington County Board member Erik Gutshall, Arlington will hold a special election to fill his vacancy currently scheduled for July 7. Don’t forget to vote! Get your absentee ballot now.

Unfortunately, there are other local general elections in Virginia in May—elections that do not affect my constituents in Alexandria, Arlington, or Fairfax—where voters will unfortunately not be so lucky to have easy remote voting. I voted for the Governor’s plan to move these elections to November. I even took quick action in a parliamentary maneuver at the reconvened session to ensure moving these elections would pass the House of Delegates. Unfortunately, the Virginia Senate failed to do the same, as some Senate Democrats joined with Republicans to force Virginia to go the “Wisconsin route” of making voters and poll workers risk their lives by opening the polls in the middle of the pandemic. Needless to say, I strongly disagreed with their decision.

One more election should be mentioned: the June primaries, which have been moved to June 23. If you’re a Republican, you can choose on June 23rd whom you want to run statewide against US Senator Mark Warner.

4. *Historic Legislative Successes*

This legislative session will go down in the history books. As I said above, the General Assembly considered more than 3,000 bills this session (a new record) and enacted more than 1,250 into law. 385 bills were carried over into next year.

We passed legislation that will make Virginia more prosperous, healthier, more inclusive, and more equitable. I can’t possibly detail here all the bills we approved, but I have provided highlights below of the substantial legislation I supported and we passed. There’s a lot of it! I picked my favorite hundred bills or so below. Feel free to skim the areas that most interest you. I’ve listed them roughly by issue area:

We Strengthened Democracy.

We enacted:

- **No-excuse and in-person absentee voting** extended at localities' discretion **up to 45 days before an election**
- **Same-day voter registration**
- **Automatic voter registration** (*a bill I've offered in the past*)
- **Repeal of onerous photo ID requirements** designed to make it harder for people to vote (*my bill*)
- Replacement of Lee-Jackson Day with **Election Day as a state holiday**
- Allowing people to sign up as **permanent absentee voters**. This will make it easier for people serving abroad in the armed forces to vote or those that don’t want to venture out due to the coronavirus.
- **Pre-paid postage** on mail-in absentee ballots
- Allowing localities to create a **Ranked Choice Voting** pilot program for their local elections
- Requiring **voter-verifiable paper ballots** (*my bill*)
- Requiring **fair and transparent recount procedures**, closing a loophole that allowed the Virginia GOP to rig the 2017 Shelly Simonds recount (*my bill*)
- Requiring a **special election after a tie vote**, rather than drawing names out of a bowl (*my bill*)
- Setting **clear and strong criteria for the drawing of congressional and state legislative districts and ending the practice of prison gerrymandering** (*my bills*)

We Passed Measures to Reduce Gun Violence.

Perhaps no other issue defined the 2019 elections more than the issue of gun violence. Voters elected Democrats to majorities in both House and Senate to take action to curtail gun violence. And take action, we did.

We passed seven of the eight bills on the Governor's legislative agenda to prevent gun violence. The only one that did not succeed this year was the toughest one to pass: my own bill to regulate and ban future purchases and sales of assault weapons and to ban high-capacity ammunition magazines. It passed the House but was continued to next year in the Senate.

While we did not succeed this year, I do think my assault-weapons bill moved the Overton Window (the range of issues broadly accepted by the public to be within reason). At the beginning of session, some Democratic Senators were openly talking about passing only three of the Governor's gun bills, four at the most. The fact that we were able to pass seven out of eight is, I think, largely due to the ferocity with which my assault weapons bill (supported by 57% of Virginians) drew focus away from the other more popular gun bills, like background checks (supported by 90+% of Virginians).

Despite the failure to regulate assault weapons and the Senate watering several of our measures down, **the 2020 legislative gun-violence-prevention package was easily the most far-reaching in Virginia history.** The seven Governor's firearms bills we passed into law were:

- **Universal background checks** – Requiring a background check for gun purchases (*a bill I've introduced in the past*)
- **Gun violence protective orders** – Allowing law enforcement and courts, after extensive due process, to restrain incipient violence and forestall impending suicides. (*also a bill I've worked on in the past*)
- **Allowing local firearms ordinances** the ability to regulate firearms in municipal buildings, libraries, public parks, and permitted events. (*This, too, contains elements of a bill I've offered in the past.*) Although this legislation was watered down too much for my liking, it should still be sufficient to enable localities to restrict jerks with assault weapons from being able once again to legally terrorize the Old Town Farmers Market or threaten elected officials by showing up in parks outside our homes with assault weapons.
- Reinstatement of our **one-gun-a-month** law, to cut down illegal gun trafficking
- **Protections for children** – increasing the penalty for anyone who recklessly leaves a loaded gun unsecured so as to endanger the life of a child under the age of 14
- **Requiring the reporting of lost or stolen guns** within 48 hours of discovering a firearm being missing. This is something responsible gun owners should do anyway, to prevent gun trafficking and criminal access to firearms.
- **Banning firearms for persons subject to a permanent protective order**, such as perpetrators of domestic violence. While the gun owner will have due process, the bill is absolutely necessary, because the danger to abuse victims is all too real. I tried to pass a more comprehensive measure to ban possession of firearms by those convicted of domestic violence, but that measure was continued to 2021.

