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**HOUSE BILL NO. 2438**

Offered January 14, 2009

Prefiled January 14, 2009

*A BILL to amend and reenact §§ 24.2-101, 24.2-114, 24.2-404, 24.2-407, 24.2-418, 24.2-423, 24.2-424, 24.2-506, 24.2-531, 24.2-611, 24.2-643, 24.2-651, 24.2-651.1, 24.2-652, 24.2-668, 24.2-701, 24.2-710, and 24.2-711 of the Code of Virginia and to repeal § 24.2-533 of the Code of Virginia, relating to electronic reforms; State Board of Elections.*

Patron—Poisson

Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-101, 24.2-114, 24.2-404, 24.2-407, 24.2-418, 24.2-423, 24.2-424, 24.2-506, 24.2-531, 24.2-611, 24.2-643, 24.2-651, 24.2-651.1, 24.2-652, 24.2-668, 24.2-701, 24.2-710, and 24.2-711 of the Code of Virginia are amended and reenacted as follows:**

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established by a county or city pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, Section 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve at a polling place for any election.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Person with a disability" means a person with a disability as defined by the Virginians with Disabilities Act (§ 51.5-1 et seq.).

"Polling place" means the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

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59 "Precinct" means the territory designated by the governing body of a county, city, or town to be  
60 served by one polling place.

61 "Primary" or "primary election" means an election held for the purpose of selecting a candidate to be  
62 the nominee of a political party for election to office.

63 "Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and  
64 who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or  
65 subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers  
66 to vote, and (iii) registered to vote. No person who has been convicted of a felony shall be a qualified  
67 voter unless his civil rights have been restored by the Governor or other appropriate authority. No  
68 person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as  
69 provided by law.

70 "Qualified voter in a town" means a person who is a resident within the corporate boundaries of the  
71 town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified  
72 voter.

73 "Referendum" means any election held pursuant to law to submit a question to the voters for  
74 approval or rejection.

75 "Registered voter" means any person who is maintained on the Virginia voter registration system. All  
76 registered voters shall be maintained on the Virginia voter registration system with active status unless  
77 assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For  
78 purposes of applying the precinct size requirements of § 24.2-307, calculating election machine  
79 requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election  
80 district, precinct or polling place changes as required by subdivision 13 12 of § 24.2-114 and § 24.2-306,  
81 and determining the number of signatures required for candidate and voter petitions, "registered voter"  
82 shall include only persons maintained on the Virginia voter registration system with active status.

83 "Registration records" means all official records concerning the registration of qualified voters and  
84 shall include all records, lists, applications, and files, whether maintained in books, on cards, on  
85 automated data bases, or by any other legally permitted record-keeping method.

86 "Residence" or "resident," for all purposes of qualification to register and vote, means and requires  
87 both domicile and a place of abode. In determining domicile, consideration may be given to a person's  
88 expressed intent, conduct, and all attendant circumstances including, but not limited to, financial  
89 independence, business pursuits, employment, income sources, residence for income tax purposes,  
90 marital status, residence of parents, spouse and children, if any, leasehold, sites of personal and real  
91 property owned by the person, motor vehicle and other personal property registration, and other factors  
92 reasonably necessary to determine the qualification of a person to register or vote.

93 "Special election" means any election that is held pursuant to law to fill a vacancy in office or to  
94 hold a referendum.

95 "State Board" or "Board" means the State Board of Elections.

96 "Virginia voter registration system" or "voter registration system" means the automated central  
97 record-keeping system for all voters registered within the Commonwealth that is maintained as provided  
98 in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

99 § 24.2-114. Duties and powers of general registrar.

100 In addition to the other duties required by this title, the general registrar, and the assistant registrars  
101 acting under his supervision, shall:

102 1. Maintain the office of the general registrar and establish and maintain additional public places for  
103 voter registration in accordance with the provisions of § 24.2-412.

104 2. Participate in programs to educate the general public concerning registration and encourage  
105 registration by the general public. No registrar shall actively solicit, in a selective manner, any  
106 application for registration or for a ballot or offer anything of value for any such application.

107 3. Perform his duties within the county or city he was appointed to serve, except that a registrar may  
108 (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of  
109 his county or city when conducting registration jointly with the registrar of the contiguous county or city  
110 or (ii) notwithstanding any other provision of law, participate in multijurisdictional staffing for voter  
111 registration offices, approved by the State Board, that are located at facilities of the Department of  
112 Motor Vehicles.

113 4. Provide the appropriate forms for applications to register and to obtain the information necessary  
114 to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.

115 5. Indicate on the registration records for each accepted mail voter registration application form  
116 returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has  
117 registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the  
118 State Board so that those persons who registered by mail are identified on the registration records, lists  
119 of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to  
120 § 24.2-406, and pollbooks used for the conduct of elections.

6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board and shall forward the completed application or request to the registrar of the applicant's residence. Notwithstanding the provisions of § 24.2-416, the registrar of the applicant's residence shall recognize as timely any application or request for transfer or change of address submitted to any person authorized to receive voter registration applications pursuant to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of registration. The registrar of the applicant's residence shall determine the qualification of the applicant and promptly notify the applicant at the address shown on the application or request of the acceptance or denial of his registration or transfer. However, notification shall not be required when the registrar does not have an address for the applicant.

