

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 24.2-706 of the Code of Virginia, relating to absentee voting; applications and ballot return envelopes; duties of election officials.

[H 1854]

Approved

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 that 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 not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed 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."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my ~~full name~~ FULL NAME<eb> is (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of (STATE YOUR LEGAL RESIDENCE IN VIRGINIA<eb> including the 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.

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HB1854ER

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

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

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

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

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