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**HOUSE BILL NO. 569**

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on Privileges and Elections  
on February 3, 2012)

(Patron Prior to Substitute—Delegate Marshall, D.W.)

A *BILL to amend and reenact §§ 24.2-404, 24.2-418, 24.2-643, 24.2-651, 24.2-651.1, 24.2-653, 24.2-701, and 46.2-208.1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 24.2-623.1 and 24.2-643.1, relating to elections; identification required to register to vote and to vote at the polls; and electronic transfer of information in the Department of Motor Vehicles records for voter registration purposes.*

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

**1. That §§ 24.2-404, 24.2-418, 24.2-643, 24.2-651, 24.2-651.1, 24.2-653, 24.2-701, and 46.2-208.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 24.2-623.1 and 24.2-643.1 as follows:**

§ 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 change or correct registration records as necessary.

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

4. Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, (v) is known not to be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1, or (vi) is otherwise no longer qualified to vote as may be provided by law. Such action shall be taken no later than 30 days after notification from the Board. The Board shall promptly provide the information referred to in this subdivision, upon receiving it, to general registrars.

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

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

7. Provide to each general registrar, at least 10 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks. The State Board shall provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the State Board shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the State Board shall provide a regional or statewide list of registered voters to the general registrar of the locality. The State Board shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list of registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth.

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

9. Use any source of information that may assist in carrying out the purposes of this section. All agencies of the Commonwealth shall cooperate with the State Board in procuring and exchanging identification information for the purpose of maintaining the voter registration system. The State Board may share any information that it receives from another agency of the Commonwealth with any Chief Election Officer of another state for the maintenance of the voter registration system.

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

60 expenses.

61 *11. Require the general registrars to enter into an agreement with the Department of Motor Vehicles*  
62 *for the purpose of accessing customer records held in the office of the Department to access the*  
63 *documents presented and accepted to prove legal presence at the time of license or identification card*  
64 *issuance that would also prove citizenship and to view Department customer images and signatures to*  
65 *ascertain the identity of a voter at the polling place.*

66 *12. Require the State Board to enter into an agreement with the Department of Motor Vehicles and*  
67 *an agreement with the Department's credentials vendor for the purpose of electronically requesting and*  
68 *receiving a customer's image, digitized signature, and other information stored in his record in the*  
69 *office of the Department necessary for the purpose of producing a registered voter photo identification*  
70 *card.*

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

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

78 D. The State Board shall promulgate rules and regulations to ensure the uniform application of the  
79 law for determining a person's residence.

80 § 24.2-418. Application for registration.

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

85 The form of the application to register shall require the applicant to provide the following  
86 information: full name; gender; date of birth; social security number, if any; whether the applicant is  
87 presently a United States citizen, *accompanied by proof of citizenship*; address of residence in the  
88 precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated  
89 incapacitated or convicted of a felony, and if so, under what circumstances the applicant's right to vote  
90 has been restored. The form shall contain a statement that whoever votes more than once in any election  
91 in the same or different jurisdictions shall be guilty of a Class 6 felony.

92 *For the purposes of this section, proof of citizenship shall be provided by any document that is*  
93 *accepted as proving legal presence and that would also prove citizenship under the provisions of*  
94 *§ 46.2-328.1.*

95 *The general registrar shall reject any application for registration that is not accompanied by one of*  
96 *the proofs of citizenship enumerated in § 46.2-328.1 or by an indicator recorded on the applicant's*  
97 *record in the office of the Department of Motor Vehicles that identifies the type of document presented*  
98 *and accepted at the time of license or identification card issuance to prove legal presence and that*  
99 *would also prove citizenship.*

100 *Any person who is registered to vote in the Commonwealth on July 1, 2012, shall be deemed to have*  
101 *provided satisfactory proof of citizenship and shall not be required to submit proof of citizenship so long*  
102 *as the person remains registered in the Commonwealth. Such privilege shall not be construed to affirm,*  
103 *deny, change, alter, or otherwise modify any determination of law as to whether a person is lawfully*  
104 *registered to vote in the Commonwealth. Proof of a person's voter registration in another state shall not*  
105 *constitute proof of citizenship for the purposes of this section. After a person has submitted proof of*  
106 *citizenship, the general registrar shall indicate this information on the person's voter registration record.*  
107 *The general registrar shall retain documents submitted as proof of citizenship for at least one year and*  
108 *may then destroy such documents.*

109 A voter registration card shall not be deemed proof of citizenship for purposes other than voter  
110 registration.

111 B. The form shall permit any individual, as follows, or member of his household, to furnish, in  
112 addition to his residence street address, a post office box address located within the Commonwealth to  
113 be included in lieu of his street address on the lists of registered voters and persons who voted, which  
114 are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for  
115 public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to  
116 § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the  
117 post office box address provided under this subsection.