7. Preserve order at and in the vicinity of the place of registration. For this purpose, the registrar shall be vested with the powers of a conservator of the peace while engaged in the duties imposed by law. He may exclude from the place of registration persons whose presence disturbs the registration process. He may appoint special officers, not exceeding three in number, for a place of registration and may summon persons in the vicinity to assist whenever, in his judgment, it is necessary to preserve order. The general registrar and any assistant registrar shall be authorized to administer oaths for purposes of this title.

8. Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.

9. If a person is denied registration, promptly notify such person in writing of the denial and the reason for denial in accordance with § 24.2-422.

10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the pollbooks available to the precincts, and according to the instructions of the State Board ~~return the pollbooks, or~~ transfer a copy of the data from ~~any~~ the electronic pollbooks, to the State Board after each election for voting credit purposes.

~~11. After the return of the pollbooks by the State Board, retain the pollbooks in his principal office for two years from the date of the election.~~

~~12~~11. Maintain accurate and current registration records and comply with the requirements of this title for the transfer, inactivation, and cancellation of voter registrations.

~~13~~12. Whenever election districts, precincts, or polling places are altered, provide for entry into the voter registration system of the proper district and precinct designations for each registered voter whose districts or precinct have changed and notify each affected voter of changes affecting his districts or polling place by mail.

~~14~~13. Whenever any part of his county or city becomes part of another jurisdiction by annexation, merger, or other means, transfer to the appropriate general registrar the registration records of the affected registered voters. The general registrar for their new county or city shall notify them by mail of the transfer and their new election districts and polling places.

~~15~~14. When he registers any person who was previously registered in another state, notify the appropriate authority in that state of the person's registration in Virginia.

~~16~~15. Whenever any person is believed to be registered or voting in more than one state or territory of the United States at the same time, inquire about, or provide information from the voter's registration and voting records to any appropriate voter registration or other authority of another state or territory who inquires about, that person's registration and voting history.

~~17~~16. At the request of the county or city chairman of any political party nominating a candidate for the General Assembly, constitutional office, or local office by a method other than a primary, review any petition required by the party in its nomination process to determine whether those signing the petition are registered voters with active status.

~~18~~17. Carry out such other duties as prescribed by the electoral board.

~~19~~18. Attend, or designate one member of his staff to attend, an annual training program provided by the State Board.

§ 24.2-404. Duties of State Board.

A. The State Board shall provide for the continuing operation and maintenance of a central record-keeping system, the Virginia Voter Registration System, for all voters registered in the Commonwealth.

In order to operate and maintain the system, the Board shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.

2. Require the general registrars to enter the names of all registered voters into the system and to

182 change or correct registration records as necessary.

183 3. Provide to each general registrar, voter registration cards for newly registered voters and for notice  
184 to registered voters on the system of changes and corrections in their registration records and polling  
185 places.

186 4. Require the general registrars to delete from the record of registered voters the name of any voter  
187 who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to  
188 removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated,  
189 (v) is known not to be a United States citizen by reason of reports from the Department of Motor  
190 Vehicles pursuant to § 24.2-410.1, or (vi) is otherwise no longer qualified to vote as may be provided  
191 by law.

192 5. Retain on the system for four years a separate record for registered voters whose names have been  
193 deleted, with the reason for deletion.

194 6. Retain on the system permanently a separate record for information received regarding deaths,  
195 felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.

196 7. Provide to each general registrar, ~~at least 10 days prior to a general or primary election and three~~  
197 ~~days prior to a special election,~~ an alphabetical list of all registered voters in each precinct or portion of  
198 a precinct in which ~~the~~ an election is being held in the county, city, or town. *If electronic pollbooks are*  
199 *used in the locality, the list shall be provided at least five days prior to a general or primary election*  
200 *and three days prior to a special election. If electronic pollbooks are not used in the locality, the list*  
201 *shall be provided at least 10 days prior to a general or primary election and three days prior to a*  
202 *special election.*

203 These precinct lists shall be used as the official lists of qualified voters and shall constitute the  
204 pollbooks. The State Board shall provide instructions for the division of the pollbooks and precinct lists  
205 into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general,  
206 primary, or special election, the State Board shall provide any general registrar, upon his request, with a  
207 separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are  
208 used in the locality or electronic voter registration inquiry devices are used in precincts in the locality,  
209 the State Board shall provide a regional or statewide list of registered voters to the general registrar of  
210 the locality. The State Board shall determine whether regional or statewide data is provided. Neither the  
211 pollbook nor the regional or statewide list of registered voters shall include the day and month of birth  
212 of the voter, but shall include the voter's year of birth.

213 8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Board.

214 9. Use any source of information that may assist in carrying out the purposes of this section. All  
215 agencies of the Commonwealth shall cooperate with the State Board in procuring and exchanging  
216 identification information for the purpose of maintaining the voter registration system.

