

March 8th, 2024

TO: SENATE OF VIRGINIA

SENATE BILL NO. 235

Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto Senate Bill 235, which relates to the scope and use of policies on parental notification of instructional material that includes sexually explicit content.

In accordance with Senate Bill 656 (2022), the Virginia Department of Education (VDOE) released "Model Policies on Instructional Materials with Sexually Explicit Content." Developed through collaboration with educational leaders and parents, the model policy bolsters parental rights by granting parents more decision-making authority in their child's education. The model specifically states: "the Act shall not be construed to require or provide for the censoring of books in public elementary and secondary schools."

Despite the proponents' claim that the current proposal codifies the enactment clause found in Chapter 100 of the 2022 Acts of Assembly, there are significant language differences that may cause confusion among school administrators, divisions, parents, and students.

Current law unequivocally affirms that the adoption of these model policies by a school board should not be interpreted as requiring or providing for the censorship of books in public elementary and secondary schools. Therefore, the bill is unnecessary.

Accordingly, I veto this bill.

March 8th, 2024

TO: HOUSE OF DELEGATES

HOUSE BILL NO. 833

Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 833, which creates exemptions to the definition of the abused and neglected child and restricts the consideration of courts related to an individual's consumption and possession of controlled substances.

The proposed legislation, aiming to address a non-existent problem, has potential consequences that may expose children to harm.

Child protective service (CPS) referrals rarely, if ever, involve screening solely based on parents' legal use of controlled substances or marijuana. Instead, cases typically encompass additional risk factors like impaired supervision, access to drugs or drug paraphernalia, or a parent's inability to meet the child's basic needs. The inherent risk of unintended consequences, potentially endangering child safety by dissuading local departments of social services from implementing necessary protective measures, disrupts the balanced approach of current CPS policies, thus jeopardizing the well-being of vulnerable children.

The proposed exemption to the definition of an "abused or neglected child" raises concerns by needlessly complicating an already intricate legal domain. These exceptions overlook the necessity for judges and CPS workers to assess unique factors and circumstances in each case, potentially hindering effective decision-making.

The proposal undermines the tangible link between substance use and harm to children, evident in the increased calls to poison control and emergency room visits for children consuming cannabis-infused substances following the authorization of personal marijuana possession. The blanket exemption further places children at risk by potentially endangering their welfare.

This is a significant threat to child safety, potentially shielding parents engaging in substance possession or consumption from scrutiny. This failure to consider nuanced circumstances

undermines the child's best interests and contradicts our efforts to address substance misuse in families and communities.

Accordingly, I veto the bill.

March 8th, 2024

TO: SENATE OF VIRGINIA

SENATE

BILL

NO.

606

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 606, which requires the Commissioner of Elections to apply for, enter into, and maintain membership in the Electronic Registration Information Center.

The decision for the Commonwealth to exit the Electronic Registration Information Center (ERIC) in 2023 was a result of persistent management issues, improper data use, escalating costs, and the inability to meet statutory requirements for border state information sharing

ERIC's reluctance to implement reforms and address a bipartisan working group of member states concerns reflects a departure from its core mission of improving voter roll accuracy, which called into question Virginia's continued participation.

This is particularly concerning due to the controversy surrounding ERIC's sharing of personal information with external organizations. These organizations are funded by sources that the General Assembly has on a bipartisan basis prohibited Virginia's election officials from accepting.

The financial burden of rejoining ERIC includes membership fees, which have increased more than 115% since 2022, and participation expenses. ERIC's mandatory Eligible but Unregistered mailing will cost the Commonwealth hundreds of thousands of dollars, which is superfluous considering Virginia's Department of Motor Vehicles' automatic registration policies and same-day registration for voting.

Since leaving ERIC, Virginia established data-sharing agreements with numerous states incurring no additional costs. Additionally, the Department of Elections has increased its data sources by collaborating with forty-one states to obtain driver's license surrender data, while ERIC only provides data sharing with twenty-five states.

