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HOUSE BILL NO. 930

Offered January 11, 2012

Prefiled January 11, 2012

A *BILL to amend and reenact §§ 24.2-419, 24.2-444, 24.2-612, 24.2-700, 24.2-701, 24.2-702.1, 24.2-703, 24.2-706, and 24.2-709 of the Code of Virginia; to amend the Code of Virginia by adding in Title 24.2 a chapter numbered 4.1, consisting of sections numbered 24.2-451 through 24.2-470; and to repeal Articles 7 (§§ 24.2-440 through 24.2-443) and 7.1 (§§ 24.2-443.1 through 24.2-443.4) of Chapter 4 of Title 24.2 of the Code of Virginia, relating to the Uniform Military and Overseas Voters Act and related provisions of the elections laws.*

Patrons—Lingamfelter; Senator: Stuart

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-419, 24.2-444, 24.2-612, 24.2-700, 24.2-701, 24.2-702.1, 24.2-703, 24.2-706, and 24.2-709 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 24.2 a chapter numbered 4.1, consisting of sections numbered 24.2-451 through 24.2-470, as follows:

§ 24.2-419. Extended time for certain persons to register by mail.

The registration application of the following persons may accompany an application for an absentee ballot and shall be on a form prescribed by the State Board or on a Federal Post Card Application federal postcard application, a federal write-in absentee ballot, or their electronic equivalents:

1. Any member of a uniformed service of the United States, as defined in 42 U.S.C. § 1973ff-6 (7) § 24.2-452, who is on active duty;

2. Any member of the merchant marine of the United States;

3. Any spouse or dependent residing with a person listed in subdivisions subdivision 1 or 2; and

4. 3. Any person temporarily residing outside the United States.

The registration application from a person listed in subdivisions 1, and 2 and 3 of this section may be accepted notwithstanding the provisions of § 24.2-416 if they are eligible to be registered and if, by reason of active duty, they are normally absent from the city or county in which they reside.

§ 24.2-444. Duties of general registrars and State Board of Elections as to voter registration records; public inspection; exceptions.

A. Registration records shall be kept and preserved by the general registrar in compliance with §§ 2.2-3803, 2.2-3808, and 24.2-114. The State Board shall provide to each general registrar, for each precinct in his county or city, lists of registered voters for inspection and lists of persons registering pursuant to §§ 24.2-442 and 24.2-443.3. The lists shall contain the name, address, year of birth, gender and all election districts applicable to each registered voter. The lists shall be opened to public inspection at the office of the general registrar when the office is open for business. New lists shall be provided not less than once each year to all localities except those in which an updated list is made available electronically for public inspection, and supplements containing additions, deletions, and changes shall be provided not less than (i) weekly during the 60 days preceding any general election and (ii) monthly at other times. Notwithstanding any other provision of law regarding the retention of records, upon receipt of any new complete list, the general registrar shall destroy the obsolete list and its supplements. The State Board shall provide to each general registrar lists of persons denied registration for public inspection. Such lists may be provided electronically through the Virginia voter registration system and produced in whole or in part upon a request for public inspection.

B. The general registrars shall maintain for at least two years and shall make available for public inspection and copying and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the registration records pursuant to §§ 24.2-427, 24.2-428 and 24.2-428.1, including lists of the names and addresses of all persons to whom notices are sent, and information concerning whether each person has responded to the notice as of the date that inspection of the records is made.

C. No list provided by the State Board under subsection A nor any record made available for public inspection under subsection B shall contain any of the following information: (i) an individual's social security number, or any part thereof; (ii) the residence address of an individual who has furnished a post office box address in lieu of his residence address as authorized by subsection B of § 24.2-418; (iii) the declination by an individual to register to vote and related records; (iv) the identity of a voter registration agency through which a particular voter is registered; or (v) the day and month of birth of

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59 an individual. No voter registration records other than the lists provided by the State Board under
60 subsection A and the records made available under subsection B shall be open to public inspection.