217 10. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts  
218 and polling places, statements of election results by precinct, and any other items required of the State  
219 Board by law. Receipts from such sales shall be credited to the Board for reimbursement of printing  
220 expenses.

221 B. The State Board shall be authorized to provide for the production, distribution, and receipt of  
222 information and lists through the Virginia Voter Registration System by any appropriate means  
223 including, but not limited to, paper and electronic means.

224 C. The State Board shall institute procedures to ensure that each requirement of this section is  
225 fulfilled. As part of its procedures, the State Board shall provide that the general registrar shall mail  
226 notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is  
227 cancelled.

228 § 24.2-407. Statement for persons receiving lists of persons registered or voting; penalties.

229 Any person receiving lists pursuant to § 24.2-405 ~~or~~ §, 24.2-406, *or 24.2-710* shall sign the following  
230 statement:

231 "I understand that the lists requested are the property of the State Board of Elections of the  
232 Commonwealth of Virginia, and I hereby state or agree, subject to felony penalties for making false  
233 statements pursuant to § 24.2-1016, that (i) I am a person authorized by § 24.2-405 ~~or~~ §, 24.2-406, *or*  
234 *24.2-710* of the Code of Virginia to receive a copy of the lists described; (ii) the lists will be used only  
235 for the purposes prescribed and for no other use; and (iii) I will not permit the use or copying of the  
236 lists by persons not authorized by the Code of Virginia to obtain them.

237 Signature of Purchaser ..."

238 § 24.2-418. Application for registration.

239 Each applicant to register shall provide, subject to felony penalties for making false statements  
240 pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless  
241 physically disabled, he shall sign the application. The application to register shall be only on a form or  
242 forms prescribed by the State Board.

243 The form of the application to register shall require the applicant to provide the following

information: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated or convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored.

The form shall permit any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20) but excluding officers whose duties relate to detention as defined in paragraphs (A) through (D) of § 8331(20), to furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, ~~or~~ on voter registration records made available for public inspection pursuant to § 24.2-444, *or on lists of absentee voter applicants furnished pursuant to § 24.2-710.*

The form shall permit any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia, to furnish, in addition to his street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, ~~or~~ on voter registration records made available for public inspection pursuant to § 24.2-444, *or on lists of absentee voter applicants furnished pursuant to § 24.2-710.*

The form shall permit any party, who has furnished a signed written statement by the party that he is in fear for his personal safety from another person who has threatened or stalked him accompanied by evidence that he has filed a complaint with a magistrate or law-enforcement official against such other person, to furnish, in addition to his street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, that are furnished pursuant to §§ 24.2-405 and 24.2-406, ~~or~~ on voter registration records made available for public inspection pursuant to § 24.2-444, *or on lists of absentee voter applicants furnished pursuant to § 24.2-710.*

§ 24.2-423. Notice of change of name of registered voter.

Whenever a registered voter changes his legal name, either by marriage, divorce, order of court, or otherwise, the voter shall promptly notify the general registrar of the jurisdiction where he is registered. Such notice may be made in writing or on a form approved by the State Board of Elections, which may be electronic. The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature. The State Board is ~~authorized to conduct a pilot program, under which shall establish a system to accept~~ electronic notice of a change of a registered voter's name, which may be provided by electronic mail or such other electronic means as may be permitted by the State Board and signed by the voter in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The general registrar shall enter the new name on the registration records and issue the voter a new voter registration card.

§ 24.2-424. Change of registered voter's address within the Commonwealth.

A. Whenever a registered voter changes his place of residence within the Commonwealth, he shall promptly notify any general registrar of the address of his new residence. Such notice may be made in person, in writing, by return of the voter registration card noting the new address, or on a form approved by the State Board of Elections, which may be electronic. The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature. The State Board is ~~authorized to conduct a pilot program, under which shall establish a system to accept~~ electronic notice of a change of a registered voter's address, which may be provided by electronic mail or such other electronic means as may be permitted by the State Board and signed by the voter in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The fact that a voter provides an address on a candidate or referendum petition that differs from the address for the voter on the voter registration system shall not be deemed sufficient notice, in and of itself, to change the voter's registration address. Any statements made by any voter applying for transfer are subject to felony penalties for making a false statement pursuant to § 24.2-1016.

B. If the voter has moved within the same county or city, on receipt of the notification, the general registrar for that county or city shall (i) enter the new address on the registration record; (ii) if satisfied that the registered voter has moved into another precinct within the same county or city, transfer the registration of the voter to that precinct; and (iii) issue the voter a new voter registration card. This transfer may be entered in the registration records at any time the registration records are not closed pursuant to § 24.2-416.

C. Any request for transfer or change of address within the Commonwealth delivered to any registrar shall be forwarded to the general registrar for the city or county in the Commonwealth where the voter

305 now resides. When forwarding said notice, or upon request from the registrar for the county or city  
306 where the voter now resides, the registrar for the county or city where the voter formerly resided shall  
307 forward the original application for registration to the registrar for the voter's new locality.

