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SENATE BILL NO. 140

Offered January 8, 2014

Prefiled December 30, 2013

A BILL to amend and reenact §§ 24.2-700 and 24.2-701, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to elections; no-excuse absentee voting for persons 65 years of age and older.

Patron—Barker

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-700 and 24.2-701, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

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

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

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

2. Any person who is (i) a member of a uniformed service, as defined in § 24.2-452, on active duty, (ii) temporarily residing outside of the United States, or (iii) the spouse or dependent residing with any person listed in clause (i) or (ii), and who will be absent on the day of the election from the county or city in which he is entitled to vote;

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

4. 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 election because of his disability, illness, or pregnancy;

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

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

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

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 11 or more hours of the 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; or

12. Any person who will be 65 years of age or older on or before the day of the election for which an absentee ballot is sought.

§ 24.2-701. (Effective until July 1, 2014) 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)

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59 12 months before an election or (ii) the day following any election held in the twelfth month prior to
60 the election in which the applicant is applying to vote.

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

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

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

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

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

78 1. An application completed in person shall be made not less than three days prior to the election in
79 which the applicant offers to vote and completed only in the office of the general registrar. The
80 applicant shall sign the application in the presence of a registrar or a member of the electoral board. The
81 applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any
82 applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643
83 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections
84 shall provide instructions to the electoral boards for the handling and counting of such provisional
85 ballots pursuant to subsection B of § 24.2-653 and this section.

86 For federal elections held after January 1, 2004, this paragraph shall apply in the case of any voter
87 who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to
88 show identification the first time that voter votes in a federal election in the state. After completing an
89 application for an absentee ballot in person, such voter shall present (i) a current and valid photo
90 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or
91 other government document that shows the name and address of the voter. Such individual who desires
92 to vote in person but who does not show one of the forms of identification specified in this subdivision
93 shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification
94 requirements of subsection B of § 24.2-643, nor the identification requirements of subsection A of
95 § 24.2-653, shall apply to such voter at that election. The State Board of Elections shall provide
96 instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to
97 subsection B of § 24.2-653 and this section.

98 2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile
99 device if one is available to the office of the general registrar or the office of the State Board if a
100 device is not available locally, or other means. The application shall be on a form furnished by the
101 registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application
102 prescribed pursuant to 42 U.S.C. § 1973ff(b)(2). The federal postcard application may be accepted the
103 later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month
104 prior to the election in which the applicant is applying to vote. The application shall be made to the
105 appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the
106 applicant offers to vote.

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

108 1. The applicant's printed name, the last four digits of the applicant's social security number, and the
109 reason the applicant ~~will be absent or cannot vote at his polling place on the day of the election is~~
110 *applying to vote by absentee ballot in the election;*

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

116 3. The complete address to which the ballot is to be sent directly to the applicant, unless the
117 application is made in person at a time when the printed ballots for the election are available and the
118 applicant chooses to vote in person at the time of completing his application. The address given shall be
119 (i) the address of the applicant on file in the registration records; (ii) the address at which he will be
120 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 duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; 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 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, 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 misdemeanor, the name 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, his relationship to the family member; 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, 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 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; or

15. *In the case of a person who will be 65 years of age or older on or before the day of the election, proof of age in a form specified by the State Board.*

§ 24.2-701. (Effective July 1, 2014) 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, and on the Saturday immediately 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 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.

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

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

191 2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile
192 device if one is available to the office of the general registrar or the office of the State Board if a
193 device is not available locally, or other means. The application shall be on a form furnished by the
194 registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application
195 prescribed pursuant to 42 U.S.C. § 1973ff(b)(2). The federal postcard application may be accepted the
196 later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month
197 prior to the election in which the applicant is applying to vote. The application shall be made to the
198 appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the
199 applicant offers to vote.

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

201 1. The applicant's printed name, the last four digits of the applicant's social security number, and the
202 reason the applicant ~~will be absent or cannot vote at his polling place on the day of the election is~~
203 *applying to vote by absentee ballot in the election;*

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

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

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

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

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

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

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

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

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

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

235 12. In the case of a person who, in the regular and orderly course of his business, profession, or
236 occupation, will be at his place of work and commuting to and from his home to his place of work for
237 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his
238 business or employer and hours he will be at the workplace and commuting on election day; or

239 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in
240 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in
241 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first
242 responder; or

243 14. In the case of a person who has been designated by a political party, independent candidate, or

244 candidate in a primary election to be a representative of the party or candidate inside a polling place on
245 the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so
246 designated; *or*
247 *15. In the case of a person who will be 65 years of age or older on or before the day of the*
248 *election, proof of age in a form specified by the State Board.*

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