I have been explicitly clear about my affirmation of the legitimacy of our elections. My focus is safeguarding Virginians' private information and continuously improving an efficient, cost-effective voter registration system.

Accordingly, I veto the bill.

March 8th, 2024

TO: SENATE OF VIRGINIA

SENATE BILL NO. 143

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 143, which mandates crew sizes for trains, locomotives, or light engines.

While I support the goal of improving safety within the rail industry, the proposed methods appear premature and lack the necessary nuance required for effective regulation. A comprehensive strategy is best achieved through the established framework of the federal government's ongoing rulemaking process.

According to reports from the Federal Railroad Administration (FRA) and the National Transportation Safety Board (NTSB), the available evidence does not conclusively support the notion that two-person crews are inherently safer.

Mandating crew sizes, as proposed, is a blunt regulatory tool that encroaches upon the established mechanisms for railroads and unions to negotiate staffing and scheduling matters through collective bargaining.

The effect of the proposed legislation extends beyond a labor-related concern. Short-line railroads, our last mile freight transport providers, are significantly affected. The proposed regulations disrupt their ability to access new markets, jeopardizing the success of initiatives such as the establishment of inland ports – initiatives crucial for the economic progress of our rural communities and the Commonwealth.

Moreover, the proposed regulations would impose constraints on our supply chain, impeding our ability to manage inflation and cope with rising costs of living and doing business in Virginia. The economic repercussions pose a genuine threat to the stability of our economy.

The proposal also distorts the entirety of our transportation sector by diverting traffic from rail to our highways. At a time when the Commonwealth is diligently working to address congestion issues, the proposed regulations appear counterproductive.

Finally, the proposed legislation risks hindering technology and innovation in the rail industry, by impeding the development of opportunities, such as autonomous rail operations.

Prematurely constraining a fuel-efficient mode of freight transport while simultaneously advocating for the mandating of electric vehicles to address environmental concerns raises questions about the coherence and foresight of the proposal.

Accordingly, I veto this bill.

March 8th, 2024

BILLS VETOED BY THE GOVERNOR

HOUSE

HB 110

HB 651

SENATE

SB 143



March 8th, 2024

TO: HOUSE OF DELEGATES

HOUSE BILL NO. 110

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 110, which repeals the Commonwealth's prohibition on commercial surrogacy brokers.

While I recognize the desire for an efficient surrogacy process, the Commonwealth must carefully consider the serious concerns that arise when we allow the increased commercialization and profit-driven commodification of surrogacy.

In 1991, Virginia took a significant and virtuous step by legalizing surrogacy. The Commonwealth recognized the complexities surrounding surrogacy regulation and opted for a permissive framework with notable restrictions, including the prohibition of for-profit brokering. This deliberate decision was made to safeguard against the risks associated with financial motives dominating the surrogacy landscape. Removing this prohibition without a simultaneous review of regulations, potentially disrupts Virginia's established legal structure.

Commercial surrogacy brokers, driven primarily by financial gain, may divert attention from the successful pregnancy, the welfare of the child, and the interests of both the intended parents and the surrogate. Our current legal framework acknowledges some of those concerns and has sought to strike a balance, which may be disrupted by the unchecked entry of profit-driven brokers into this space.

Allowing brokers, who are contractually obligated to represent the intended parents, leads to the possibility of coercion and abuse of surrogates. Human trafficking related to commercial surrogacy is increasing worldwide, resulting in exploitation, extortion, and ethical abuses such as requesting specific hormones or medications for the surrogate, which would be exacerbated with commercialization.

Virginia's existing legal framework requires legal representation for both intended parents and surrogates, a requirement that attempts to ensure impartiality; however, this falls short in addressing the nuances and potential abuses that may arise. Some attorneys might lack the specialized experience needed to navigate the intricate details of surrogacy contracts, which will necessitate negotiating with well-resourced, experienced, and professional brokers, leaving surrogates vulnerable to potential abuses.