308 D. Upon receipt of the voter's original registration application, and notice as specified in subsection  
309 A of this section indicating the voter's current residence, the registrar for the county or city in which the  
310 voter currently resides shall: (i) enter the new address on the registration record; (ii) if satisfied that the  
311 registered voter has moved into a precinct within that county or city, transfer the registration of the  
312 voter to that precinct; (iii) issue the voter a new voter registration card; and (iv) through the Virginia  
313 voter registration system, notify the registrar of the locality where the voter formerly resided that the  
314 registration has been transferred. This transfer may be entered in the registration records at any time the  
315 registration records are not closed pursuant to § 24.2-416.

316 E. If the original registration application is no longer available to the registrar in the city or county  
317 where the voter formerly resided, either of the following shall be sent to and accepted by the registrar in  
318 the city or county where the voter now resides in lieu of such application: (i) an unsigned voter card (or  
319 "conversion card") used as the voter record upon the creation of the statewide voter registration system  
320 or (ii) a replacement record provided by the State Board to replace damaged files in the registrar's  
321 office. If no other record is available, then the registrar of the voter's former locality shall provide  
322 written notification to the registrar of the locality in which the voter now resides that none of the  
323 required documents are available. In this instance only, the registrar of the locality in which the voter  
324 now resides shall copy the voter's record from the Virginia voter registration system and use that record  
325 in lieu of the original voter registration application. Any complete voter registration application on a  
326 form previously authorized for use in Virginia shall be valid for the purposes of continuing or  
327 transferring a voter's registration within the Commonwealth.

328 § 24.2-506. Petition of qualified voters required; number of signatures required; certain towns  
329 excepted; pilot program.

330 A. The name of any candidate for any office, other than a party nominee, shall not be printed upon  
331 any official ballots provided for the election unless he shall file along with his declaration of candidacy  
332 a petition therefor, on a form prescribed by the State Board, signed by the number of qualified voters  
333 specified below after January 1 of the year in which the election is held and listing the residence  
334 address of each such voter. Each signature on the petition shall have been witnessed by a person who is  
335 himself a qualified voter, or qualified to register to vote, for the office for which he is circulating the  
336 petition and whose affidavit to that effect appears on each page of the petition.

337 Each voter signing the petition shall provide on the petition his social security number, if any;  
338 however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on  
339 the petition.

340 The minimum number of signatures of qualified voters required for candidate petitions shall be as  
341 follows:

342 1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General,  
343 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional  
344 district in the Commonwealth;

345 2. For a candidate for the United States House of Representatives, 1,000 signatures;

346 3. For a candidate for the Senate of Virginia, 250 signatures;

347 4. For a candidate for the House of Delegates or for a constitutional office, 125 signatures;

348 5. For a candidate for membership on the governing body or elected school board of any county or  
349 city, 125 signatures; or if from an election district not at large containing 1,000 or fewer registered  
350 voters, 50 signatures;

351 6. For a candidate for membership on the governing body or elected school board of any town which  
352 has more than 1,500 registered voters, 125 signatures; or if from a ward or other district not at large, 25  
353 signatures;

354 7. For membership on the governing body or elected school board of any town which has 1,500 or  
355 fewer registered voters, no petition shall be required;

356 8. For a candidate for director of a soil and water conservation district created pursuant to Article 3  
357 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1, 25 signatures; and

358 9. For any other candidate, 50 signatures.

359 B. *The State Board is authorized to conduct a pilot program for any candidate who chooses to*  
360 *participate, under which some or all of the signatures required by this section may be provided by*  
361 *electronic mail or other electronic means as may be permitted by the State Board and signed in a*  
362 *manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.).*

363 § 24.2-531. Pollbooks and ballot containers.

364 There shall be pollbooks in the form set forth in § 24.2-611 and a separate ballot container provided  
365 for each party taking part in any primary. The ballot container for each party shall have plainly marked  
366 upon its top the words "Primary Ballot Container" and the name of the party. ~~The officers of election~~

shall enter on the cover of the pollbook, if not entered previously, the name of the party whose voters are recorded therein.

§ 24.2-611. Form and signing of pollbooks; records of persons voting; electronic pollbooks.

A. The following oath shall be on a form prescribed by the State Board, administered to all officers of election, and kept by the officers of election with the pollbook:

"I do solemnly swear (or affirm) that I will perform the duties for this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting this election."

The oath shall be administered to each officer of election by the general registrar, a member of the electoral board, or an officer of election designated by the general registrar and secretary of the electoral board, who shall be so identified on the form. The oath shall be signed by each officer of election and the person administering the oath. The pollbook shall be marked to identify the election for which it is used.