61 *CHAPTER 4.1.*

62 *UNIFORM MILITARY AND OVERSEAS VOTERS ACT.*

63 *§ 24.2-451. Short title.*

64 *This chapter may be cited as the Uniform Military and Overseas Voters Act.*

65 *§ 24.2-452. Definitions.*

66 *As used in this chapter, unless the context requires a different meaning:*

67 *1. "Covered voter" means:*

68 *a. A uniformed-service voter or an overseas voter who is registered to vote in this state;*

69 *b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and*
70 *who otherwise satisfies this state's voter eligibility requirements;*

71 *c. An overseas voter who, before leaving the United States [for employment overseas], was last*
72 *eligible to vote in this state and, except for a state residency requirement, otherwise satisfies this state's*
73 *voter eligibility requirements;*

74 *d. An overseas voter who, before leaving the United States [for employment overseas], would have*
75 *been last eligible to vote in this state had the voter then been of voting age and, except for a state*
76 *residency requirement, otherwise satisfies this state's voter eligibility requirements; or*

77 *e. An overseas voter who was born outside the United States, is not described in subdivision c or d,*
78 *and, except for a state residency requirement, otherwise satisfies this state's voter eligibility*
79 *requirements, if:*

80 *(1) The last place where a parent or legal guardian of the voter was, or under this chapter would*
81 *have been, eligible to vote before leaving the United States is within this state; and*

82 *(2) The voter has not previously registered to vote in any other state.*

83 *2. "Dependent" means an individual recognized as a dependent by a uniformed service.*

84 *3. "Federal postcard application" means the application prescribed under § 101(b)(2) of the*
85 *Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff(b)(2).*

86 *4. "Federal write-in absentee ballot" means the ballot described in § 103 of the Uniformed and*
87 *Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-2.*

88 *5. "Military-overseas ballot" means:*

89 *a. A federal write-in absentee ballot;*

90 *b. A ballot specifically prepared or distributed for use by a covered voter in accordance with this*
91 *chapter; or*

92 *c. A ballot cast by a covered voter in accordance with this chapter.*

93 *6. "Overseas voter" means a United States citizen who is outside the United States.*

94 *7. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United*
95 *States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United*
96 *States.*

97 *8. "Uniformed service" means:*

98 *a. Active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of*
99 *the United States;*

100 *b. The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned*
101 *corps of the National Oceanic and Atmospheric Administration of the United States; or*

102 *c. The Virginia National Guard.*

103 *9. "Uniformed-service voter" means an individual who is qualified to vote and is:*

104 *a. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or*
105 *Coast Guard of the United States who is on active duty;*

106 *b. A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the*
107 *commissioned corps of the National Oceanic and Atmospheric Administration of the United States;*

108 *c. A member on activated status of the National Guard [or state militia]; or*

109 *d. A spouse or dependent of a member referred to in this definition.*

110 *10. "United States," used in the territorial sense, means the several states, the District of Columbia,*
111 *Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the*
112 *jurisdiction of the United States.*

113 *§ 24.2-453. Elections covered.*

114 *The voting procedures in this chapter apply to:*

115 *1. A general, special, or primary election for federal office;*

116 *2. A general, special, or primary election for statewide or state legislative office or state referendum*
117 *measure; and*

118 *3. A general, special, or primary election for local constitutional or government office or local*
119 *referendum measure conducted under Chapter 7 (§ 24.2-700 et seq.) for which absentee voting is*
120 *available for other voters.*

§ 24.2-454. Role of Secretary of State Board of Elections.

A. The Secretary of the State Board of Elections is the state official responsible for implementing this chapter and Virginia's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff et seq.

B. The Secretary shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots. The Secretary may delegate the responsibility under this subsection only to the state office designated in compliance with § 102(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-1(b)(1).

C. The Secretary shall establish an electronic transmission system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information under this chapter.

D. The Secretary shall:

1. Develop standardized absentee-voting materials, including privacy and transmission envelopes and their electronic equivalents, authentication materials, and voting instructions to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in this state; and

2. To the extent reasonably possible, coordinate with other states to carry out this subsection.

E. The Secretary shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of an overseas-military ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot, as modified to be consistent with this chapter. The Secretary shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

§ 24.2-455. Overseas voter's registration address.

In registering to vote, an overseas voter who is eligible to vote in this state shall use and must be assigned to the voting precinct of the address of the last place of residence of the voter in this state or, in the case of a voter described by subdivision 1 e of § 24.2-452, the address of the last place of residence in this state of the parent or legal guardian of the voter. If that address is no longer a recognized residential address, the voter must be assigned an address for voting purposes.

§ 24.2-456. Methods of registering to vote.

A. To apply to register to vote, in addition to any other approved method, a covered voter may use a federal postcard application or the application's electronic equivalent.

