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SENATE BILL NO. 565

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections
on February 24, 2012)

(Patron Prior to Substitute—Senator Martin)

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, 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.

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, 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 of Elections, on a Federal Post Card Application federal postcard application, or on a federal write-in absentee ballot:

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

CHAPTER 4.1.

HOUSE SUBSTITUTE

SB565H1

UNIFORM MILITARY AND OVERSEAS VOTERS ACT.

§ 24.2-451. Short title.

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

§ 24.2-452. Definitions.

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

1. "Covered voter" means:

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

b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements, including subdivision 2 of § 24.2-700;

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

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

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

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

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

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

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

4. "Federal write-in absentee ballot" means the ballot described in § 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-2, that may be used in all elections in which the voter is eligible to vote as provided in § 24.2-702.1.

5. "Military-overseas ballot" means:

a. A federal write-in absentee ballot;

b. A ballot specifically prepared or distributed for use by a covered voter in accordance with this title, including an early ballot authorized in § 24.2-702; or

c. A ballot cast by a covered voter in accordance with this title.

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

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

8. "Uniformed service" means:

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

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

c. The Virginia National Guard.

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

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

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

c. A member on activated status of the National Guard; or

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

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

§ 24.2-453. Restriction of ballot eligibility.

To be eligible to vote in state and local elections, the application of an overseas voter who has given up his place of abode in Virginia must show that the applicant is employed overseas or the spouse or dependent of a person employed overseas.

§ 24.2-454. Elections covered.

The voting procedures in this chapter apply to:

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

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

3. A general, special, or primary election for local constitutional or government office or local referendum measure conducted under Chapter 6 (§ 24.2-600 et seq.) for which absentee voting is

available for other voters.

§ 24.2-455. 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 coordinate with local electoral boards to establish an appropriate 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, 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.

§ 24.2-456. 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.

§ 24.2-457. 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.

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 applicable deadline for registration. If the declaration is received after that date, it must be treated as an application to register to vote for subsequent elections.

C. The electoral board shall ensure that the system described in subsection C of § 24.2-455 is capable of accepting both a federal postcard application and any other approved registration application sent to the appropriate election official. The voter may use the system or any other approved method to register to vote.

§ 24.2-458. 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.

B. A covered voter who is not registered to vote in this state may use a federal postcard application to apply simultaneously to register to vote under § 24.2-457 and for a military-overseas ballot.

C. The electoral board shall ensure that the system described in subsection C of § 24.2-455 is capable of accepting the submission of both a federal postcard application and any other approved military-overseas ballot application sent to the appropriate election official. The voter may use the 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.

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:

1. The use of a federal postcard application or federal write-in absentee ballot;

2. The use of an overseas address on an approved voter registration application or ballot application; and

3. The inclusion on an approved voter registration application or ballot application of other

183 information sufficient to identify the voter as a covered voter.

184 F. This chapter does not preclude a covered voter from voting under Chapter 7 (§ 24.2-700 et seq.).
185 § 24.2-459. Timeliness and scope of application for military-overseas ballot.

186 An application for a military-overseas ballot is timely if received by the seventh day before the
187 election or the last day for other voters in this state to apply for an absentee ballot for that election. An
188 application for a military-overseas ballot for a primary election, whether or not timely, is effective as an
189 application for a military-overseas ballot for the general election.

190 § 24.2-460. Transmission of unvoted ballots.

191 A. For an election described in § 24.2-454 for which this state has not received a waiver pursuant to
192 § 579 of the Military and Overseas Voter Empowerment Act, 42 U.S.C. 1973ff-1(g)(2), not later than 45
193 days before the election, the election official in each jurisdiction charged with distributing a ballot and
194 balloting materials shall transmit a ballot and balloting materials to all covered voters who by that date
195 submit a valid military-overseas ballot application.

196 B. A covered voter may request that a ballot and balloting materials be sent to the voter as
197 authorized in § 24.2-706.