B. The State Board shall provide the *electronic* pollbook pursuant to subdivision A 7 of § 24.2-404. The pollbook shall (i) provide a space for the officer of election to record the name and consecutive number of the voter at the time he offers to vote and (ii) be retained in accordance with the provisions governing pollbooks in this title. ~~If the pollbook is provided in printed form, the State Board shall provide a numerical check sheet to be used to determine the consecutive number to be recorded with the name of the voter by the officer of election. If the pollbook is provided in electronic form, the~~ The consecutive number shall be entered automatically when the officer of election records that the voter has voted ~~in the electronic pollbook~~. When the name and number of the last qualified voter have been entered on the pollbook, the officer of election responsible for that pollbook shall sign a statement ~~on the check sheet, or on a separate form if an electronic pollbook is used~~, certifying the number of qualified registrants who have voted. The State Board shall provide instructions to the local electoral boards, general registrars, and officers of election for the conduct of the election and for procedures for entering a voting record for each voter and recording each voter's name, including voters unable to enter the polling place, and for verifying the accurate entry of the voting record for each registrant on the Virginia Voter Registration System. *Notwithstanding any other provision of this title, for any election held on or after July 1, 2010, and for all subsequent years, all pollbooks provided by the State Board shall be only in electronic form.*

C. The State Board shall incorporate safeguards to assure that the records of the election, including the pollbook, voter count sheets, or other alternative records, will provide promptly an accurate and secure record of those who have voted. ~~The State Board may provide for the pollbook to be in a paper format or in an electronic format if funds are appropriated to cover the costs associated with the provision of a pollbook in an electronic format. The State Board shall be authorized to conduct pilot programs in one or more localities, with the consent of the electoral board of the locality, to test the use of an electronic pollbook in one or more precincts, notwithstanding any other provision of law to the contrary.~~

~~D. Any~~ Each locality ~~may expend its own funds to~~ shall purchase the hardware and software necessary to utilize the electronic pollbooks that have been approved for use in elections by the State Board.

§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and repeat, in a voice audible to party and candidate representatives present, the full name and address stated by the voter. The officer shall ask the voter to present any one of the following forms of identification: his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

If the voter's name is found on the pollbook, if he presents one of the forms of identification listed above, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, ~~the first or next consecutive number from the voter count form provided by the State Board; or shall enter that the voter has voted if the~~ *in the electronic pollbook is in electronic form*; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of voters who have been marked on the pollbooks as present

428 to vote forms to await entry to the voting booths, the line shall not be permitted to extend outside of the  
429 room containing the voting booths and shall remain under observation by the officers of election.

430 Except as provided in subsection E of this section, if a voter is entitled to vote except that he is  
431 unable to present one of the forms of identification listed above, he shall be allowed to vote after  
432 signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is  
433 the named registered voter who he claims to be. A voter who requires assistance in voting by reason of  
434 physical disability or inability to read or write, and who requests assistance pursuant to § 24.2-649, may  
435 be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649  
436 regarding voters who are unable to sign shall be followed when assisting a voter in completing this  
437 statement.

438 A voter may be accompanied into the voting booth by his child age 15 or younger.

439 C. If the current residence address stated by the voter is different from the address shown on the  
440 pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the  
441 State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties  
442 for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an  
443 envelope provided for such forms for transmission to the general registrar who shall then transfer or  
444 cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.) of this title.

445 D. At the time the voter is asked his full name and current residence address, the officer of election  
446 shall ask any voter for whom the pollbook indicates that an identification number other than a social  
447 security number is recorded on the Virginia voter registration system if he presently has a social security  
448 number. If the voter is able to provide his social security number, he shall be furnished with a voter  
449 registration form prescribed by the State Board to update his registration information. Upon its  
450 completion, the form shall be placed by the officer of election in an envelope provided for such forms  
451 for transmission to the general registrar. Any social security numbers so provided shall be entered by the  
452 general registrar in the voter's record on the voter registration system.

453 E. For federal elections held after January 1, 2004, this subsection shall apply in the case of any  
454 voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of  
455 2002 to show identification the first time the voter votes in a federal election in the state. At such  
456 election, such voter shall present: (i) a current and valid photo identification; or (ii) a copy of a current  
457 utility bill, bank statement, government check, paycheck or other document that shows the name and  
458 address of the voter. Such individual who desires to vote in person but who does not show one of the  
459 forms of identification specified in this paragraph shall be offered a provisional ballot under the  
460 provisions of § 24.2-653. Neither the identification requirements of subsection B of this section, nor the  
461 identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election. The  
462 State Board of Elections shall provide instructions to the electoral boards for the handling and counting  
463 of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

464 § 24.2-651. Voter who is challenged; how challenge tried.

465 Any qualified voter may, and the officers of election shall, challenge the vote of any person who is  
466 listed on the pollbook but is known or suspected not to be a qualified voter.