B. A covered voter may use the declaration accompanying a federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the seventh day prior to the election for which the ballot is submitted. If the declaration is received after that date, it must be treated as an application to register to vote for subsequent elections.

C. The Secretary shall ensure that the electronic transmission system described in subsection C of § 24.2-454 is capable of accepting both a federal postcard application and any other approved electronic registration application sent to the appropriate election official. The voter may use the electronic transmission system or any other approved method to register to vote.

§ 24.2-457. Methods of applying for military-overseas ballot.

A. A covered voter who is registered to vote in this state may apply for a military-overseas ballot using either the regular absentee ballot application in use in the voter's jurisdiction under Chapter 7 (§ 24.2-700 et seq.) or the federal postcard application or the application's electronic equivalent.

B. A covered voter who is not registered to vote in this state may use a federal postcard application or the application's electronic equivalent to apply simultaneously to register to vote under § 24.2-456 and for a military-overseas ballot.

C. The Secretary shall ensure that the electronic transmission system described in subsection C of § 24.2-454 is capable of accepting the submission of both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate election official. The voter may use the electronic transmission system or any other approved method to apply for a military-overseas ballot.

D. A covered voter may use the declaration accompanying a federal write-in absentee ballot as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate election official by the seventh day before the election or the last day for other voters in this state to apply for an absentee ballot for that election.

E. To receive the benefits of this chapter, a covered voter must inform the appropriate election official that the voter is a covered voter. Methods of informing the appropriate election official that a voter is a covered voter include:

182 1. The use of a federal postcard application or federal write-in absentee ballot;
183 2. The use of an overseas address on an approved voter registration application or ballot
184 application; and
185 3. The inclusion on an approved voter registration application or ballot application of other
186 information sufficient to identify the voter as a covered voter.
187 F. This chapter does not preclude a covered voter from voting under Chapter 7 (§ 24.2-700 et seq.).
188 § 24.2-458. Timeliness and scope of application for military-overseas ballot.
189 An application for a military-overseas ballot is timely if received by the seventh day before the
190 election or the last day for other voters in this state to apply for an absentee ballot for that election. An
191 application for a military-overseas ballot for a primary election, whether or not timely, is effective as an
192 application for a military-overseas ballot for the general election.
193 § 24.2-459. Transmission of unvoted ballots.
194 A. For an election described in § 24.2-453 for which this state has not received a waiver pursuant to
195 § 579 of the Military and Overseas Voter Empowerment Act, 42 U.S.C. 1973ff-1(g)(2), not later than 45
196 days before the election or, if the 45th day before the election is a weekend or holiday, not later than
197 the business day preceding the 45th day, the election official in each jurisdiction charged with
198 distributing a ballot and balloting materials shall transmit a ballot and balloting materials to all
199 covered voters who by that date submit a valid military-overseas ballot application.
200 B. A covered voter who requests that a ballot and balloting materials be sent to the voter by
201 electronic transmission may choose facsimile transmission or electronic mail delivery, or, if offered by
202 the voter's jurisdiction, Internet delivery. The election official in each jurisdiction charged with
203 distributing a ballot and balloting materials shall transmit the ballot and balloting materials to the voter
204 using the means of transmission chosen by the voter.
205 C. If a ballot application from a covered voter arrives after the jurisdiction begins transmitting
206 ballots and balloting materials to voters, the official charged with distributing a ballot and balloting
207 materials shall transmit them to the voter not later than three business days after the application
208 arrives.
209 § 24.2-460. Timely casting of ballot.
210 To be valid, a military-overseas ballot must be received by the appropriate local election official not
211 later than the close of the polls, or the voter must submit the ballot for mailing or other authorized
212 means of delivery not later than 12:01 a.m., at the place where the voter completes the ballot, on the
213 date of the election.
214 § 24.2-461. Federal write-in absentee ballot.
215 A covered voter may use a federal write-in absentee ballot to vote for all offices and ballot measures
216 in an election described in § 24.2-453.
217 § 24.2-462. Receipt of voted ballot.
218 A. A valid military-overseas ballot cast in accordance with § 24.2-460 must be counted if it is
219 delivered to the address that the appropriate state or local election office has specified by the close of
220 the polls or the end of business on the business day before the electoral board has ascertained the
221 results of the election pursuant to § 24.2-671.
222 B. If, at the time of completing a military-overseas ballot and balloting materials, the voter has
223 declared under penalty of perjury that the ballot was timely submitted, the ballot may not be rejected on
224 the basis that it has a late postmark, an unreadable postmark, or no postmark.
225 § 24.2- 463. Declaration.
226 A military-overseas ballot must include or be accompanied by a declaration signed by the voter that
227 a material misstatement of fact in completing the ballot may be grounds for a conviction of perjury
228 under the laws of the United States or this state.
229 § 24.2-464. Confirmation on receipt of application and voted ballot.
230 The Secretary, in coordination with local election officials, shall implement an electronic free-access
231 system by which a covered voter may determine by telephone, electronic mail, or Internet whether:
232 1. The voter's federal postcard application or other registration or military-overseas ballot
233 application has been received and accepted; and
234 2. The voter's military-overseas ballot has been received and the current status of the ballot.
235 § 24.2- 465. Use of voter's electronic mail address.
236 A. The local election official shall request an electronic-mail address from each covered voter who
237 registers to vote after July 1, 2012. An electronic-mail address provided by a covered voter may not be
238 made available to the public or any individual or organization other than an authorized agent of the
239 local election official and is exempt from disclosure under the Virginia Freedom of Information Act
240 (§ 2.2-3700 et seq.). The address may be used only for official communication with the voter about the
241 voting process, including transmitting military-overseas ballots and election materials if the voter has
242 requested electronic transmission, and verifying the voter's mailing address and physical location. The
243 request for an electronic-mail address must describe the purposes for which the electronic-mail address