118 1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20),  
119 but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

120 2. Any party granted a protective order issued by or under the authority of any court of competent  
121 jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

3. 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; and

4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2.

C. If the applicant formerly resided in another state, the portion of the application to register listing an applicant's place of last previous registration to vote, or a copy thereof, shall be retained by the general registrar for the city or county where the applicant resides, and the general registrar shall send the original or a copy to the appropriate voter registration official or other authority of another state where the applicant formerly resided.

§ 24.2-623.1. Notice of voting qualifications to be posted at polling places.

The governing body of each county and city shall provide notice of the constitutional qualifications to vote and the penalties for voting in violation of the constitutional requirements in all polling places for all elections. These notices shall be printed with the heading "ILLEGAL VOTING" in two-inch type with the following text in at least 24-point type:

"In elections by the people, the qualifications of voters shall be as follows: Each voter shall be a citizen of the United States, shall be eighteen years of age, shall fulfill the residence requirements set forth in this section, and shall be registered to vote pursuant to this article. No person who has been convicted of a felony shall be qualified to vote unless his civil rights have been restored by the Governor or other appropriate authority. As prescribed by law, no person adjudicated to be mentally incompetent shall be qualified to vote until his competency has been reestablished. Article II, Section 1, Constitution of Virginia."

"Under §§ 18.2-11 and 24.2-1004 of the Code of Virginia, it is a Class 1 misdemeanor to vote knowing that you are not qualified to vote, punishable by 'confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.'"

The governing body shall provide for the notices to be posted in at least the two most commonly spoken languages in the locality and may provide for notices in additional languages. The determination of the governing body as to the languages in which to post the notices shall be determinative and not subject to review.

§ 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 proof of identification. "Proof of identification" means a document that satisfies all of the following:

1. The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.

2. The document shows a photograph of the individual to whom the document was issued.

3. The document includes an expiration date, and the document:

a. Is not expired; or

b. Expired after the date of the most recent general election.

4. The document was issued by the United States or the Commonwealth.

If the voter's name is found on the pollbook, if he presents one of the forms proof 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 proof of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is

183 the named registered voter who he claims to be offered a provisional ballot under the provisions of  
184 § 24.2-653. The State Board of Elections shall provide instructions to the electoral boards for the  
185 handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this  
186 section.

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

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

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

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

206 E. For federal elections held after January 1, 2004, this subsection shall apply in the case of any  
207 voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of  
208 2002 to show identification the first time the voter votes in a federal election in the state. At such  
209 election, such voter shall present (i) a current and valid photo identification or (ii) a copy of a current  
210 utility bill, bank statement, government check, paycheck or other government document that shows the  
211 name and address of the voter. Such individual who desires to vote in person but who does not show  
212 one of the forms of identification specified in this paragraph shall be offered a provisional ballot under  
213 the provisions of § 24.2-653. Neither the identification requirements of subsection B of this section, nor  
214 the identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election.  
215 The State Board of Elections shall provide instructions to the electoral boards for the handling and  
216 counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

217 § 24.2-643.1. Implementation of photo identification requirements.

218 A. The State Board of Elections shall develop an educational program for distribution by various  
219 media and means throughout the Commonwealth to inform voters of the photo identification  
220 requirements of the law.

221 B. The Department of Motor Vehicles and State Board shall cooperate in making a photo  
222 identification card available, free of charge, to any voter (i) who does not have a form of photo  
223 identification required under subdivision B of § 24.2-643 and (ii) who affirms by signing a statement  
224 that he is unable to afford an identification card issued by the Department. The signing of a false  
225 statement hereunder shall be subject to felony penalties for making false statements pursuant to  
226 § 24.2-1016.

227 C. The State Board and the localities shall be given the option to make free voter photo  
228 identification cards available to voters, and such cards shall be clearly marked "Voter Identification  
229 Card" and shall be valid only to meet photo identification requirements under this title.

230 § 24.2-651. Voter who is challenged; how challenge tried.

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

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

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

239 1. The named person is not a citizen of the United States;

240 2. The named person is not now 18 years of age or, in the case of a primary election or a special  
241 election held on a date other than a general election date, will not reach the age of 18 before the next  
242 general election;

243 3. The named person is not a resident of the Commonwealth (or, if he has not been a resident of the  
244 Commonwealth within the preceding 30 days, he is attempting to vote for an office or issue other than

electors of President and Vice President of the United States);

4. The named person is not a resident of this precinct (or he has not been a resident of this precinct since the second preceding general federal election and has not continued to be a resident of this county or city and this congressional district);

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, *unless he is required to cast a provisional ballot pursuant to § 24.2-651.1.*

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 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; provisional voting.