467 The individual making the challenge shall complete and sign the following statement on a form  
468 provided by the State Board:

469 "I do hereby state, subject to penalties for hindering, intimidating, or  
470 interfering with a qualified voter pursuant to § 24.2-607, that I am a  
471 qualified voter of this Commonwealth or an officer of election and that, to  
472 the best of my knowledge, information, and belief, \_\_\_\_\_ is not a  
473 qualified voter of this precinct by reason of (please check each of the  
474 following reasons that is applicable):

- 475 1. The named person is not a citizen of the United States;
- 476 2. The named person is not now 18 years of age or, in the case of a primary  
477 election or a special election held on a date other than a general election  
478 date, will not reach the age of 18 before the next general election;
- 479 3. The named person is not a resident of the Commonwealth (or, if he has not  
480 been a resident of the Commonwealth within the preceding 30 days, he is  
481 attempting to vote for an office or issue other than electors of President and  
482 Vice President of the United States);
- 483 4. The named person is not a resident of this precinct (or he has not been a  
484 resident of this precinct since the second preceding general federal election  
485 and has not continued to be a resident of this county or city and this  
486 congressional district);
- 487 5. The named person is not a resident of the town in the case of a town



election;

6. The named person has been disqualified from voting by the Constitution and laws of the Commonwealth and this disqualification has not been removed by proper authority;

7. The named person is not the identical person he represents himself to be; or

8. The named person has voted in this election at this or another voting place (state when and where the named person previously voted in this election: \_\_\_\_\_).

Upon receipt of a signed challenge from a qualified voter or officer of election, an officer of election shall explain to the challenged voter the qualifications of a voter and may examine him concerning his qualifications. The officers of election are hereby authorized to administer the necessary oath or affirmation to any witness brought before them to testify as to the qualifications of any person offering to vote.

If the person being challenged insists that he is qualified and the challenge is not withdrawn, one of the officers shall give him a form containing the following statement:

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that I am a citizen of the United States, that I am at least 18 years of age (or will be on the \_ day of \_\_\_\_\_, \_\_\_\_ ) that I am a resident of the Commonwealth of Virginia (or that I have been a resident of this Commonwealth within the preceding 30 days and am voting only for electors of President and Vice President of the United States), and that, according to the best of my knowledge, information and belief, I am not disqualified from voting by the Constitution and laws of this Commonwealth; that my full name is \_\_\_\_\_; that in such name I was duly registered as a voter of this precinct; that I am now or at some time since the last November general election have been an actual resident of this precinct or that I have been an actual resident of this precinct at some time since the second preceding general federal election and have been and continue to be a resident of this county or city and this congressional district; if I am voting in a town election today, that I am currently a resident of that town; that I am the identical person I represent myself to be; and that I have not voted in this election at this or any voting place and will not vote in this election at any other voting place."

If the person challenged refuses to sign the statement, he shall not be permitted to vote. If, however, he signs the statement, he shall be permitted to vote on the voting system in use at the precinct.

When the voter has signed the statement and is permitted to vote, the officers of election shall ~~mark his name on the pollbook with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the in the electronic pollbook is in electronic form, and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.~~

If the envelope containing a voted absentee ballot has been properly signed by the voter, such ballot shall not be subject to challenge pursuant to this section.

§ 24.2-651.1. Voter who is shown as having already voted; challenge and procedure for voting; voter identification.

The officers of election shall challenge the vote of any person who offers to vote, who is listed on the pollbook, and whose name is marked to indicate that he has already voted in person in the election.

When the person is challenged, an officer shall explain to him the basis for the challenge. If the person being challenged states that he has not voted and is qualified, an officer shall ask the voter to present one of the following forms of identification: his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

If the person presents the requested form of identification showing him to be the person listed on the pollbook, an officer of election shall give him the form set out in § 24.2-651 for the person to sign

546 subject to felony penalties for making false statements pursuant to § 24.2-1016.

547 If the person challenged refuses to sign the statement, he shall not be permitted to vote. If, however,  
548 he signs the statement, he shall be permitted to vote on the voting system in use at the precinct.

549 When the voter has shown the requested identification, has signed the statement, and is permitted to  
550 vote, the officers of election shall ~~mark his name on the pollbook with the first or next consecutive~~  
551 ~~number from the voter count form, or shall enter that the voter has voted if the~~ *in the electronic*  
552 *pollbook is in electronic form*, and shall indicate on the pollbook that the person has signed the required  
553 statement in accordance with the instructions of the State Board of Elections.

554 § 24.2-652. Voter whose name erroneously omitted from pollbook.

555 When a person offers to vote and his name does not appear on the pollbook, the officers of election  
556 shall permit him to vote only if all of the following conditions are met:

557 1. An officer of election is informed by the general registrar that the voter is registered to vote, that  
558 his registration has not been cancelled, and that his name is erroneously omitted from the pollbook.

559 2. The voter signs a statement, subject to felony penalties for false statements pursuant to  
560 § 24.2-1016, that he is a qualified and registered voter of that precinct, a resident of that precinct, and  
561 his registration is not subject to cancellation pursuant to §§ 24.2-430, 24.2-431, and 24.2-432; and he  
562 provides, subject to such penalties, all the information required to identify himself including social  
563 security number, if any, full name including the maiden or any other prior legal name, birthdate, and  
564 complete address.

565 3. The officer of election enters the identifying information for the voter on the pollbook.

566 When the voter has signed the statement and is permitted to vote, the officers of election shall ~~mark~~  
567 ~~his name on the pollbook with the next consecutive number from the voter count form, or shall enter~~  
568 ~~that the voter has voted if the~~ *in the electronic pollbook is in electronic form*, and shall indicate on the  
569 pollbook that he has signed the required statement in accordance with the instructions of the State  
570 Board.

