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**HOUSE BILL NO. 1560**

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
 (Proposed by the House Committee on Privileges and Elections  
 on January 21, 2011)

(Patron Prior to Substitute—Delegate Cole)

A *BILL to amend and reenact §§ 24.2-643 and 24.2-701 of the Code of Virginia, relating to elections; voting procedures; voter identification requirements; provisional ballots.*

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

**1. That §§ 24.2-643 and 24.2-701 of the Code of Virginia are amended and reenacted as follows:**

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

Except as provided in subsection E of ~~this section~~, if a voter is entitled to vote except that he is unable to present one of the forms of identification listed above, he shall be allowed to vote a *provisional ballot* after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter who he claims to be. *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.*

A voter who requires assistance in voting by reason of physical disability or inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement.

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

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

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

E. For federal elections held after January 1, 2004, this subsection 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 the voter votes in a federal election in the state. At such

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60 election, such voter shall present: (i) a current and valid photo identification; or (ii) a copy of a current  
61 utility bill, bank statement, government check, paycheck or other document that shows the name and  
62 address of the voter. Such individual who desires to vote in person but who does not show one of the  
63 forms of identification specified in this paragraph shall be offered a provisional ballot under the  
64 provisions of § 24.2-653. Neither the identification requirements of subsection B of this section, nor the  
65 identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election. The  
66 State Board of Elections shall provide instructions to the electoral boards for the handling and counting  
67 of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

68 § 24.2-701. Application for absentee ballot.

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

71 The State Board shall implement a system that enables eligible persons to request and receive an  
72 absentee ballot application electronically through the Internet. Electronic absentee ballot applications  
73 shall be in a form approved by the State Board.

74 Except as provided in § 24.2-703, a separate application shall be completed for each election in  
75 which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i)  
76 12 months before an election, or (ii) the day following any election held in the twelfth month prior to  
77 the election in which the applicant is applying to vote.

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

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

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

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

91 1. An application completed in person shall be made not less than three days prior to the election in  
92 which the applicant offers to vote and completed only in the office of the general registrar. The  
93 applicant shall sign the application in the presence of a registrar or a member of the electoral board. The  
94 applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643, or if  
95 he is unable to present one of the forms of identification listed in that section, he shall sign a statement,  
96 subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is the named  
97 registered voter who he claims to be. *If he is unable to provide one of the specified forms of*  
98 *identification, he shall be offered a provisional ballot. The State Board of Elections shall provide*  
99 *instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to*  
100 *subsection B of § 24.2-653 and this section.* An applicant who requires assistance in voting by reason of  
101 disability or inability to read or write may request assistance pursuant to § 24.2-649 and be assisted in  
102 preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding  
103 persons who are unable to sign shall be followed when assisting an applicant in completing this  
104 statement.

105 For federal elections held after January 1, 2004, this paragraph shall apply in the case of any voter  
106 who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to  
107 show identification the first time that voter votes in a federal election in the state. After completing an  
108 application for an absentee ballot in person, such voter shall present: (i) a current and valid photo  
109 identification; or (ii) a copy of a current utility bill, bank statement, government check, paycheck or  
110 other document that shows the name and address of the voter. Such individual who desires to vote in  
111 person but who does not show one of the forms of identification specified in this paragraph shall be  
112 offered a provisional ballot under the provisions of § 24.2-653. Neither the identification requirements of  
113 subsection B of § 24.2-643, nor the identification requirements of subsection A of § 24.2-653, shall  
114 apply to such voter at that election. The State Board of Elections shall provide instructions to the  
115 electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of  
116 § 24.2-653 and this section.

117 2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile  
118 device if one is available to the office of the general registrar or the office of the State Board if a  
119 device is not available locally, or other means. The application shall be on a form furnished by the  
120 registrar or, if made under subdivision 2 of § 24.2-700, may be on a Federal Post Card Application  
121 prescribed pursuant to 42 U.S.C. § 1973ff (b) (2). The Federal Post Card Application may be accepted

122 the later of (i) 12 months before an election, or (ii) the day following any election held in the twelfth  
123 month prior to the election in which the applicant is applying to vote. The application shall be made to  
124 the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the  
125 applicant offers to vote.

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

127 1. The applicant's printed name, the last four digits of the applicant's social security number, and the  
128 reason the applicant will be absent or cannot vote at his polling place on the day of the election;

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

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

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

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

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

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

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

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

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

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

161 12. In the case of a person who, in the regular and orderly course of his business, profession, or  
162 occupation, will be at his place of work and commuting to and from his home to his place of work for  
163 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his  
164 business or employer, address of his place of work, and hours he will be at the workplace and  
165 commuting on election day; or

166 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in  
167 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in  
168 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first  
169 responder; or

170 14. In the case of a person who has been designated by a political party, independent candidate, or  
171 candidate in a primary election to be a representative of the party or candidate inside a polling place on  
172 the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so  
173 designated and the name of the party chairman or candidate who designated him.