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1   **HOUSE BILL NO. 685**
2   Offered January 11, 2006
3   Prefiled January 10, 2006
4   *A BILL to amend and reenact §§ 24.2-708 and 24.2-711 of the Code of Virginia and to amend the Code*
5   *of Virginia by adding a section numbered 24.2-653.1, relating to absentee voting procedures and*
6   *provisional ballots for certain voters.*
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                    Patron—Brink

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9   Referred to Committee on Privileges and Elections
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11   **Be it enacted by the General Assembly of Virginia:**
12   **1. That §§ 24.2-708 and 24.2-711 of the Code of Virginia are amended and reenacted and that the**
13   **Code of Virginia is amended by adding a section numbered 24.2-653.1 as follows:**
14   *§ 24.2-653.1. Voters who did not receive absentee ballots; provisional ballots.*
15   *A. The provisions of this section shall apply when (i) a person offers to vote pursuant to § 24.2-643*
16   *at his proper polling place, (ii) his name is shown on the pollbook as having applied for an absentee*
17   *ballot, and (iii) for any reason he did not receive or has lost the absentee ballot. In such case, he shall*
18   *be entitled to cast a provisional ballot after presenting to the officer of election a statement signed by*
19   *him that he did not receive the ballot or has lost the ballot, subject to felony penalties for making false*
20   *statements as pursuant to § 24.2-1016.*
21   *B. Such person shall be given a paper ballot and be permitted to vote the provisional ballot in*
22   *accordance with the provisions of § 24.2-653 and the instructions of the State Board. The electoral*
23   *board shall process the ballot in accordance with the provisions of § 24.2-653 and the instructions of*
24   *the State Board.*
25   § 24.2-708. Return of unused ballots; voting by applicant who did not receive or lost ballot; defaced
26   ballots.
27   If for any reason a person, who has applied for and received a ballot, decides not to vote absentee,
28   he shall return the ballot unopened, in the sealed envelope in which it was sent to him, to the electoral
29   board, on or before the day of the election in which the ballot was intended to be used.
30   The electoral board shall note on the absentee voter applicant list, opposite the name of the person
31   returning the ballot, the fact that the ballot was returned unused and the date of the return. The electoral
32   board shall carefully preserve all ballots returned unused and deliver them, together with other returned
33   ballots, to the officers of election on election day. A voter, who has returned his unused ballot as
34   provided herein, shall be entitled to cast his vote in person on election day at his precinct.
35   If for any reason a person who has applied for and has been sent an absentee ballot does not receive
36   the ballot or loses the ballot, he shall be entitled to cast another ballot after presenting to the electoral
37   board, registrar or officer of election a statement signed by him that he did not receive the ballot or has
38   lost the ballot, subject to felony penalties for making false statements as pursuant to § 24.2-1016. *If such*
39   *person offers to vote at his proper polling place on the day of the elections, he shall be entitled to cast*
40   *a provisional ballot pursuant to § 24.2-653.1.*
41   If a person who has applied for and has been sent an absentee ballot has unintentionally or
42   accidentally defaced and rendered the ballot unfit for voting, he shall be entitled to cast a ballot after
43   presenting the defaced ballot to the electoral board, registrar or officer of election. The returned ballot
44   shall be marked spoiled by the electoral board, registrar or officer of election and placed in a
45   spoiled-ballot envelope to be retained with the ballots for the election.
46   § 24.2-711. Duties of officers of election.
47   Before the polls open, the officers of election at each precinct shall mark, for each person on the
48   absentee voter applicant list, the letters "AB" (meaning absentee ballot) in the voting record column on
49   the pollbook. The pollbook may be so marked prior to election day by the general registrar, the
50   secretary of the electoral board, or staff under the direction of the general registrar or the secretary, or
51   when the pollbook is produced by the State Board pursuant to § 24.2-404. If the pollbook has been
52   marked prior to election day, before the polls open the officers of election at each precinct shall check
53   the marks for accuracy and make any additions or corrections required.
54   The chief officer of election shall keep the copy of the absentee voter applicant list in the polling
55   place as a public record open for inspection upon request at all times while the polls are open.
56   If a voter, whose name appears on the absentee voter applicant list, has not returned an unused ballot
57   and offers to vote in his precinct, the officers of election in the precinct shall determine the matter
58   pursuant to §§ *24.2-653.1 and* 24.2-708 ~~or, if the locality has a central absentee voter precinct, shall~~

59 refuse to give him a ballot and shall refer him to the officers of the absentee precinct for an appeal
60 pursuant to § 24.2-712.
61   After the close of the polls, the container of absentee ballots shall be opened by the officers of
62 election. As each ballot envelope is removed from the container, the name of the voter shall be called
63 and checked as if the voter were voting in person. If the voter is found entitled to vote, an officer shall
64 mark the voter's name on the pollbook with the first or next consecutive number from the voter count
65 form, or shall enter that the voter has voted if the pollbook is in electronic form. The ballot envelope
66 shall then be opened, and the ballot deposited in the ballot container without being unfolded or
67 examined. If the voter is found not entitled to vote, the unopened envelope shall be rejected. A majority
68 of the officers shall write and sign a statement of the cause for rejection on the envelope or on an
69 attachment to the envelope.
70   When all ballots have been accounted for and either voted or rejected, the officers shall place the
71 empty ballot envelopes, the return envelopes, and any rejected ballot envelopes, in one envelope
72 provided for the purpose and seal and deliver it with the ballots cast at the election as provided in this
73 title.