198 C. If a ballot application from a covered voter arrives after the jurisdiction begins transmitting
199 ballots and balloting materials to voters, the official charged with distributing a ballot and balloting
200 materials shall transmit them to the voter not later than three business days after the application
201 arrives.

202 § 24.2-461. Federal write-in absentee ballot.

203 A covered voter may use a federal write-in absentee ballot to vote for all offices and ballot measures
204 in an election described in § 24.2-454.

205 § 24.2-462. Receipt of voted ballot.

206 A valid military-overseas ballot must be counted if it is delivered to the address that the appropriate
207 state or local election office has specified by the close of the polls on the date of the election except as
208 provided in § 24.2-709.

209 § 24.2-463. Declaration.

210 A military-overseas ballot must include or be accompanied by a declaration signed by the voter that
211 a material misstatement of fact in completing the ballot may be grounds for a conviction of perjury
212 under the laws of the United States or this state.

213 § 24.2-464. Confirmation of receipt of application and voted ballot.

214 The Secretary, in coordination with local election officials, shall implement a free-access system by
215 which a covered voter may determine whether:

216 1. The voter's federal postcard application or other registration or military-overseas ballot
217 application has been received and accepted; and

218 2. The voter's military-overseas ballot has been received and the current status of the ballot.

219 § 24.2-465. Publication of election notice.

220 At least 100 days before a regularly scheduled election and as soon as practicable before an election
221 not regularly scheduled, an official in each jurisdiction charged with printing and distributing ballots
222 and balloting materials shall make election information available for that jurisdiction, to be used in
223 conjunction with a federal write-in absentee ballot. The election notice must contain a list of all of the
224 ballot measures and federal, state, and local offices that as of that date the official expects to be on the
225 ballot on the date of the election. The notice also must contain, or enable access to, specific instructions
226 for how a voter is to indicate on the federal write-in absentee ballot the voter's choice for each office to
227 be filled and for each ballot measure to be contested. Specific instructions may include a website
228 address or a telephone number.

229 § 24.2-466. Sending and updating notices.

230 A. A covered voter may request a copy of an election notice. The official charged with preparing the
231 election notice shall send the notice to the voter.

232 B. As soon as ballot styles are verified by the State Board pursuant to § 24.2-612 and not later than
233 the date ballots are required to be transmitted to voters under §§ 24.2-460 and 24.2-612, the official
234 charged with preparing the election notice under § 24.2-465 shall update the notice with the certified
235 candidates for each office and ballot measure questions and make the updated notice publicly available.

236 C. A local election jurisdiction that maintains a website shall make the election notice prepared
237 under § 24.2-465 and updated versions of the election notice regularly available on the website.

238 § 24.2-467. Prohibition of nonsubstantive requirements.

239 A. If a voter's mistake or omission in the completion of a document under this chapter does not
240 prevent determining whether a covered voter is eligible to vote, the mistake or omission does not
241 invalidate the document. Failure to satisfy a nonsubstantive requirement, such as using paper or
242 envelopes of a specified size or weight, does not invalidate a document submitted under this chapter. In
243 a federal write-in absentee ballot authorized by this chapter, if the intention of the voter is discernible
244 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 § 24.2-463 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 disqualification. The State Board shall promptly advise the electoral board of the accuracy of the list. The failure of any electoral board to send the list to the State Board for verification shall not invalidate any election.

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

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

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

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

The electoral boards shall send to the State Board a statement of the number of paper ballots ordered to be printed, proofs of each paper and voting equipment ballot for verification, and copies of each final ballot. If the State Board finds that, in its opinion, the number of ballots ordered to be printed by any

306 local electoral board is not sufficient, it may direct the local board to order the printing of a reasonable
307 number of additional ballots.

308 § 24.2-700. Persons entitled to vote by absentee ballot.