We also **banned online training to get concealed-carry permits.** No more will you be able to get a permit just by answering 10 multiple-choice questions with the answers given to you! Future training to obtain these permits must be done in person. And we approved legislation that we could never get through a Republican majority: **exempting gun safe purchases from sales tax.** Finally, we required giving parents at least **24 hours' prior notice of lock-down drills.** (Parents of kindergarten students parents will get at least five school days' notice and the choice of opting their children out of the drills.)

We Built an Economy that Works Better for All Virginians.

- We're finally **raising the minimum wage** in Virginia. Virginia's minimum wage will go up to \$9.50 an hour on May 1, 2021; \$11 an hour on January 1, 2022; and \$12 an hour on January 1, 2023. With another vote in 2024, it can go up as high as \$13.50 in 2025 and \$15 by 2026.

- **Public sector workers will be able to unionize** and collectively bargain for better wages and benefits if localities choose to recognize these unions (*my bill*)
- **Project Labor Agreements will be allowed** in public procurement projects to help create a better work product and protect workers.
- Contractors and subcontractors under any public works contract with a state agency will be required to pay the **prevailing wage**.

Although the Governor, in response to the coronavirus crisis, unfortunately delayed the enactment date of these measures to May 1, 2021, these measures—even watered down somewhat—represent historic victories for working Virginians.

Other pro-worker reforms we passed this year include:

- **Strengthening prohibitions on the misclassification of workers** by authorizing civil actions and investigations of employers underpaying workers;
- **Prohibiting** an employer from **retaliating** against an employee because the employee has sought redress for failure to pay wages;
- **Prohibiting** an employer from **delaying a worker’s compensation claim** more than 30 days; and
- **Reining in predatory lenders** in a variety of ways, including limiting the interest on open-end credit loans to no higher than 36% per annum (*my bill*)

We Expanded Access to Health Care.

- **We ended the practice of surprise billing**, whereby patients at a hospital covered by their insurance company could be charged by an out-of-network provider with much higher rates (*my bill*).
- **We capped insulin copays** at no more than \$50 per month. Over 800,000 Virginians adults have diabetes.
- We allowed qualified people to **administer Naloxone to people experiencing a life-threatening opioid overdose**
- We established the Virginia Health Benefit Exchange so that Virginia residents who purchase **individual health plans can shop for coverage via the state marketplace**. This will reduce overhead and premiums.

We Preserved the Environment.

- **The Virginia Clean Economy Act**, one of the most ambitious energy policies in the country, created a plan to reach zero carbon emissions by 2045. The plan creates job opportunities in former coal mining communities, expands offshore wind and solar energy, increases distributed clean energy generation, expands net solar metering and rooftop solar, increases purchase power agreements, unlocks clean energy competition, and saves ratepayers money through mandatory energy efficiency requirements for utilities.
- The **Solar Freedom Act** removed barriers to distributed-generation solar energy in Virginia, paving the way for more clean-energy jobs and distributed, community, and customer-owned solar in Virginia.

Other environmental measures we enacted into law:

- Creating the **Virginia Council on Environmental Justice**
- **Banning state offshore drilling** and prohibiting state endorsement of drilling in federal waters off our shores
- **Banning fracking** east of I-95
- Establishing a **carbon cap and trade** program to comply with the **Regional Greenhouse Gas Initiative**
- Creating **Local Food and Farming Infrastructure Fund and Grant Program**

- Promoting **local transit-oriented development**
- Requiring annual **Hazardous Waste Site Inventory**
- **Retiring several coal or gas-fired electric generation facilities** and **protecting ratepayers** from shouldering undue financial burden for them
- Allowing **localities to impose 5-cent fees on plastic bags**
- Creating the **Plastic Waste Pollution Prevention Advisory Council**, with its goal of eliminating plastic waste.

We Improved Education.

