

046582460

HOUSE BILL NO. 915

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend and reenact § 24.2-706 of the Code of Virginia, relating to absentee voting procedures.

Patron—Phillips

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 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 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 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.

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

INTRODUCED

HB915

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, and no item shall be removed by the applicant from the office of the  
63 general registrar or the secretary of the electoral board. On the request of the applicant, made at least  
64 five days prior to the election in which the applicant offers to vote, the general registrar or the secretary  
65 may send the items set forth in subdivisions 1 through 4 to the applicant by mail, obtaining a certificate  
66 of mailing.

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

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

73 *In reviewing the statement prescribed in subdivision 2, the general registrar or electoral board shall*  
74 *not reject a ballot solely because of an error or omission by the voter in providing the complete address*  
75 *of his legal residence in Virginia so long as the voter's address can be verified by the general registrar*  
76 *or electoral board by reference to the records of the Virginia voter registration system.*