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HOUSE BILL NO. 343

Offered January 8, 2014

Prefiled January 2, 2014

A *BILL to amend the Code of Virginia by adding a section numbered 24.2-653.2, relating to provisional ballots for hospitalized voters.*

Patron—Taylor

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 24.2-653.2 as follows:****§ 24.2-653.2. Voters unable to vote in person or by absentee ballot due to hospitalization; provisional ballots.**

A. A qualified voter who is hospitalized after 2 p.m. on the day immediately preceding an election but before the close of polls on election day shall be entitled to cast a provisional ballot pursuant to this section. For purposes of this section, "hospitalized" means confinement in a hospital as defined in § 32.1-123 or 37.2-100 or any comparable hospital in the District of Columbia or any state contiguous to Virginia.

B. Upon receipt of a statement, signed by the hospitalized voter and his designated representative, that the hospitalized voter is unable to vote in person or by absentee ballot due to hospitalization, the general registrar of the city or county in which the hospitalized voter is registered to vote shall provide to the designated representative of the hospitalized voter a paper ballot. The paper ballot shall be counted only if it is filled out by the hospitalized voter and returned by his designated representative to the general registrar by the close of polls on election day.

C. The provisional ballot shall be processed in accordance with the provisions of § 24.2-653 and the instructions of the State Board. The hospitalized voter, his designated representative, or both may attend the meeting of the electoral board to determine the validity of all provisional ballots offered in the election. At the meeting, the hospitalized voter, his designated representative, or both may present evidence in support of a determination that the hospitalized voter's provisional ballot was valid. Such evidence shall include one of the forms of identification specified in subsection B of § 24.2-643 and a certification by a hospital administrative official or the licensed physician attending the voter that the voter was hospitalized after 2 p.m. on the day immediately preceding an election but before the close of polls on election day and was unable to be present at the polls on election day. At the meeting, the hospitalized voter or his designated representative may request an extension of the determination of the provisional vote to the following day in order to provide information to prove the hospitalized voter is entitled to vote pursuant to this section.

D. Any willfully false material statement on any signed statement by the hospitalized voter shall be subject to felony penalties for making false statements, pursuant to § 24.2-1016.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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