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HOUSE BILL NO. 449

Offered January 10, 2018

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A *BILL to amend and reenact §§ 15.2-3604, 15.2-3831, 24.2-114, 24.2-411, 24.2-422, 24.2-424, 24.2-427, 24.2-432, 24.2-653, 24.2-703, and 24.2-1002.01 of the Code of Virginia, to amend the Code of Virginia by adding in Article 3 of Chapter 4 of Title 24.2 a section numbered 24.2-416.01, and to repeal §§ 24.2-414, 24.2-416, 24.2-416.4, 24.2-419, and 24.2-420.1 of the Code of Virginia, relating to voter registration; permitted up to and including election day.*

Patron—Rodman

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-3604, 15.2-3831, 24.2-114, 24.2-411, 24.2-422, 24.2-424, 24.2-427, 24.2-432, 24.2-653, 24.2-703, and 24.2-1002.01 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 4 of Title 24.2 a section numbered 24.2-416.01 as follows:

§ 15.2-3604. How first election ordered and held.

An order incorporating a town under this chapter shall order the first election of town officers and shall designate the time and place where the election shall be held in the town. The election shall be at least 90 days from the date of the order and not within 120 days of a general election. The electoral board of the county within which the town, or the greater part thereof, is situated shall, not less than 90 days before the election, determine the qualified voters within the town, and the general registrar for the county shall provide the appropriate notice, in accordance with § 24.2-114. ~~At any time the books are not closed pursuant to § 24.2-416, any~~ Any person residing in the town who has not registered shall be entitled to register and vote in the town if he would have been entitled to register and vote in the county. Five members of council shall be elected and shall serve until their successors, elected pursuant to charter provisions, qualify and take office. The officers of election shall comply with the requirements of Title 24.2. If, for any cause no election is held on the day fixed in the order, the court may, by an order entered in its common-law order book, fix another day for the election, which shall be held as required by this section.

§ 15.2-3831. Registrars and their duties.

Upon its appointment, the electoral board for a city created under this chapter shall appoint a general registrar pursuant to § 24.2-110. The registration records of voters residing in the city shall be transferred, and the appropriate notice given, in accordance with § 24.2-114. ~~At any time the books are not closed pursuant to § 24.2-416, any~~ Any person residing in the city who has not registered shall be entitled to register and vote in the city if he would have been entitled to register and vote in the county.

§ 24.2-114. Duties and powers of general registrar.

In addition to the other duties required by this title, the general registrar, and the assistant registrars acting under his supervision, shall:

1. Maintain the office of the general registrar and establish and maintain additional public places for voter registration in accordance with the provisions of § 24.2-412.

2. Participate in programs to educate the general public concerning registration and encourage registration by the general public. No registrar shall actively solicit, in a selective manner, any application for registration or for a ballot or offer anything of value for any such application.

3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in multijurisdictional staffing for voter registration offices, approved by the State Board, that are located at facilities of the Department of Motor Vehicles.

4. Provide the appropriate forms for applications to register and to obtain the information necessary to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.

5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records, lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to

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59 § 24.2-406, and pollbooks used for the conduct of elections.

60 6. Accept a registration application or request for transfer or change of address submitted by or for a
61 resident of any other county or city in the Commonwealth. Registrars shall process registration
62 applications and requests for transfer or change of address from residents of other counties and cities in
63 accordance with written instructions from the State Board and shall forward the completed application or
64 request to the registrar of the applicant's residence. ~~Notwithstanding the provisions of § 24.2-416, the~~
65 ~~registrar of the applicant's residence shall recognize as timely any application or request for transfer or~~
66 ~~change of address submitted to any person authorized to receive voter registration applications pursuant~~
67 ~~to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of registration.~~ The registrar of the
68 applicant's residence shall determine the qualification of the applicant, including whether the applicant
69 has ever been convicted of a felony, and if so, under what circumstances the applicant's right to vote has
70 been restored, and promptly notify the applicant at the address shown on the application or request of
71 the acceptance or denial of his registration or transfer. However, notification shall not be required when
72 the registrar does not have an address for the applicant.

73 7. Preserve order at and in the vicinity of the place of registration. For this purpose, the registrar
74 shall be vested with the powers of a conservator of the peace while engaged in the duties imposed by
75 law. He may exclude from the place of registration persons whose presence disturbs the registration
76 process. He may appoint special officers, not exceeding three in number, for a place of registration and
77 may summon persons in the vicinity to assist whenever, in his judgment, it is necessary to preserve
78 order. The general registrar and any assistant registrar shall be authorized to administer oaths for
79 purposes of this title.

80 8. Maintain the official registration records for his county or city in the system approved by, and in
81 accordance with the instructions of, the State Board; preserve the written applications of all persons who
82 are registered; and preserve for a period of four years the written applications of all persons who are
83 denied registration or whose registration is cancelled.

84 9. If a person is denied registration, promptly notify such person in writing of the denial and the
85 reason for denial in accordance with § 24.2-422.