may be used and include a statement that any other use or disclosure of the electronic-mail address is prohibited.

B. A covered voter who provides an electronic-mail address may request that the voter's application for a military-overseas ballot be considered a standing request for electronic delivery of a ballot for all elections held through December 31 of the year following the calendar year of the date of the application or another shorter period the voter specifies. An election official shall provide a military-overseas ballot to a voter who makes a standing request for each election to which the request is applicable. A covered voter who is entitled to receive a military-overseas ballot for a primary election under this subsection is entitled to receive a military-overseas ballot for the general election.

§ 24.2-466. Publication of election notice.

A. At least 100 days before a regularly scheduled election and as soon as practicable before an election not regularly scheduled, an official in each jurisdiction charged with printing and distributing ballots and balloting material shall prepare an election notice for that jurisdiction, to be used in conjunction with a federal write-in absentee ballot. The election notice must contain a list of all of the ballot measures and federal, state, and local offices that as of that date the official expects to be on the ballot on the date of the election. The notice also must contain specific instructions for how a voter is to indicate on the federal write-in absentee ballot the voter's choice for each office to be filled and for each ballot measure to be contested.

B. A covered voter may request a copy of an election notice. The official charged with preparing the election notice shall send the notice to the voter by facsimile, electronic mail, or regular mail, as the voter requests.

C. As soon as ballot styles are verified by the State Board pursuant to § 24.2-612 and not later than the date ballots are required to be transmitted to voters under § 24.2-612, the official charged with preparing the election notice under subsection A shall update the notice with the certified candidates for each office and ballot measure questions and make the updated notice publicly available.

D. A local election jurisdiction that maintains a website shall make the election notice prepared under subsection A and updated versions of the election notice regularly available on the website.

§ 24.2-467. Prohibition of nonsubstantive requirements.

A. If a voter's mistake or omission in the completion of a document under this chapter does not prevent determining whether a covered voter is eligible to vote, the mistake or omission does not invalidate the document. Failure to satisfy a nonsubstantive requirement, such as using paper or envelopes of a specified size or weight, does not invalidate a document submitted under this chapter. In a write-in ballot authorized by this chapter, or in a vote for a write-in candidate on a regular ballot, if the intention of the voter is discernable under this state's uniform definition of what constitutes a vote, an abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party must be accepted as a valid vote.

B. Notarization is not required for the execution of a document under this chapter. An authentication, other than the declaration specified in § 24.2-453 or the declaration on the federal postcard application and federal write-in absentee ballot, is not required for execution of a document under this chapter. The declaration and any information in the declaration may be compared with information on file to ascertain the validity of the document.

§ 24.2-468. Equitable relief.

A court may issue an injunction or grant other equitable relief appropriate to ensure substantial compliance with, or enforce, this chapter on application by:

1. A covered voter alleging a grievance under this chapter; or
2. An election official in this state.

§ 24.2-469. Uniformity of application and constructions.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

§ 24.2-470. Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit, or supersede § 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in § 103(b) of that act, 15 U.S.C. § 7003(b).

