1 SENATE BILL NO. 129 2 Offered January 8, 2014 Prefiled December 30, 2013 3 A BILL to amend and reenact \$\$ 24.2-700 and 24.2-701, as it is currently effective and as it is become effective, of the Code of Virginia, relating to elections; absentee voting; persons 65 or of 6 Patron—Favola 7 Referred to Committee on Privileges and Elections 8 Referred to Committee on Privileges and Elections 9 Be it enacted by the General Assembly of Virginia: 11 1. That \$\$ 24.2-700 and 24.2-701, as it is currently effective and as it shall become effective, of 12 Code of Virginia are amended and reenacted as follows: \$ 24.2-700. Persons entitled to vote by absentee ballot. 14 The following registered voters may vote by absentee ballot. 14 The following registered voters may vote by absentee ballot. 15 chapter in any election in which they are qualified to vote: 10 2. Any person who is (i) a member of a uniformed service, as defined in § 24.2-452, on active of 101 ii) temporarily residing outside of the United States, or (iii) the spouse or dependent residing with person itsed in clause (i) or (ii), and who will be absent on the day of the election from the count city in which he is entitled to vote; 3 Any student attending a school or instituti	der. the this n or d to huty, any y or the
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39 9. Any person who, in the regular and orderly course of his business, profession, or occupation,40 be at his place of work and commuting to and from his home to his place of work for 11 or more h	
	will
41 of the 13 hours that the polls are open pursuant to $8.24.2-603$.	ours
42 10. Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined	
43 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as define	d in
 44 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1; or 45 11. Any person who has been designated by a political party, independent candidate, or candidate 	to in
46 a primary election to be a representative of the party or candidate inside a polling place on the da	
47 the election pursuant to subsection C of § 24.2-604 and § 24.2-639; or	y 01
48 12. Any person who will be age 65 or older on the day of the election for which an absentee b	allot
49 is requested.	
50 § 24.2-701. (Effective until July 1, 2014) Application for absentee ballot.	
51 A. The State Board shall furnish each general registrar with a sufficient number of applications	for
52 official absentee ballots. The registrars shall furnish applications to persons requesting them.	
53 The State Board shall implement a system that enables eligible persons to request and receiv	
54 absentee ballot application electronically through the Internet. Electronic absentee ballot application application of the state Board	lons
 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 	
50 Except as provided in § 24.2-705, a separate application shall be completed for each electron 57 which the applicant offers to vote. An application for an absentee ballot may be accepted the later of	n in
58 12 months before an election or (ii) the day following any election held in the twelfth month prior	

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59 the election in which the applicant is applying to vote.

60 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; 61

62 however, this requirement shall not be applicable to any person who is qualified to vote absentee under 63 subdivision 2 of § 24.2-700.

64 Any application received before the ballots are printed shall be held and processed as soon as the 65 printed ballots for the election are available.

66 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 67 preceding all general elections, except May general elections, and on the Saturday immediately 68 69 preceding any primary election, May general election, or special election.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant 70 71 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 72 73 he has not and will not vote in the election at any other place in Virginia or in any other state. If the 74 applicant is unable to sign the application, a person assisting the applicant will note this fact on the 75 applicant signature line and provide his signature, name, and address. 76

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

77 1. An application completed in person shall be made not less than three days prior to the election in 78 which the applicant offers to vote and completed only in the office of the general registrar. The 79 applicant shall sign the application in the presence of a registrar or a member of the electoral board. The 80 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 81 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections 82 83 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. 84

85 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 86 87 show identification the first time that voter votes in a federal election in the state. After completing an 88 application for an absentee ballot in person, such voter shall present (i) a current and valid photo 89 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or 90 other government document that shows the name and address of the voter. Such individual who desires 91 to vote in person but who does not show one of the forms of identification specified in this subdivision 92 shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification 93 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 94 95 instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to 96 subsection B of § 24.2-653 and this section.

97 2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile 98 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 99 registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 42 U.S.C. § 1973ff(b)(2). The federal postcard application may be accepted the 100 101 later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month 102 prior to the election in which the applicant is applying to vote. The application shall be made to the 103 appropriate registrar no later than 5.00 p.m. on the seventh day prior to the election in which the 104 105 applicant offers to vote.