- Requiring **training of new teachers on de-escalation techniques to reduce seclusion and restraint** and curtail the school-to-prison pipeline (*my bill*)
- Requiring Virginia to annually collect, report, and publish **data related to incidents involving school resource officers** and students
- Requiring local school boards and the Board of Education to implement **fair and equitable dress code policies** free from subjective terminology that too frequently discriminates against girls of color. We also **prohibited staff from physically enforcing dress codes.**
- **Clarifying probation standards for public school teachers**
- Requiring that **free menstrual supplies be made available for students** in the bathrooms of Virginia public schools
- Prohibiting schools from discriminating against children who could not afford to pay for lunch (*I chief co-patroned this bill.*)
- And we enacted the **Student Loans Borrowers Bill of Rights**, to extend basic consumer protections to borrowers and require licensing of loan servicers

We Safeguarded Women's Rights

- Virginia became the 38th state to **ratify the Equal Rights Amendment.**
- We **removed** politically-motivated, **medically-unnecessarily obstacles designed to restrict** patients from receiving reproductive healthcare and **abortions**, such as forced ultrasounds, 24-hour delay periods, mandatory counseling on alternatives, and arbitrary regulations of abortion clinics.
- We required the Board of Medicine to encourage health practitioners to **screen patients for prenatal and postnatal depression.**
- We required employers to provide **reasonable accommodations for pregnant employees** and barred employers from discriminating or retaliating against employees (or applicants) on the basis of pregnancy, childbirth, or related medical conditions.
- We expanded access to **long-acting reversible contraception.**

We Fought Racism

- We created a **commission to allow replacement of Robert E. Lee statue from the US Capitol.** (*my bill*)
- We **authorized cities and counties to remove Confederate monuments** from their property **and/or to contextualize them** (*a bill I've offered in the past and I made sure would apply to Alexandria's statue.*)
- We **banned hair discrimination** to protect folks whose hair has “traits historically associated with race, including hair texture, hair type, and protective hairstyles such as braids, locks, and twists.”
- And we repealed numerous arcane, Jim Crow-era laws from the Code. For example, **my bill HB180 removes questions about race from marriage licenses** and divorce applications, while HB973 removes references to school segregation.

We Defended Virginia's Rainbow (LGBT) Community

- After introducing this legislation every single one of the five years I've been in office, the General Assembly finally passed **my comprehensive bill (HB1049) to add sexual orientation and gender identity to more than 60 non-discrimination statutes in the Virginia code**. Virginia's Rainbow Communities will finally have equal rights under the vast majority of Virginia law, including in employment, housing, public accommodations, credit, insurance, apprenticeships, and banking, and much more.

Passing this bill was not easy. Up until the last minute, Republicans insisted on the right of churches to use Virginia tax money to discriminate against gay and lesbian, bi, and trans Virginians. Republicans also demanded the right to use public dollars to discriminate on the basis of race and religion as well! I stood firm against this move, and my view prevailed.

- The Virginia Values Act, **increasing remedies for individuals to protect themselves from discrimination in employment and public accommodations** (*my bill*)
- We finally **banned** the harmful and controversial practice of "**conversion therapy**" for minors, which attempts to forcibly change a child's sexual orientation or gender identity. I spoke strongly in favor of this bill in the past. (*And I chief copatroned this bill.*)
- We required the Department of Education to develop **model policies for schools** on how to address **transgender students** to ensure fair and respectful treatment. (*I chief copatroned this bill.*)
- We **repealed the statutory prohibition on same-sex marriages and civil unions**. I plan to introduce an amendment to ban Virginia's constitutional prohibition next year. (*I chief copatroned this bill.*)
- And we created a new option for people to **mark their sex as "non-binary"** on applications for driver's licenses or special identification cards.

We Took Care of Immigrants.

Our measures included:

- **Drivers' privilege cards** for qualifying undocumented immigrants;
- **In-state tuition** for qualifying undocumented immigrants and refugees;
- **Repealing requirements that local police report undocumented immigrants convicted of a misdemeanor to federal immigration enforcement** (*my bill*);
- **Prohibiting law-enforcement officers from inquiring into the immigration status** of a person who is a victim of or witness to a crime; and
- Creating the **Office of New Americans**.

We Protected the Vulnerable.