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

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

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

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

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

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

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

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

333 8. Any duly registered person who is unable to go in person to the polls on the day of the election
334 because of an obligation occasioned by his religion;

335 9. Any person who, in the regular and orderly course of his business, profession, or occupation, will
336 be at his place of work and commuting to and from his home to his place of work for ~~eleven~~ 11 or
337 more hours of the ~~thirteen~~ 13 hours that the polls are open pursuant to § 24.2-603;

338 10. Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in
339 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in
340 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1; or

341 11. Any person who has been designated by a political party, independent candidate, or candidate in
342 a primary election to be a representative of the party or candidate inside a polling place on the day of
343 the election pursuant to subsection C of § 24.2-604 and § 24.2-639.

344 § 24.2-701. Application for absentee ballot.

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

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

350 Except as provided in § 24.2-703, a separate application shall be completed for each election in
351 which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i)
352 12 months before an election, or (ii) the day following any election held in the twelfth month prior to
353 the election in which the applicant is applying to vote.

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

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

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

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

367 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~~ *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

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

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

434 12. In the case of a person who, in the regular and orderly course of his business, profession, or
435 occupation, will be at his place of work and commuting to and from his home to his place of work for
436 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his
437 business or employer, address of his place of work, and hours he will be at the workplace and
438 commuting on election day; or

439 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in
440 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in
441 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first
442 responder; or

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

447 § 24.2-702.1. Federal write-in absentee ballots.

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

452 B. Notwithstanding any other provision of this title, a *federal* write-in absentee ballot submitted
453 pursuant to subsection A shall be considered valid for purposes of simultaneously satisfying both an
454 absentee ballot application and a completed absentee ballot, provided that the ballot is received no later
455 than the deadline for the return of absentee ballots as provided in § 24.2-709 for the election in which
456 the voter offers to vote, and the application contains the following information: (i) the voter's signature;
457 however, if the voter is unable to sign, the person assisting the voter will note this fact in the voter
458 signature box; (ii) the voter's printed name; (iii) the county or city in which he is registered and offers
459 to vote; (iv) the residence address at which he is registered to vote; (v) his current military or overseas
460 address; and (vi) the signature of a witness who shall sign the same application. If the voter is not
461 currently registered in Virginia and is eligible to be, such write-in absentee ballot shall also be
462 considered valid for the purpose of serving as a voter registration application, but such registration shall
463 be valid only for the election for which the write-in ballot was sent.

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

467 § 24.2-703. Application for absentee ballots for multiple elections for uniformed and overseas voters.

468 Any person who is eligible for an absentee ballot under subdivision 2 of § 24.2-700, or for
469 temporary registration under Article 7 (§ 24.2-440 et seq.) or 7.1 (§ 24.2-443.1 et seq.) of Chapter 4, a
470 military-overseas ballot as defined in § 24.2-452 may file a single application to receive ballots for all
471 elections in which he is eligible to vote absentee. The application shall be on a Federal Post Card
472 Application federal postcard application. The An application from any person who is already registered
473 or who is eligible for an absentee ballot late registration under subdivision 2 of § 24.2-700 § 24.2-419
474 that is received by the general registrar no later than 5:00 p.m. on the seventh day prior to the election
475 shall be valid considered a standing request for absentee ballots through either the next November
476 general election or federal general election, whichever is later December 31 of the year following the
477 calendar year of the date of the application or another shorter period the voter specifies. The
478 application from any person applying for temporary registration under Article 7 or 7.1 of Chapter 4 shall
479 be accepted at any time until the registration records are closed pursuant to § 24.2-416 and shall be valid
480 through either the next November general election or federal general election, whichever is later. In the
481 event that a second or subsequent Federal Post Card Application federal postcard application is received
482 from a voter, any previous applications shall be superseded and the duration of the most recently
483 received application shall apply.

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

487 If an official reply to the application or an absentee ballot sent to the applicant is returned as
488 undeliverable, no other ballots shall be sent. No ballot shall be sent to the applicant, and no voted ballot
489 received from the applicant shall be valid, (i) for any election held after the voter has notified the
490 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.

§ 24.2-709. 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) seal the ballot in an envelope with the statement or declaration of the voter, or both, attached to the outside 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.