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

107 1. The applicant's printed name, the last four digits of the applicant's social security number, and the 108 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 109 address in such county or city. Any person temporarily residing outside the United States shall provide 110 111 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 112 113 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 114 115 application is made in person at a time when the printed ballots for the election are available and the 116 applicant chooses to vote in person at the time of completing his application. The address given shall be 117 (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 118 119 temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other 120 person; and

121 4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a 122 member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the 123 spouse belongs; or

124 5. In the case of a student, or the spouse of a student, who is attending a school or institution of 125 learning, the name of the school or institution of learning; or

126 6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable 127 to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, 128 that he is a person with a disability, illness, or pregnancy; or

129 7. In the case of a person who is confined awaiting trial or for having been convicted of a 130 misdemeanor, the name of the institution of confinement; or

131 8. In the case of a person who will be absent on election day for business reasons, the name of his 132 employer or business; or

133 9. In the case of a person who will be absent on election day for personal business or vacation 134 reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

135 10. In the case of a person who is unable to go to the polls on the day of election because he is 136 primarily and personally responsible for the care of an ill or disabled family member who is confined at 137 home, his relationship to the family member; or

138 11. In the case of a person who is unable to go to the polls on the day of election because of an 139 obligation occasioned by his religion, the nature of the obligation; or

140 12. In the case of a person who, in the regular and orderly course of his business, profession, or 141 occupation, will be at his place of work and commuting to and from his home to his place of work for 142 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his 143 business or employer and hours he will be at the workplace and commuting on election day; or

144 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 145 146 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first 147 responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or 148 149 candidate in a primary election to be a representative of the party or candidate inside a polling place on 150 the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so 151 designated; or

152 15. In the case of a person who will be age 65 or older on the day of the election for which an 153 absentee ballot is requested, the person's date of birth. 154

§ 24.2-701. (Effective July 1, 2014) Application for absentee ballot.

155 A. The State Board shall furnish each general registrar with a sufficient number of applications for 156 official absentee ballots. The registrars shall furnish applications to persons requesting them.

157 The State Board shall implement a system that enables eligible persons to request and receive an 158 absentee ballot application electronically through the Internet. Electronic absentee ballot applications 159 shall be in a form approved by the State Board.

160 Except as provided in § 24.2-703, a separate application shall be completed for each election in 161 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 162 163 the election in which the applicant is applying to vote.

164 An application that is completed in person at the same time that the applicant registers to vote shall 165 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 166 167 subdivision 2 of § 24.2-700.

168 Any application received before the ballots are printed shall be held and processed as soon as the 169 printed ballots for the election are available.

170 For the purposes of this chapter, the general registrar's office shall be open a minimum of eight 171 hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately 172 preceding all general elections, except May general elections, and on the Saturday immediately 173 preceding any primary election, May general election, or special election.

174 Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant 175 who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to 176 the best of his knowledge and belief the facts contained in the application are true and correct and that 177 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 178 179 applicant signature line and provide his signature, name, and address.

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

181 1. An application completed in person shall be made not less than three days prior to the election in SB129

182 which the applicant offers to vote and completed only in the office of the general registrar. The 183 applicant shall sign the application in the presence of a registrar or a member of the electoral board. The 184 applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any 185 applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 186 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections 187 shall provide instructions to the electoral boards for the handling and counting of such provisional 188 ballots pursuant to subsection B of § 24.2-653 and this section.

189 2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile 190 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 postcard application prescribed pursuant to 42 U.S.C. § 1973ff(b)(2). The federal postcard application may be accepted the 191 192 193 194 later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month 195 prior to the election in which the applicant is applying to vote. The application shall be made to the 196 appropriate registrar no later than 5.00 p.m. on the seventh day prior to the election in which the 197 applicant offers to vote. 198

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

199 1. The applicant's printed name, the last four digits of the applicant's social security number, and the 200 reason the applicant will be absent or cannot vote at his polling place on the day of the election;

201 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 202 203 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 204 205 may file the applications to register and for a ballot simultaneously;

206 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 207 208 applicant chooses to vote in person at the time of completing his application. The address given shall be 209 (i) the address of the applicant on file in the registration records; (ii) the address at which he will be 210 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 211 212 person; and

213 4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a 214 member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the 215 spouse belongs; or

216 5. In the case of a student, or the spouse of a student, who is attending a school or institution of 217 learning, the name of the school or institution of learning; or

218 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, 219 220 that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a 221 222 misdemeanor, the name of the institution of confinement; or

223 8. In the case of a person who will be absent on election day for business reasons, the name of his 224 employer or business; or

225 9. In the case of a person who will be absent on election day for personal business or vacation 226 reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

227 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 228 229 home, his relationship to the family member; or

230 11. In the case of a person who is unable to go to the polls on the day of election because of an 231 obligation occasioned by his religion, the nature of the obligation; or

232 12. In the case of a person who, in the regular and orderly course of his business, profession, or 233 occupation, will be at his place of work and commuting to and from his home to his place of work for 234 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his 235 business or employer and hours he will be at the workplace and commuting on election day; or

236 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in 237 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 238 239 responder; or

240 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 241 242 the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so 243 designated; or

15. In the case of a person who will be age 65 or older on the day of the election for which an
absentee ballot is requested, the person's date of birth. ldtitle>