571 § 24.2-668. Pollbooks, statements of results, and ballots to be sealed and delivered to clerk or general  
572 registrar.

573 A. After ascertaining the results and before adjourning, the officers shall put the pollbooks, the  
574 duplicate statements of results, and any printed inspection and return sheets in the envelopes provided by  
575 the State Board. The officers shall seal the envelopes and direct them to the clerk of the circuit court for  
576 the county or city. The pollbooks, statements, and sheets thus sealed and directed, the sealed counted  
577 ballots envelope or container, and the unused, defaced, spoiled and set aside ballots properly accounted  
578 for, packaged and sealed, shall be conveyed by one of the officers to be determined by lot, if they  
579 cannot otherwise agree, to the clerk of court by noon on the day following the election.

580 The clerk shall retain custody of the pollbooks, paper ballots, and other elections materials until the  
581 time has expired for initiating a recount, contest, or other proceeding in which the pollbooks, paper  
582 ballots, and other elections materials may be needed as evidence and there is no proceeding pending.  
583 The clerk shall (i) secure all pollbooks, paper ballots and other election materials in sealed boxes; (ii)  
584 place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk  
585 and his staff; (iii) cause such vault or room to be securely locked except when access is necessary for  
586 the clerk and his staff; and (iv) upon the initiation of a recount, certify that these security measures have  
587 been taken in whatever form is deemed appropriate by the chief judge.

588 After that time the clerk shall deliver the pollbooks to the general registrar who shall return the  
589 pollbooks or transfer a copy of the electronic data to the State Board as directed by § 24.2-114 for  
590 voting credit purposes. After the pollbooks are returned by the State Board, the general registrar shall  
591 retain the pollbooks in his principal office for two years from the date of the election. The clerk shall  
592 retain the statement of results and any printed inspection and return sheets for two years and may then  
593 destroy them.

594 B. The local electoral board may direct that the officers of election, in lieu of conveying the  
595 materials to the clerk of the circuit court as provided in subsection A of this section, shall convey the  
596 materials to the principal office of the general registrar on the night of the election or the morning  
597 following the election as the board directs. The general registrar shall secure and retain the materials in  
598 his office and shall convey to the clerk of the court, by noon of the day following the ascertainment of  
599 the results of the election by the electoral board, all of the election materials. The general registrar shall  
600 retain for public inspection one copy of the statement of results.

601 C. ~~If an electronic pollbook is used,~~ *In order to comply with this section,* the data disc or cartridge of  
602 *an electronic pollbook* containing the electronic records of the election, or, alternately, a printed copy of  
603 the pollbook records of those who voted, shall be transmitted, sealed and retained as required by this  
604 section, and otherwise treated as the pollbook for that election for all purposes subsequent to the  
605 election. Nothing in this title shall be construed to require that the equipment or software used to  
606 produce the electronic pollbook be sealed or retained along with the pollbook, provided that the records  
607 for the election have been transferred or printed according to the instructions of the State Board.

§ 24.2-701. Application for absentee ballot.

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application ~~electronically through the Internet and to submit a completed absentee ballot application by electronic mail or such other electronic means as may be permitted by the State Board.~~ Electronic absentee ballot applications shall be in a form approved by the State Board and signed by the voter in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). Such a system shall be used for all applications for absentee ballots permitted under this chapter except those cases where a voter is required to apply for an absentee ballot or vote absentee in person.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election, or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all general elections, except May general elections held in towns, and on the Saturday immediately preceding any primary election, May general election held in a town, or special election.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be made not less than three days prior to the election in which the applicant offers to vote and completed only in the office of the general registrar. The applicant shall sign the application in the presence of a registrar or a member of the electoral board. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643, or if he is unable to present one of the forms of identification listed in that section, he shall sign a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is the named registered voter who he claims to be. An applicant who requires assistance in voting by reason of disability or inability to read or write may request assistance pursuant to § 24.2-649 and be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding persons who are unable to sign shall be followed when assisting an applicant in completing this statement.

For federal elections held after January 1, 2004, this paragraph shall apply in the case of any voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to show identification the first time that voter votes in a federal election in the state. After completing an application for an absentee ballot in person, such voter shall present: (i) a current and valid photo identification; or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this paragraph shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification requirements of subsection B of § 24.2-643, nor the identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision 2 of § 24.2-700, may be on a Federal Post Card Application prescribed pursuant to 42 U.S.C. § 1973ff (b) (2). The Federal Post Card Application may be accepted the later of (i) 12 months before an election, or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the

reason the applicant will be absent or cannot vote at his polling place on the day of the election;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active service as a member of the armed forces of the United States or a member of the merchant marine of the United States, the branch of service to which he or the spouse belongs, and his or the spouse's rank, grade, or rate, and service identification number; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of learning, the name and address of the school or institution of learning; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, the nature of the disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name and address of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, the name of the family member and the nature of his illness or disability; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, his religion and the nature of the obligation; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer, address of his place of work, and hours he will be at the workplace and commuting on election day.

