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HOUSE BILL NO. 1428

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on January 20, 2017)

(Patron Prior to Substitute—Delegate Fowler)

A *BILL to amend and reenact § 24.2-701 of the Code of Virginia, relating to absentee voting; photo identification required with application.*

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, 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.

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. 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 general registrar 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 registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application 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. *The applicant, except any applicant eligible for an absentee ballot pursuant to subdivision 2 or 4 of § 24.2-700, shall submit with his application a copy of one of the forms of identification specified in subsection B of § 24.2-643.* The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

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

1. The applicant's printed name, the last four digits of the applicant's social security number, and the 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

HOUSE SUBSTITUTE

HB1428H1

60 address in such county or city. Any person temporarily residing outside the United States shall provide
61 the last date of residency at his Virginia residence address, if that residence is no longer available to
62 him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter
63 may file the applications to register and for a ballot simultaneously;

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

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

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

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

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

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

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

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

88 11. In the case of a person who is unable to go to the polls on the day of election because of an
89 obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

90 12. In the case of a person who, in the regular and orderly course of his business, profession, or
91 occupation, will be at his place of work and commuting to and from his home to his place of work for
92 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his
93 business or employer and hours he will be at the workplace and commuting on election day; or

94 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in
95 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in
96 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first
97 responder; or

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