

2001 SESSION

INTRODUCED

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HOUSE BILL NO. 1842

Offered January 10, 2001

Prefiled January 4, 2001

A BILL to amend and reenact § 24.2-706 of the Code of Virginia, relating to processing of absentee ballot applications.

Patron—Marshall

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-706 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-706. Duty of general registrar and electoral board on receipt of application; statement of voter. On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list which shall be maintained in the office of the general registrar with a file of the applications of the listed applicants. The list and the applications shall be available for inspection and copying by any registered voter during regular office hours.

No list or application containing an individual's social security number shall be made available for inspection or copying by anyone. The State Board of Elections shall prescribe procedures for local electoral boards and general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers.

The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter and notify the secretary of the electoral board. *In reviewing the application for an absentee ballot, the general registrar and electoral board shall resolve ambiguities in favor of the applicant to the end that the absentee ballot is made available to all qualified applicants.*

If the application has been properly completed, signed, and witnessed and the applicant is a registered voter of the precinct in which he offers to vote, the electoral board shall immediately send to the applicant by mail, obtaining a certificate of mailing, or deliver to him in person in the office of the secretary or registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."

2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements

pursuant to § 24.2-1016, that my full name is ..... (last, first,

middle); that I am now or have been at some time since the last November

general election a legal resident of ..... (house number, street

name or rural route address, city, zip code); that I received the enclosed

ballot(s) upon application to the registrar of such county or city; that I

opened the envelope marked 'ballot within' and marked the ballot(s) in the

presence of the witness, without assistance or knowledge on the part of anyone

as to the manner in which I marked it (or I am returning the form required to

report how I was assisted); that I then sealed the ballot(s) in this

envelope; and that I have not voted and will not vote in this election at any

other time or place.

Signature of Voter .....

Date .....

Signature of witness ....."

3. A properly addressed envelope for the return of the ballot to the electoral board by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the

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57 ballot.

58 The envelopes and instructions shall be in the form prescribed by the State Board.

59 If the applicant makes his application to vote in person under § 24.2-701 at a time when the printed  
60 ballots for the election are available, the general registrar or the secretary of the electoral board, on the  
61 determination of the qualifications of the applicant to vote, shall provide to the applicant the items set  
62 forth in subdivisions 1 through 4 above and no item shall be removed by the applicant from the office  
63 of the general registrar or the secretary of the electoral board.

64 If the applicant states as the reason for his absence on election day any of the reasons set forth in  
65 subdivision 2 of § 24.2-700, the electoral board shall mail or deliver in person to the applicant in the  
66 office of the secretary or general registrar, the items as set forth in subdivisions 1 through 4 above and,  
67 if necessary, an application for registration pursuant to § 24.2-419. A certificate of mailing shall not be  
68 required.

69 When the statement prescribed in subdivision 2 above has been properly completed and signed by  
70 the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.