§ 24.2-612. List of offices and candidates filed with State Board and checked for accuracy; when ballots printed; number required.

Immediately after the expiration of the time provided by law for a candidate for any office to qualify to have his name printed on the official ballot and prior to printing the ballots for an election, each electoral board shall forward to the State Board a list of the county, city, or town offices to be filled at the election and the names of all candidates who have filed for each office. In addition, each electoral board shall forward the name of any candidate who failed to qualify with the reason for his

305 disqualification. The State Board shall promptly advise the electoral board of the accuracy of the list.
306 The failure of any electoral board to send the list to the State Board for verification shall not invalidate
307 any election.

308 Each electoral board shall have printed the number of ballots it determines will be sufficient to
309 conduct the election.

310 Notwithstanding any other provisions of this title, the State Board may print or otherwise provide (i)
311 one statewide paper ballot style for each paper ballot style in use for presidential and vice-presidential
312 electors for use only by persons eligible to vote for those offices only under § 24.2-402 or clause (iii) or
313 (v) of subsection B of § 24.2-416.1; *or* (ii) one statewide paper ballot style for each paper ballot style in
314 use for Governor, Lieutenant Governor or Attorney General only for use as the early absentee ballot
315 specified in § 24.2-702; *and* (iii) ~~single paper ballot styles for each ballot style in use for each~~
316 ~~congressional district for federal offices for use only by overseas voters eligible to vote in federal~~
317 ~~elections only pursuant to Article 7 (§ 24.2-440 et seq.) of Chapter 4 of this title.~~ The State Board may
318 apportion or authorize the printer or vendor to apportion the costs for these ballots among the localities
319 based on the number of ballots ordered. Any printer employed by the State Board shall execute the
320 statement required by § 24.2-616. The State Board shall designate a representative to be present at the
321 printing of such ballots and deliver them to the appropriate electoral boards pursuant to § 24.2-617.
322 Upon receipt of such paper ballots, the electoral board shall affix its seal. Thereafter, such ballots shall
323 be handled and accounted for, and the votes counted as the State Board shall specifically direct.

324 The electoral board shall make printed ballots available for absentee voting not later than 45 days
325 prior to any election or within three business days of the receipt of a properly completed absentee ballot
326 application, whichever is later. In the case of a special election, excluding for federal offices, if time is
327 insufficient to meet the applicable deadline established herein, then the electoral board shall make
328 printed ballots available as soon after the deadline as possible. For the purposes of this chapter, making
329 printed ballots available includes mailing of such ballots or electronic transmission of such ballots
330 pursuant to § 24.2-706 to a qualified absentee voter who is eligible for an absentee ballot under
331 subdivision 2 of § 24.2-700. Not later than five days after absentee ballots are made available, each
332 electoral board shall report to the State Board, in writing on a form approved by the State Board,
333 whether it has complied with the applicable deadline.

334 Only the names of candidates for offices to be voted on in a particular election district shall be
335 printed on the ballots for that election district.

336 The electoral boards shall send to the State Board a statement of the number of paper ballots ordered
337 to be printed, proofs of each paper and voting equipment ballot for verification, and copies of each final
338 ballot. If the State Board finds that, in its opinion, the number of ballots ordered to be printed by any
339 local electoral board is not sufficient, it may direct the local board to order the printing of a reasonable
340 number of additional ballots.

341 § 24.2-700. Persons entitled to vote by absentee ballot.

342 The following registered voters may vote by absentee ballot in accordance with the provisions of this
343 chapter in any election in which they are qualified to vote:

344 1. Any person who, in the regular and orderly course of his business, profession, or occupation or
345 while on personal business or vacation, will be absent from the county or city in which he is entitled to
346 vote;

347 2. Any person who is (i) a member of a uniformed service of the United States, as defined in 42
348 U.S.C. § 1973ff-6(7) § 24.2-452, on active duty, *or* (ii) a member of the merchant marine of the United
349 States; *or* (iii) who temporarily resides *residing* outside of the United States, *or* (iv) (iii) the spouse or
350 dependent residing with any person listed in *clauses* (i); *or* (ii); *or* (iii), and who will be absent on the
351 day of the election from the county or city in which he is entitled to vote;

352 3. Any student attending a school or institution of learning, or his spouse, who will be absent on the
353 day of election from the county or city in which he is entitled to vote;

354 4. Any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in
355 person to the polls on the day of election because of his disability, illness, or pregnancy;

