



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Edgardo Cortés
Commissioner

Elizabeth L. Howard
Deputy Commissioner

November 3, 2016

Hope Amezcuita, Esq.
Staff Attorney & Legislative Counsel
ACLU of Virginia
701 E. Franklin Street, Suite 1412
Richmond, Virginia 23219

Re: *In re: James O. Walpole, Jr. – Appeal of Voter Registration Denial*

Dear Ms. Amezcuita:

I am the Commissioner of Elections for the Commonwealth of Virginia. As the Commissioner, I serve as the agency head of the Virginia Department of Elections (Department), and supervise the Department's staff.

I understand that on October 6, 2016, a Department employee helped Mr. Walpole complete a voter registration application. Once Mr. Walpole's application was complete, the Department employee reviewed the application and then submitted it to the Richmond Office of the General Registrar. Unfortunately, Mr. Walpole's application contained the word "homeless" in the residence address field, instead of a description of the location of Mr. Walpole's sleeping area, as required by 1 VAC 20-40-30. I understand that the Office of the General Registrar subsequently denied Mr. Walpole's application for failure to provide a valid Residence Address, in accordance with state law and regulatory requirements.

Unfortunately, the Department lacks statutory authority to accept Mr. Walpole's application, or to direct the General Registrar to accept Mr. Walpole's application. Furthermore, as the registration records are now closed pursuant to Virginia Code § 24.2-416, the Department recognizes that Mr. Walpole cannot submit a revised application in time to vote in November 8 election. We recognize that Mr. Walpole should have been able to rely upon the guidance and review of state elections personnel and strongly believe that this reliance should not prevent him from casting a ballot on November 8.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edgardo Cortés".

Edgardo Cortés
Commissioner of Elections