§ 24.2-710. Further duties of electoral board and general registrar; absentee voter applicant lists.

On receipt of an absentee ballot, the electoral board or general registrar shall mark the date of receipt in the appropriate column opposite the name and address of the voter on the absentee voter applicant list maintained in the general registrar's office. A board member or registrar shall deposit the return envelope and the unopened ballot envelope in an appropriate container provided for the purpose, in which they shall remain until the day of the election.

On the day before the election, the general registrar shall (i) make out in triplicate on a form prescribed by the State Board the absentee voter applicant list containing the names of all persons who applied for an absentee ballot through the third day before the election and (ii) by noon on the day before the election, deliver two copies of the list to the electoral board. The general registrar shall make out a supplementary list containing the names of all persons voting absentee in person pursuant to §§ 24.2-705.1 and 24.2-705.2, or applying to vote absentee pursuant to § 24.2-705, for delivery by 5:00 p.m. on the day before the election. The supplementary list shall be deemed part of the absentee voter applicant list and shall be prepared and delivered in accordance with the instructions of the State Board. The general registrar shall maintain one copy of the list in his office for two years as a public record open for inspection upon request during regular office hours.

On the day before the election, the electoral board shall deliver one copy of the list provided to it by the general registrar to the chief officer of election for each precinct. The list shall be attested by the secretary of the electoral board who shall be responsible for the delivery of the attested lists to the chief officer of election for each precinct.

Absentee ballots shall be accepted only from voters whose names appear on the attested list.

Before the polls close on the day of the election, the electoral board shall deliver the absentee ballot containers to, and obtain a receipt from, the officers of election at each appropriate precinct. Any ballot returned to the electoral board or general registrar prior to the closing of the polls, but after the ballot

container has been delivered, shall be delivered in an appropriate container to the officers of election at each appropriate precinct. The containers shall be sealed prior to delivery to the officers and shall contain the sealed absentee ballots, the accompanying return envelopes, and a copy of the absentee voter applicant list for each precinct.

If the county or city uses a central absentee voter precinct pursuant to § 24.2-712, the lists and containers shall be delivered, as provided in this section, to the officers of election for the absentee precinct.

Before noon on the day following the election, the general registrar shall deliver all applications for absentee ballots for the election, under seal, to the clerk of the circuit court for the county or city. The clerk shall retain the sealed applications with the counted ballots.

The secretary of the electoral board shall deliver all absentee ballots received after the election to the clerk of the circuit court.

*The State Board may furnish to candidates or political party chairmen, and to no one else, on request and at a reasonable price, the absentee voter applicant list for their districts. Such lists shall be used only for campaign and political purposes. In no event shall any list furnished under this section contain any voter's social security number, or any part thereof, any voter's day and month of birth, or the residence address for any voter who has provided a post office box address to be used on public lists pursuant to § 24.2-418.*

§ 24.2-711. Duties of officers of election.

Before the polls open, the officers of election at each precinct shall mark, for each person on the absentee voter applicant list, the letters "AB" (meaning absentee ballot) in the voting record column on the pollbook. The pollbook may be so marked prior to election day by the general registrar, the secretary of the electoral board, or staff under the direction of the general registrar or the secretary, or when the pollbook is produced by the State Board pursuant to § 24.2-404. If the pollbook has been marked prior to election day, before the polls open the officers of election at each precinct shall check the marks for accuracy and make any additions or corrections required.

The chief officer of election shall keep the copy of the absentee voter applicant list in the polling place as a public record open for inspection upon request at all times while the polls are open.

If a voter, whose name appears on the absentee voter applicant list, has not returned an unused ballot and offers to vote in his precinct, the officers of election in the precinct shall determine the matter pursuant to §§ 24.2-653.1 and 24.2-708.

After the close of the polls, the container of absentee ballots shall be opened by the officers of election. As each ballot envelope is removed from the container, the name of the voter shall be called and checked as if the voter were voting in person. If the voter is found entitled to vote, an officer shall mark the voter's name on the pollbook with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the in the electronic pollbook is in electronic form. The ballot envelope shall then be opened, and the ballot deposited in the ballot container without being unfolded or examined. If the voter is found not entitled to vote, the unopened envelope shall be rejected. A majority of the officers shall write and sign a statement of the cause for rejection on the envelope or on an attachment to the envelope.

When all ballots have been accounted for and either voted or rejected, the officers shall place the empty ballot envelopes, the return envelopes, and any rejected ballot envelopes, in one envelope provided for the purpose and seal and deliver it with the ballots cast at the election as provided in this title.

2. That the provisions of §§ 24.2-404, 24.2-407, 24.2-418, 24.2-423, 24.2-424, 24.2-506, 24.2-531, 24.2-701, and 24.2-710 of the Code of Virginia shall become effective on July 1, 2009.

3. That the provisions of §§ 24.2-101, 24.2-114, 24.2-611, 24.2-643, 24.2-651, 24.2-651.1, 24.2-652, 24.2-668, and 24.2-711 of the Code of Virginia shall become effective on July 1, 2010.

4. That § 24.2-533 of the Code of Virginia is repealed.