356 5. Any person who is confined while awaiting trial or for having been convicted of a misdemeanor,
357 provided that the trial or release date is scheduled on or after the third day preceding the election. Any
358 person who is awaiting trial and is a resident of the county or city where he is confined shall, on his
359 request, be taken to the polls to vote on election day if his trial date is postponed and he did not have
360 an opportunity to vote absentee;

361 6. Any person who is a member of an electoral board, registrar, officer of election, or custodian of
362 voting equipment;

363 7. Any duly registered person who is unable to go in person to the polls on the day of the election
364 because he is primarily and personally responsible for the care of an ill or disabled family member who
365 is confined at home;

366 8. Any duly registered person who is unable to go in person to the polls on the day of the election

because of an obligation occasioned by his religion;

9. Any 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 ~~eleven~~ 11 or more hours of the ~~thirteen~~ 13 hours that the polls are open pursuant to § 24.2-603;

10. Any person who is 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; or

11. Any 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.

§ 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. 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 government 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~~ federal postcard application prescribed pursuant to 42 U.S.C. § 1973ff(b)(2). The ~~Federal Post Card~~

Application *federal postcard 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~~ *duty* as a member of the ~~armed forces of the United States or a member of the merchant marine of the United States~~ *uniformed services as defined in § 24.2-452*, 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; or

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.

§ 24.2-702.1. Write-in absentee ballots.

A. Notwithstanding any other provision of this title, a qualified absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700 may use a write-in absentee ballot in any election. Such ballot shall be submitted and processed in the manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff et seq.) and this article.

B. Notwithstanding any other provision of this title, a write-in absentee ballot submitted pursuant to subsection A shall be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot, provided that the ballot is received no later than the deadline for the return of absentee ballots as provided in § 24.2-709 for the election in which the voter offers to vote, and the application contains the following information: (i) the voter's signature; however,

if the voter is unable to sign, the person assisting the voter will note this fact in the voter signature box; (ii) the voter's printed name; (iii) the county or city in which he is registered and offers to vote; (iv) the residence address at which he is registered to vote; (v) his current military or overseas address; and (vi) the signature of a witness who shall sign the same application. If the voter is not currently registered in Virginia and is eligible to be, such write-in absentee ballot shall also be considered valid for the purpose of serving as a voter registration application, but such registration shall be valid only for the election for which the write-in ballot was sent.

C. This section shall not be construed to require that an absentee ballot be sent to the absentee voter on receipt of a write-in absentee ballot unless the voter has also submitted an absentee ballot application pursuant to § 24.2-701, 24.2-702, or 24.2-703.

§ 24.2-703. Application for absentee ballots for multiple elections for uniformed and overseas voters.

Any person who is eligible for an absentee ballot under subdivision 2 of § 24.2-700, or for temporary registration under Article 7 (§ 24.2-440 et seq.) or 7.1 (§ 24.2-443.1 et seq.) of Chapter 4, a military-overseas ballot as defined in § 24.2-452 may file a single application to receive ballots for all elections in which he is eligible to vote absentee. The application shall be on a Federal Post Card Application federal postcard application. The An application from any person who is already registered or who is eligible for an absentee ballot late registration under subdivision 2 of § 24.2-700 § 24.2-419 that is received by the general registrar no later than 5:00 p.m. on the seventh day prior to the election shall be valid considered a standing request for absentee ballots through either the next November general election or federal general election, whichever is later. The application from any person applying for temporary registration under Article 7 or 7.1 of Chapter 4 shall be accepted at any time until the registration records are closed pursuant to § 24.2-416 and shall be valid through either the next November general election or federal general election, whichever is later. In the event that a second or subsequent Federal Post Card Application federal postcard application is received from a voter, any previous applications shall be superseded and the duration of the most recently received application shall apply.

The general registrar shall retain the application and process the applicant's request for an absentee ballot for each election in accordance with procedures established by the State Board. The applicant shall specify by party designation the primary ballots he is requesting.

If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable, no other ballots shall be sent. No ballot shall be sent to the applicant, and no voted ballot received from the applicant shall be valid, (i) for any election held after the voter has notified the registrar that the voter no longer wishes to be registered or (ii) after the registrar has received notification that the voter has registered to vote in another state.

§ 24.2-706. Duty of general registrar and electoral board on receipt of application; statement of voter.