- **Requiring courts take into consideration a parent's history of domestic violence and child abuse when making child custody determinations** (*my bill*)
- **Regulating the tying up of pets outdoors** (*my bill*)
- **Regulating pet shops**
- **Prohibiting housing discrimination based on source of income or someone's status as a victim of family or domestic abuse**
- **Adding categories of gender, disability, gender identity and sexual orientation to our hate crime laws** and allowing the Attorney General further leeway to **prosecute hate crimes** (*I chief copatroned this bill.*)

- Creating the **Virginia Sexual and Domestic Violence Prevention Fund** and the **Virginia sexual assault forensic examiner coordination** program to ensure that survivors of sexual violence have access to appropriate care, including **qualified sexual assault nurse examiners**
- **Increasing the statute of limitations for misdemeanor sexual offenses committed by adults against minors**
- Creating the Virginia Food Access Investment Program to help **end food deserts** in underserved communities
- **Requiring that space and equipment for changing babies** is included when the Department of General Services develops plans for new state buildings
- Requiring the Department of Emergency Management to develop an **emergency response plan to address the needs of individuals with limited English proficiency, disabilities, or other special needs in the event of a disaster**

We Reformed Criminal Justice.

- **Decriminalizing marijuana possession:** Reducing to a **\$25 civil fine for possession** of up to one ounce and **sealing conviction records** (*my bill*)
- Requiring a **transparent, written policy with public comment prior to the introduction of police body-worn cameras** based on model guidelines (*my bill*)
- **Repealing the archaic crime of fornication** and thus legalizing voluntary sexual intercourse between consenting unmarried adults (*my bill*)
- **Ending the practice of suspending drivers' licenses for unpaid fines and court fees**
- **Increasing the felony larceny threshold to \$1,000**
- Protecting students from being charged with disorderly conduct on school property
- **Prohibiting bias-based profiling.** Setting up a robust system for collecting and analyzing data around traffic stops and police-citizen interactions to determine the prevalence of bias-based profiling and excessive use of force
- **Increasing from 14 to 16 the minimum age at which a juvenile can be tried as an adult for certain felonies** other than murder
- Requiring the Board of Collections to **review the use of solitary confinement**
- Making **more people eligible for parole**
- Allowing **currently incarcerated individuals to earn credit toward paying off fines and costs through community work**
- **Repealing** an unconstitutional state law that allowed police to **arrest and jail an individual declared a "habitual drunkard"** by a court.

We Supported Local Government.

- We gave **counties the same taxing authority as cities.** This will eliminate one of the main constraints on localities that has hurt local governments' ability to provide services to their residents.
- We allowed certain localities to **adopt affordable housing dwelling unit ordinances.**
- We increased **funding for affordable housing.**
- We **allowed local governing bodies to conduct public business digitally** for the duration of the State of Emergency related to COVID-19.

We Enhanced Transportation Infrastructure.

We passed a **massive transportation package** will help us make much needed investments in our transportation infrastructure. The package makes major funding commitments to **passenger rail and public**

transit, including improvements to I-81 and a *\$3.7 billion passenger rail package that includes a new rail bridge across the Potomac River*.

The package restored \$50 million a year to the Northern Virginia Transportation Authority to compensate for the loss of money for local transportation projects used to help repair Metro’s deteriorated system. The money would come from increases in the grantor’s tax on deeds, the lodging tax in Northern Virginia for tourists, and a \$20 million annual contribution from the state transportation fund. In allowing Northern Virginia to invest more for its own needs, the entire Commonwealth benefits by reducing competition for limited state transportation dollars distributed through the Smart Scale rating system.

The new transportation law also **reduced the annual vehicle registration fee by \$10** and eliminated a \$5 “walk-in” fee for people who go to Department of Motor Vehicle offices instead of transacting business online or by phone. It will **raise the state gas tax by 5 cents a gallon** each year for two years and extend the regional tax (7.6 cents per gallon) to help give localities more control over transportation money. The plan is expected to raise more than \$370 million a year in state taxes and \$96.5 million in regional taxes by 2024 at a time when gas prices are at historic lows.

5. The Fate of My Bills

As you may have noticed from even a cursory glance at the long list of highlighted legislation above, I introduced and chief-copatroned many of the laws that we passed. I was extremely busy this session. **I introduced forty-seven pieces of legislation**, a personal record of mine and the second largest number of bills introduced by any member of the House of Delegates. **Twenty-two of them were signed into law, and a twenty-third will be part of the House Rules moving forward.** I chief copatroned an additional sixteen pieces of legislation, eleven of which became law. And I copatroned an additional 164 bills. Bills that the former Republican majority had killed year after year passed easily this year: many of them had broad bipartisan support.

One bill of mine became policy without becoming “law.”

My HB182, **the Transparency Act, requires streaming and archiving of all future legislative proceedings** on the floor, in committee, or in subcommittee. I received an express promise from both the Speaker of the House and the Clerk of the House that **all House committees and subcommittees will stream and archive their proceedings beginning in the 2021 Session** through a change in the House Rules.