The free market is a powerful and significant force for raising individuals out of poverty, but we must recognize that not all areas are suitable for commodification. Surrogacy involves a profound bond between a mother and her child, a relationship that transcends monetary transactions. These brokers may bring some element efficiency to the process, but the potential erosion of the ethical foundations that underpin surrogacy goes too far.

My commitment is to ensure that this treatment is fair and provides opportunities for intended parents and children, while ensuring that financial motives never overshadow the profound and selfless act of bringing life into the world.

Accordingly, I veto this bill.

March 8th, 2024

BILLS VETOED BY THE GOVERNOR

HOUSE

HB 46

HB 833

SENATE

SB 47

SB 235

SB 606

March 8th, 2024

TO: HOUSE OF DELEGATES

HOUSE BILL NO. 46

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 46, which relates to firearm transfers to another person from a person subject to a protective order or convicted of a misdemeanor.

I join the patrons in their pursuit of condemning domestic abuse, it is unequivocally deplorable. Make no mistake, Virginia should ensure that domestic abusers are dealt with appropriately, and those who resort to illegal firearm use, especially, should face severe and harsh punishments.

The legislation fails to achieve its intended purpose and is unnecessary. The existing legal framework addresses firearm possession in cases of domestic abuse. Courts have the power to require the transfer of firearms from individuals, and law enforcement can obtain a search warrant to seize for illegally possessed weapons. Additionally, all firearm transfers are currently limited to individuals who are legally allowed to possess firearms.

To avoid inadvertent compromises to public safety, policies should refrain from disarming individuals not subject to a court order, making other family members less safe, which contradicts our shared goal. The arbitrary age prohibition, which contradicts our current legal age of possession, on certain transfers adds further confusion.

As I advocate for greater protections for victims, I strongly urge the General Assembly to shift its focus towards proven strategies aimed at combatting violent crime - mandatory minimums for armed criminals and the presumption against bail.

Accordingly, I veto this bill.

March 8th, 2024

TO: SENATE OF VIRGINIA

SENATE BILL NO. 47

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 47, which relates to firearm transfers to another person from a person subject to a protective order or convicted of a misdemeanor.

I join the patrons in their pursuit of condemning domestic abuse, it is unequivocally deplorable. Make no mistake, Virginia should ensure that domestic abusers are dealt with appropriately, and those who resort to illegal firearm use, especially, should face severe and harsh punishments.

The legislation fails to achieve its intended purpose and is unnecessary. The existing legal framework addresses firearm possession in cases of domestic abuse. Courts have the power to require the transfer of firearms from individuals, and law enforcement can obtain a search warrant to seize for illegally possessed weapons. Additionally, all firearm transfers are currently limited to individuals who are legally allowed to possess firearms.

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Accordingly, I veto this bill.

March 8th, 2024

TO: HOUSE OF DELEGATES

HOUSE BILL NO. 651

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 651, which directs the Virginia Information Technologies Agency (VITA) to assess the creation of a cyber civilian corps for the Commonwealth.

The challenges in developing a civilian cybersecurity corps include continued financial obligations, background checks, liability protections, and ongoing recruitment. Additionally, implementation of the proposal is complicated by the need to balance the potential civilian corps with the established cybersecurity team at the Virginia National Guard.

I believe that the proposed workgroup could successfully address some of these issues, but in the context of the Commonwealth's present cybersecurity situation, it is premature.

The ability of the National Guard to be deployed by the Governor for cyber-related support is currently legally ambiguous. This year, legislation to clarify this authority was rejected. The continued uncertainty potentially limits the Commonwealth's ability to assist in emergency cybersecurity situations.

The rejection of the proposed legislation to clarify the Governor's powers is troubling for its evident partisanship and strains the resources of VITA.

As we address cybersecurity, the Commonwealth should prioritize collaboration, transparency, and foresight.

Accordingly, I veto this bill.