On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications of the listed applicants. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the State Board of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The State Board of Elections shall prescribe procedures for local electoral boards and general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter and notify the secretary of the electoral board. In reviewing the application for an absentee ballot, the general registrar and electoral board shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the electoral board shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate of mailing, or deliver to him in person in the office of the secretary or registrar, the following items and nothing

551 else:

552 1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except
553 in presence of a witness."

554 2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which
555 envelope is printed the following:

556 "Statement of Voter."

557 "I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016,
558 that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time
559 since last November's general election a legal resident of _____ (STATE YOUR LEGAL
560 RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip
561 code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that
562 I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness,
563 without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am
564 returning the form required to report how I was assisted); that I then sealed the ballot(s) in this
565 envelope; and that I have not voted and will not vote in this election at any other time or place.

566 Signature of Voter

567 Date

568 Signature of witness"

569 For elections held after January 1, 2004, instead of the envelope containing the above oath, an
570 envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the
571 Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff et seq.) shall be sent to
572 voters who are qualified to vote absentee under that Act.

573 3. A properly addressed envelope for the return of the ballot to the electoral board by mail or by the
574 applicant in person.

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

577 For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of
578 42 U.S.C. § 15483 of the Help America Vote Act of 2002 to show identification the first time the voter
579 votes in a federal election in the state, the printed instructions shall direct the voter to submit with his
580 ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank
581 statement, government check, paycheck or other government document that shows the name and address
582 of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of
583 identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as
584 a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide
585 instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to
586 subsection B of § 24.2-653 and this section.

587 5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee
588 Voting Act (42 U.S.C. § 1973ff et seq.), information provided by the State Board specific to the voting
589 rights and responsibilities for such citizens, or information provided by the registrar specific to the status
590 of the voter registration and absentee ballot application of such voter, may be included.

591 The envelopes and instructions shall be in the form prescribed by the State Board.

592 If the applicant makes his application to vote in person under § 24.2-701 at a time when the printed
593 ballots for the election are available, the general registrar or the secretary of the electoral board, on the
594 determination of the qualifications of the applicant to vote, shall provide to the applicant the items set
595 forth in subdivisions 1 through 4, and no item shall be removed by the applicant from the office of the
596 general registrar or the secretary of the electoral board. On the request of the applicant, made no later
597 than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general
598 registrar or the secretary may send the items set forth in subdivisions 1 through 4 to the applicant by
599 mail, obtaining a certificate of mailing.

600 If the applicant states as the reason for his absence on election day any of the reasons set forth in
601 subdivision 2 of § 24.2-700, the electoral board, at the time when the printed ballots for the election are
602 available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the
603 office of the secretary or general registrar the items as set forth in subdivisions 1 through 4 and, if
604 necessary, an application for registration. A certificate of mailing shall not be required. The electoral
605 board, at the time when the printed ballots for the election are available, shall send by the deadline set
606 forth in § 24.2-612 the blank ballot, the form for the envelope for returning the marked ballot, and
607 instructions to the voter by *secure* electronic transmission if the voter so requests. The voted ballot shall
608 be returned to the electoral board as otherwise required by this chapter.

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

611 The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this
612 section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole

or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

§ 24.2-709. Ballot to be returned in manner prescribed by law.

A. Any ballot returned to the office of the electoral board or general registrar in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to the electoral board or general registrar before the closing of the polls. The board member or registrar receiving the ballot shall (i) *determine the voter's eligibility and then seal the ballot in an envelope with the Statement of Voter attached to the outside, if the ballot was returned electronically*, and (ii) mark on each envelope the date, time, and manner of delivery. For all ballots returned by the general registrar to the electoral board, the board shall give to the general registrar a receipt showing the time and date of the return.

B. Notwithstanding the provisions of subsection A, absentee ballots (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by an absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700 shall be counted pursuant to the procedures set forth in this chapter and, if the voter is found entitled to vote, included in the election returns. The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.

C. Notwithstanding the provisions of clause (i) of subsection B of § 24.2-427, an absentee ballot returned by a voter in compliance with § 24.2-707 and this section who dies prior to the counting of absentee ballots on election day shall be counted pursuant to the procedures set forth in this chapter if the voter is found to have been entitled to vote at the time that he returned the ballot.

2. That Articles 7 (§§ 24.2-440 through 24.2-443) and 7.1 (§§ 24.2-443.1 through 24.2-443.4) of Chapter 4 of Title 24.2 of the Code of Virginia are repealed.