

13104580D

**HOUSE BILL NO. 1725**

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on Privileges and Elections  
on January 25, 2013)

(Patron Prior to Substitute—Delegate Rust)

*A BILL to amend and reenact § 24.2-701 of the Code of Virginia, relating to the delivery of completed absentee ballot applications.*

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

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

**§ 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.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision 2 of § 24.2-700.

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. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. 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.

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 subdivision 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

60 registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application  
61 prescribed pursuant to 42 U.S.C. § 1973ff(b)(2). The federal postcard application may be accepted the  
62 later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month  
63 prior to the election in which the applicant is applying to vote. The application shall be made to the  
64 appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the  
65 applicant offers to vote.

66 *C. No individual or organization shall offer to mail or deliver 25 or more completed absentee ballot*  
67 *applications on behalf of voters for any election. This subsection shall not apply to any government*  
68 *employee acting in his official capacity, to the United States Postal Service or a commercial delivery*  
69 *service, or to individuals or organizations assisting a covered voter as defined in § 24.2-452.*

70 *D. Applications for absentee ballots shall contain the following information:*

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

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

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

85 4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a  
86 member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the  
87 spouse belongs, and his or the spouse's rank, grade, or rate, and service identification number; or

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

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

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

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

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

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

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

104 12. In the case of a person who, in the regular and orderly course of his business, profession, or  
105 occupation, will be at his place of work and commuting to and from his home to his place of work for  
106 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his  
107 business or employer, address of his place of work, and hours he will be at the workplace and  
108 commuting on election day; or

109 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in  
110 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in  
111 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first  
112 responder; or

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