The officers of election shall challenge the vote of any 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 *shall cast a provisional ballot as provided in § 24.2-653. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots.*

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

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 shown the requested identification, 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 pollbook is in electronic form, and shall indicate on the pollbook that the person has signed the required statement in accordance with the instructions of the State Board of Elections.

§ 24.2-653. Voter whose name does not appear on pollbook or is marked as having voted; handling of provisional ballots; ballots cast after normal close of polls due to court order extending polling hours.

A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available or cannot state that the person is registered to vote, then such person shall be allowed to vote by paper ballot in the manner provided in this section. *This procedure shall also apply when required by §§ 24.2-643 and 24.2-651.1.*

Such person shall be given a paper ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the State Board, the identifying information required ~~in § 24.2-652 on the envelope, including his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature.~~ Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. If he is unable to present ~~one of these forms~~ proof of identification, he shall sign 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, and the officers of election shall note on the green envelope that the required statement was signed in lieu of presenting ~~one of the specified forms~~ proof of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as having voted. The officers of election shall provide an application for registration to the person offering to vote in the manner provided in this section.

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then be placed in the ballot container by an officer of election.

An officer of election, by a written notice given to the voter, shall (i) inform him that a determination of his right to vote shall be made by the electoral board on the following day ~~and~~, (ii) advise the voter of the beginning time and place for the board's meeting and of the voter's right to be present at that meeting, ~~and (iii) inform him that he may submit a copy of proof of identification to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery.~~ At the meeting, the voter may request an extension of the determination of the provisional vote to the following day in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions which it deems reasonable to determine the status of a provisional vote.

B. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

The electoral board shall meet on the day following the election and determine whether each person having submitted such a provisional vote was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension to the following day as provided in subsection A, the meeting shall stand adjourned from day to day, not to exceed seven calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

One authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election shall be permitted to remain in the room in which the determination is being made so long as he does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct in which he offered the provisional vote, or is unable to determine his right to vote, the envelope containing his ballot shall not be opened and his vote shall not be counted. The provisional vote shall be counted if either (i) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (ii) the State Board or the voter presents proof that indicates the voter submitted an application for registration to the Department of Motor Vehicles or other state-designated voter registration agency prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was

qualified for registration based upon the application for registration submitted by the person pursuant to subsection A. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot placed in a ballot container without any inspection further than that provided for in § 24.2-646.

On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote.

The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B of this section; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section.

§ 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. Electronic absentee ballot applications shall be in a form approved by the State Board.

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. *If he is unable to provide proof of identification as defined in subsection B of § 24.2-643, he shall be offered a provisional ballot. 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.*

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.

429 For federal elections held after January 1, 2004, this paragraph shall apply in the case of any voter  
430 who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to  
431 show identification the first time that voter votes in a federal election in the state. After completing an  
432 application for an absentee ballot in person, such voter shall present (i) a current and valid photo  
433 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or  
434 other government document that shows the name and address of the voter. Such individual who desires  
435 to vote in person but who does not show one of the forms of identification specified in this paragraph  
436 shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification  
437 requirements of subsection B of § 24.2-643, nor the identification requirements of subsection A of  
438 § 24.2-653, shall apply to such voter at that election. The State Board of Elections shall provide  
439 instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to  
440 subsection B of § 24.2-653 and this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

485 12. In the case of a person who, in the regular and orderly course of his business, profession, or  
486 occupation, will be at his place of work and commuting to and from his home to his place of work for  
487 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his  
488 business or employer, address of his place of work, and hours he will be at the workplace and  
489 commuting on election day; or

490 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in

§ 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

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

§ 46.2-208.1. Electronic transfer of information in Department records for voter registration purposes.

A. Notwithstanding the provisions of § 46.2-208, the Commissioner shall provide for the electronic transfer of information from the Department's records to the State Board of Elections and the general registrars for the purpose of voter registration as required by Chapter 4 of Title 24.2, including but not limited to the purposes of § 24.2-410.1. Except as provided in §§ 24.2-404 and 24.2-444, the State Board of Elections and the general registrars shall not make information provided by the Department available to the public and shall not provide such information to any third party.

*B. The Department shall establish and implement a method by which the State Board of Elections and general registrars may access customer records held in the office of the Department to access the documents presented and accepted to prove legal presence at the time of license or identification card issuance that would also prove citizenship and to view Department customer images and signatures in order to ascertain the identity of a voter at the polling place.*

*C. The Department shall establish a method by which the Department's credentials vendor and the State Board of Elections may electronically share a customer's image, digitized signature, and other information stored in his record in the office of the Department necessary for the purpose of producing a registered voter photo identification card.*

**2. That the provisions of this act shall become effective on July 1, 2013.**