As Founder and Chair of the Virginia Transparency Caucus, I’m proud of our efforts over a five-year period of advocacy to open up the Virginia General Assembly to public scrutiny. Because of these efforts I led, bills will no longer be killed in committee or subcommittee without a recorded vote. This year, at my insistence, every House subcommittee held in a room that contained a camera was streamed and archived. HB182 was brought to finish the job in the future, and I’m pleased to announce it achieved its purpose.

Every future proceeding will be streamed live and archived, whether on the floor, in committee, or in subcommittee. In addition to this success:

Twenty-two of my bills became law. Sometimes they were combined (incorporated) with other bills on their way to final passage.

1. HB1049 **adds 60+ comprehensive LGBT+ non-discrimination protections** throughout the code. It is the most far-reaching LGBT-rights bill in Virginia history. I discussed this bill in more detail in the section above.
2. HB861, "**Tyler's Law,**" **requires courts take into consideration a parent's history of domestic violence and child abuse when making child custody determinations.** This bill, like the one above, I introduced every single year I've been in office.

I had to fight hard for this bill as the Senate wanted to include child abuse but exclude domestic violence from consideration. In conference (when members from both chambers negotiate their differences), I stood firm in my belief that a domestic abuser is a bad parent, even if one could only prove the abuse directed toward an intimate partner and not the child. My argument won the day.

3. HB1552 **protects pets from inhumane tethering (tying them up outdoors in inclement weather or an unsafe environment).** We also extended the length of the tether from 10 to 15 feet. I was particularly pleased to achieve this, as it was attempted by others last year but did not succeed.
4. HB972, which incorporated my HB301, **decriminalizes marijuana** (details in previous section).
5. The Virginia Values Act incorporated my HB1050 and **strengthens the remedies in Virginia law against employment and public accommodations discrimination.**
6. HB894 **requires training of all of Virginia's incoming teachers on best practices for conflict prevention and de-escalation.** This bill will help schools avoid restraint and seclusion wherever possible when working with disruptive students.
7. HB246, Virginia's first law on the use of **body-worn cameras by law enforcement,** requires local law enforcement to adopt a transparent, written policy with public comment prior to implementation of the cameras.
8. HB789, **the Fairness in Lending Act,** incorporated my HB184 and reins in predatory lending.
9. HB245 **repeals the crime of fornication** (consensual sexual activity between unmarried adults).
10. HB329 **requires Virginia eviction notices served on residential tenants to include contact information for legal aid services.** The concept passed as HB519.
11. HB1251 incorporated my HB189 and **prohibits surprise balance billing in healthcare.** Under the new law, patients who receive out-of-network emergency care—or treatment from an out-of-network doctor at a hospital covered by their plan—can only be charged the in-network rate required by their plan, including their usual copay or deductible.
12. HB582 incorporated my HB327 and **allows public servants to collectively bargain for better wages and working conditions.**
13. HB180 **removes requirements that parties declare their race on marriage licenses and divorce petitions.** It passed both House and Senate unanimously.
14. HB179 **closes a loophole that allowed the GOP to rig the 2017 Shelly Simonds recount.** The bill requires recounts to occur only once and now prohibits rifling through the ballots after the recount is

completed to discover one more vote.

15. HB1053 **requires voter-verified paper ballots**. I had been fighting to require all ballots in Virginia to be voter-verified paper ballots since my first year in office, because even then, I was afraid of hacked machines secretly and improperly tallying the vote. I was very pleased to see this bill finally be signed into law.
16. HB1255, Delegate Marcia Price's **redistricting criteria bill**, incorporated my HB1054. As with my introduced bill, the final legislation requires that a map of the districts, when considered on a statewide basis, shall not unduly favor or disfavor any political party. (My original bill contained a mathematical formula to prove district fairness that was considered too complex and not included in the final legislation.)
17. HB319, my bill to **end prison gerrymandering**, was also incorporated into Delegate Price's HB1255. It critically counts prisoners in the place where they resided before they went to prison. Prisoners should be counted where they will vote and where they will need services once they get out and *not* at the location of the prison (where they were involuntarily sent, where they can't vote, and where the locality provides no services to them).
18. HB1406 incorporated my HB181 and will empanel a commission with the ability to **replace Virginia's statue of Robert E. Lee in the US Capitol**. I first introduced this legislation in 2017.
19. HB19, the Voter ID Repeal that incorporated my HB190, was modified to be different from the bill I introduced, but I fought to return it to my original. **No longer will registered voters be denied the right to vote due to inadequate ID.**
20. HB198 incorporated my HB178 and **requires tied votes in elections be resolved through special elections rather than drawing a name from a bowl**. (Another law inspired by the 2017 Shelly Simonds fiasco)
21. HB1150 incorporated my HB244. Now **local law enforcement are no longer legally required to report to federal immigration enforcement immigrants alleged to have committed misdemeanors**.
22. SB437 was a companion to my HB247 and **increases penalties for drivers who seriously hurt pedestrians while disobeying traffic laws**.

