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HOUSE BILL NO. 899

Offered January 13, 2016

Prefiled January 12, 2016

A BILL to amend and reenact § 24.2-612 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-700.1, relating to early voting by persons age 65 or older.

Patrons—Toscano and Mason

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-612 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-700.1 as follows:

§ 24.2-612. List of offices and candidates filed with Department of Elections 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 Department of Elections 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. On that same day, the electoral board shall also provide a copy of the notice to each disqualified candidate. The notice shall be sent by email or regular mail to the address on the candidate's certificate of candidate qualification, and such notice shall be deemed sufficient. The Department of Elections shall promptly advise the electoral board of the accuracy of the list. The failure of any electoral board to send the list to the Department of Elections 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 Department of Elections may print or otherwise provide 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 only for federal elections under § 24.2-453. The Department of Elections 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 Department of Elections shall execute the statement required by § 24.2-616. The Department of Elections 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 Department of Elections shall specifically direct.

The electoral board shall make printed ballots available for absentee voting *by mail* 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. *The electoral board shall make printed ballots available for early voting pursuant to § 24.2-700.1 not later than 21 days prior to any election.* 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 Department of Elections, in writing on a form approved by the Department of Elections, 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 Department of Elections a statement of the number of ballots ordered to be printed, proofs of each printed ballot for verification, and copies of each final ballot. If the Department of Elections finds that, in its opinion, the number of ballots ordered to be printed by any local electoral board is not sufficient, it may direct the local board to order the printing of a reasonable number of additional ballots.

§ 24.2-700.1. Early voting for persons age 65 or older.

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59 A. Any registered voter age 65 or older may vote early in accordance with the provisions of this
60 section in any election in which he is qualified to vote without providing one of the reasons listed in
61 § 24.2-700 or completing an application for an absentee ballot as prescribed in § 24.2-701. A registered
62 voter voting early pursuant to this section shall provide one of the forms of identification specified in
63 subsection B of § 24.2-643. If he does not show one of the forms of identification specified in subsection
64 B of § 24.2-643, he shall be offered a provisional ballot under the provisions of § 24.2-653.

65 B. Early voting shall be available on the twenty-first day prior to any general election, the seventh
66 day prior to any special election held on a date other than the date of a general election, and the
67 seventh day prior to any primary election and shall continue until 5:00 p.m. on the Saturday
68 immediately preceding the election. Early voting shall be available during regular business hours each
69 weekday during the applicable period, from 9:00 a.m. to 5:00 p.m. on each Saturday during the
70 applicable period, and from 12:00 p.m. to 4:00 p.m. on each Sunday during the applicable period.
71 Notice of the times for early voting shall be given in accordance with the instructions of the State
72 Board. At least two officers of election shall be present during all hours that early voting is available
73 and shall represent the two major political parties, except in the case of a party primary, when they
74 may represent the party conducting the primary.

75 C. The electoral boards shall provide for early voting in the office of the general registrar or the
76 secretary of the electoral board and may provide for early voting in (i) a central absentee voter precinct
77 established pursuant to § 24.2-712, (ii) one or more additional locations in the county or city approved
78 by the electoral board, or (iii) any combination thereof. Any additional location selected shall be in a
79 public building owned or leased by the county, city, or town within the county and may be in a facility
80 that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles
81 facilities or as an office of the general registrar. Any such location shall have adequate facilities for the
82 protection of all records concerning the process of early voting, the voted and unvoted ballots, and any
83 voting systems in use at the location. Notice of the locations for early voting shall be given in
84 accordance with the instructions of the State Board.

85 D. Any voter who votes early in accordance with this section may cast his ballot on a voting system.
86 The State Board shall prescribe the procedures for use of voting systems. The procedures shall provide
87 for early voting on voting systems that have been certified and are currently approved by the State
88 Board. The procedures shall be applicable and uniformly applied by the Department of Elections to all
89 localities using comparable voting systems. The requirement that two officers of election be present
90 during the hours that early voting is available shall be not applicable when (i) the voting systems being
91 used are located in the office of the general registrar or the secretary of the electoral board and (ii) an
92 officer of election and the general registrar, an assistant registrar, or the secretary of the electoral
93 board are present.

94 E. The State Board shall provide instructions for the preparation, maintenance, and reporting of
95 ballots, pollbooks, records, and returns for early voting.