Three of my bills passed the House but were killed in the Senate.

23. HB863 passed 99-0 in the House and would have made it easier for non-clergy to perform marriage ceremonies, but it was killed in a 7-7 tie vote by Republicans and Senators Chap Petersen and John Edwards, who did not feel that couples seeking to be married were competent enough to choose their own wedding officiant. Needless to say, I disagree. I believe current law violates the First Amendment. I'll be back.
24. HB183 would have permitted participating localities to fund law libraries, so that people who cannot afford lawyers would still be able to know their legal rights. This bill is a long-held priority for the City of Alexandria, and I was very disappointed the Senate had so little concern for equal justice under the law. I'll be back with this one as well.

25. HB321, allowing electronic meetings for local officials, passed the House 62-38 but was killed by the Senate General Laws Committee. Ironically, this bill would have been quite useful during the current pandemic.

Four of my bills passed the House but were continued in the Senate to next year:

26. HB177 (**National Popular Vote Compact**) passed the House but was continued by the Senate so as not to affect the 2020 Presidential Election. I'm hopeful we can pass this next year and, with the help of other states, finally elect our President democratically. The President of the United States should be chosen by the People of the United States!
27. HB961 (**assault weapons regulation and high-capacity magazine ban**) was the Governor's bill and the single most controversial bill I offered this year. Four Senate Democrats—Creigh Deeds, John Edwards, Chap Petersen, and Scott Surovell—joined Republicans on the Senate Judiciary Committee in voting to continue the bill to next year. This bill brought tens of thousands of detractors from all over the USA to my social media and an angry man with a gun to my home. But I won't be deterred. These weapons, designed for mass murder, are unnecessary for hunting or self-defense. I understand that some find them "fun," but they are also extremely dangerous and in need of regulation.
28. HB900 (incorporated into HB1288) **would have prohibited domestic abusers and sexual predators from purchasing or possessing guns.**
29. HB326 (incorporated into HB416) **would have barred salary-history questions for job applicants;** such questions reinforce gender- and race-based wage gaps that bolster income inequality.

Seven of my bills were continued in the House to next year:

30. HB188 would have **required doctors and hospitals to divulge the costs of procedures** before these procedures take place. This is a complex, difficult bill I hope to bring back next year.
31. HB1052 would have **allowed localities to create locally-owned municipal broadband services** like the very successful program in Chattanooga, which has the fastest internet in the country. This is particularly important to my Alexandria constituents who, like me, have only one realistic choice for their internet. This was also a complex, difficult bill but one I hope to bring back again. The Chair of the Counties, Cities, and Towns Committee ordered it be studied.
32. HB960 would have **increased the sales tax on purchases of firearms and ammunition** by a few percentage points, with collected funds going to student mental health and safety.
33. HB320 would have **allowed a crime to be sealed from a person's record if it is no longer a crime** (such as past marijuana charges which we decriminalized this year). The Courts of Justice Chair sent it to the Crime Commission to be studied and brought back next year. This was done for every legislator's sealing and expungement proposals.
34. HB865 would have **allowed people who have served their time to seal a non-violent drug possession offense.** The Courts of Justice Chair also sent it to the Crime Commission to be studied and brought back next year.

35. HB864 would have decriminalized sex with HIV-positive people who cannot transmit the disease **by aligning Virginia's infected sexual battery law with the most up-to-date public health best practices.** While the bill passed committee and I'm confident it would have passed the House, my colleagues unfortunately watered it down too much with amendments to satisfy advocates.
36. HJ143 was my **constitutional amendment that expressly prohibited gerrymandering by setting up a transparent, independent, non-partisan citizens' commission to draw district lines using strict criteria, including a mathematical criterion of fairness.** It was continued to 2021 because that's when amendments to the Virginia Constitution are usually considered.

Here were my other ten bills presented and the reasons why I think they did not pass:

37/38. HB899 would have **banned armor-piercing (so-called "cop-killer") bullets,** and HB450 would have **prohibited people ordered locked up due to severe mental illness from possessing firearms.** The Public Safety Committee decided that we had put forward so much successful gun legislation this year that we should hold off on more gun bills until future years. The two bills were never considered. I will come back with these bills as well.

39/40. HB1055 and HB1645 were two bills which would have formed a **bipartisan or nonpartisan commission to do the 2021 redistricting.** This would prevent gerrymandering. As the constitutional amendment that I do not support was approved (see below), these bills were not. But if we fail to pass the constitutional amendment in November 2020, I can bring these bills back in 2021 so that a commission—and not the General Assembly—does the 2021 redistricting.

41. HB328 created a **paid family medical leave for all Virginia workers.** I've been introducing this legislation since my first year in office. The bill passed the House Labor and Commerce Committee but it failed in Appropriations because of the start-up costs for the program. Ironically, this bill would have been very useful for Virginians during the current pandemic.

42. HB895 would have **modestly limited Virginia's campaign contribution limit to the federal limit (currently \$2,800 per election cycle and \$5,600 per year).** Currently, Virginia allows unlimited contributions. After a less strict campaign finance bill failed to pass the Senate, this bill was denied consideration on the basis that it would almost certainly be futile.

43. HB325 would have **given localities the option of raising the minimum wage beyond the state level.** I think it was defeated because we had such tremendous success raising the minimum wage statewide this year.

44. HB919 would have **simplified the process by which victims of domestic violence obtain protective orders.** Both prosecutors and defense attorneys decided they would rather "game the system" in the hope that an unrepresented party incriminated themselves rather than incorporate a new streamlined process to ease the burden on victims of domestic abuse. Disappointing.

45. HB1051 would **have prohibited state funds going to adoption agencies that discriminate** against people on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, marital status, or status as a veteran. Religious organizations argued they needed to both take state funds and discriminate against gay people. I was astonished when one of my Democratic colleagues bought this ridiculous argument. I intend to bring this bill back next year as well.

46. HB862 would have **reformed our guardianship system to minimize forced isolation of people** who've been deemed incapable of making their own decisions. It was very frustrating to have a last-minute assertion

from a single unhappy lawyer blow up a months-long agreement among a dozen stakeholder groups. You can read all about it in my February 16 newsletter available at MarkforDelegate.com. As you'll see there, even reporters thought defeat of this bill was colossally unfair. This bill will also be back. I'm persistent.

(47. As noted above, the Virginia Transparency Act became policy without becoming law.)

As you've probably figured out by now, I put my mind, heart, soul, and passion into every bill I put forward. If I didn't feel so strongly that these policies were so necessary for Virginia, I would not have introduced them. So while I'm happy half my bills this session went into effect, I still feel the sting of the ones that did not. I do intend to return in 2021 with a lot of this unfinished business. Unfortunately, in the odd-numbered years like 2021, we meet for only six and a half weeks: so the number of bills we can introduce will be limited to 15. You can help me decide which bills to reintroduce—or suggest a bill or two of your own—by emailing me at DelMLevine@house.virginia.com or attending one of my Mark's Monthly Meetups that now occur online one Sunday afternoon a month. Check out my website for details.

6. Defense

Last year, I devoted much of my letter to defensive maneuvers I conducted as self-appointed “Caucus Goalie” to defeat Republican bills. This year, with Democrats in control, my need to do this was much less frequent. I did have to use a parliamentary maneuver to save Governor Northam's amendment to move local elections from May to November, but ultimately my defense was unsuccessful because Senate Democrats surprised us by voting the issue down.

I did have one successful defensive move this year. SB258, a Republican bill that would have allowed children to work in coal mines, had a drafting error that went unnoticed until the bill came to the House floor. I caught the error and introduced an amendment to fix the problem. I don't believe children should work in coal mines.

7. Redistricting

For all our many historic successes this year in making it easier to vote in Virginia, I am sad to report that the General Assembly also passed something that I believe threatens to undermine our important work to create a democracy in the Commonwealth which reflects the will of the people of the Commonwealth. **We passed an irreparably flawed Virginia constitutional amendment, SJ18, that threatens to bake gerrymandering—the act of drawing voting districts in such a way as to advantage one party's candidate over the other—into the Virginia Constitution forever.** Our only recourse now is the voters. **I hope you will join me in voting against this measure on the ballot in November.** It is precisely because I oppose gerrymandering that I oppose SJ18.

I have been concerned about this measure since it was first proposed by Republican Delegate Mark Cole at the last minute last year. The measure gives the power to draw district lines to a Virginia Supreme Court appointed by the same Republicans who controlled the legislature through unconstitutionally racially-gerrymandered district lines over the past two decades. (We are one of only two states in the country whose Supreme Court is appointed by the state legislators.) And it will allow Republican legislators, through their proxies on the court, to gerrymander Virginia again in their favor for decades to come.

We had many great redistricting reform proposals (including several that I introduced) on the table this year. According to an analysis by the independent Princeton Gerrymandering Project, all of our proposals—and especially mine—offered more robust protections against gerrymandering than SJ18. These measures would have ensured fair redistricting in 2021, but none of them received a single Republican vote.

In contrast to the dozens of us who have been introducing legislation to make our elections more fair for years—only to have them killed by the former Republican majority every single year—every single Republican in the General Assembly voted in favor of SJ18. How could that be? Why would legislators who not only voted down pro-democracy reforms year after year—but who had been found by the United States Supreme Court to have unconstitutionally racially-gerrymandered Virginia’s state legislative districts—support this redistricting reform?

SJ18 will allow Republicans to gerrymander Virginia into oblivion. That’s why.

SJ18 has:

- NO protections against gerrymandering
- NO independent, non-partisan redistricting commission
- NO protections for communities of color
- NO appeal to any federal or state court
- NO appeal to legislature, governor, or voters

In committee, I asked the amendment's patron, my friend Senator George Barker, about the process that SJ18 creates. He conceded that the proposal—the fourth iteration of his original proposal and the only one the Republicans would support—was not his first choice.

Senator Barker further admitted the proposed constitutional amendment:

- provided no guardrails to prevent the arch-conservative Virginia Supreme Court from gerrymandering;
- could not be “trumped” by any state law or court or any federal law or court;
- provided no avenue of appeal to any court or legislative body anywhere; and
- offered NO guarantees of transparency

We can do better. We must do better. **This November, I encourage you to vote no on SJ18.**

8. Constituent Services

If you ever need help with a state agency, have questions about a state program, want to express your support for or opposition to a bill, want me to introduce a new piece of legislation, or want to invite to me speak to your civic group, please do not hesitate to reach out. Several bills that I worked on with constituents this year are now law.

Over just the past couple of weeks, my office has helped folks resolve issues with the DMV, helped professionals get their proper certifications, helped constituents overcharged for utilities get their refunds, and much more. When you need help navigating the state bureaucracy, I want my office to be the first place you contact. Either my Chief of Staff Jacob Weinberg or I will strive our best to do all we can do to help.

Email me at DelMLevine@house.virginia.gov or contact my Alexandria office at (571) 234-8481. You can also send a letter to Delegate Mark Levine, 301 King Street, Alexandria, VA 22314, but sending a written letter is not recommended at this time, especially if you require a quick response.

There’s also an easy way to do all of this informally and to discuss your ideas personally with me: **Mark’s Monthly Meetups**, which I’ve conducted once a month since 2015. I still host them, virtually for now, through Facebook Live (facebook.com/LevineforVirginia). You can get the scheduled dates and times at MarkforDelegate.com. You don’t have to have a particular concern to attend and ask a question or two. I look

forward to the day when we can have these in person again, but for now, I hope to see you again soon: virtually.

If you prefer, you can always just subscribe to my email newsletters by signing up for them at **MarkforDelegate.com**. Even many non-constituents have told me I provide more detail in my newsletters than anyone else in the General Assembly.

Thank you to my team. Both my Chief of Staff Jacob Weinberg and my Session Counsel (and now Assistant Commonwealth's Attorney for Loudoun County) Snapper Tams worked very long hours—sometimes even 14-16 hour days—to review all the thousands of bills and amendments I had to vote on and help me enlist supporting testimony for my own 47 bills. They also had to simultaneously address constituent concerns and make sure I didn't miss my many appointments. I know it wasn't easy. Thank you to my new Health Care Policy Aide Elizabeth Ghandakly for helping me understand all the complex health care bills. And thank you to my young part-time aides Danny Anderson and Sajya Abdul for all your hard work. Danny and Sajya learned that each legislative session is a whirlwind every day. Never a dull moment!

Thank you to my constituents and my supporters.

Thank you for believing in me and supporting me. I hope you are as pleased as I am about the results of the historic 2020 legislation session, even if you didn't agree with every vote I cast and even if you, like me, wish we had gone just a bit farther.

I know who my boss is. It's you. And that's why my team and I work so hard. Please don't hesitate to reach out to let us know how we can help you, particularly in these troubled times. Please remember that we are all in this together. We need to look out for one another now more than ever.

Thank you again for the honor and privilege of representing you.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark". The signature is fluid and cursive, with a large initial "M" and a trailing flourish.

Delegate Mark Levine
*Serving Alexandria, Arlington, and Fairfax
in the 45th District of the Commonwealth of Virginia*