86 10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the
87 pollbooks available to the precincts, and according to the instructions of the State Board provide a copy
88 of the data from the pollbooks to the State Board after each election for voting credit purposes.

89 11. Retain the pollbooks in his principal office for two years from the date of the election.

90 12. Maintain accurate and current registration records and comply with the requirements of this title
91 for the transfer, inactivation, and cancellation of voter registrations.

92 13. Whenever election districts, precincts, or polling places are altered, provide for entry into the
93 voter registration system of the proper district and precinct designations for each registered voter whose
94 districts or precinct have changed and notify each affected voter of changes affecting his districts or
95 polling place by mail.

96 14. Whenever any part of his county or city becomes part of another jurisdiction by annexation,
97 merger, or other means, transfer to the appropriate general registrar the registration records of the
98 affected registered voters. The general registrar for their new county or city shall notify them by mail of
99 the transfer and their new election districts and polling places.

100 15. When he registers any person who was previously registered in another state, notify the
101 appropriate authority in that state of the person's registration in Virginia by providing electronically,
102 through the Department of Elections, the information contained in that person's registration application.

103 16. Whenever any person is believed to be registered or voting in more than one state or territory of
104 the United States at the same time, inquire about, or provide information from the voter's registration
105 and voting records to any appropriate voter registration or other authority of another state or territory
106 who inquires about, that person's registration and voting history.

107 17. At the request of the county or city chairman of any political party nominating a candidate for
108 the General Assembly, constitutional office, or local office by a method other than a primary, review
109 any petition required by the party in its nomination process to determine whether those signing the
110 petition are registered voters with active status.

111 18. Carry out such other duties as prescribed by the electoral board in his capacity as the director of
112 elections for the locality in which he serves.

113 19. Attend an annual training program provided by the State Board. A general registrar may
114 designate one member of his staff to attend such training program if he is unable to attend because of a
115 personal or family emergency.

116 **§ 24.2-411. Office of the general registrar.**

117 Each local governing body shall furnish the general registrar with a clearly marked and suitable
118 office which shall be the principal office for voter registration. The office shall be owned or leased by
119 the city or county, or by the state for the location of Department of Motor Vehicles facilities, adequately
120 furnished, and located within the city or within the county or a city in which the county courthouse is

located. The governing body shall provide property damage liability and bodily injury liability coverage for the office and shall furnish the general registrar with necessary postage, stationery, equipment, and office supplies. The telephone number shall be listed in the local telephone directory separately or under the local governmental listing under the designation "Voter Registration."

No private business enterprise shall be conducted in the general registrar's office.

The general registrar's office in counties with a population under 10,000 and in cities with a population under 7,500 shall be open a minimum of three days each week and additional days as required by the general appropriation act. The general registrar's office in all other counties and cities shall be open a minimum of five days each week. The specific days of normal service each week for general registrars shall be determined by the Commissioner of Elections.

Additional hours, if any, that the general registrar's office is open for voter registration may be determined and set by the general registrar or the electoral board.

The general registrar may close the office of the general registrar (i) for off-site training purposes for no more than four consecutive or cumulative days each year, provided that notice of the closure is posted on the official website of the county or city and in no fewer than two public places at least 72 hours before such closure, and (ii) quarterly to provide training in the office for a period not to exceed four hours without providing notice. However, no closure permitted by clause (i) or clause (ii) shall occur (a) within the seven days immediately preceding and immediately following an election, (b) during the period for absentee voting required by subsection A of § 24.2-701, or (c) on the final registration day pursuant to § 24.2-414, or (d) on a deadline specified in the Campaign Finance Disclosure Act of 2006 (§ 24.2-945 et seq.).

§ 24.2-416.01. Election day voter registration.

A. A person who is eligible to vote, but is not registered, may register and be permitted to vote on election day by appearing in person at the polling place for the precinct of which he is a resident and:

1. Providing the information required by § 24.2-418;
2. Signing a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is a qualified voter of that precinct but for not being registered to vote; and
3. Providing proof of residency.

B. A person may prove residency for purposes of this section by presenting (i) his valid Virginia driver's license or other photo identification issued by the Commonwealth, one of its political subdivisions, or the United States that contains a valid address in the precinct or (ii) any document containing his name and a valid address in the precinct together with one of the forms of identification specified in subsection B of § 24.2-643 and the names are identical or substantially similar.

C. The State Board shall provide instructions to the general registrars and chief officers of election on promptly adding to the Virginia voter registration system the voter registration information of any voter who registers pursuant to this section.

§ 24.2-422. Appeal of person denied registration.

A. A person denied registration shall have the right to appeal, without payment of writ tax or giving security for costs, to the circuit court of the county or city in which he offers to register by filing with the clerk of the court, within ten days after the denial, a petition in writing to have his right to register determined.

The petitioner may file his petition by completing and filing a form which shall be prescribed by the State Board and which shall be used by the general registrar to notify an applicant of the denial of his application to register and of the reasons for the denial. The form shall (i) state that an applicant denied registration has the right to appeal to the circuit court of the county or city in which he offers to register, (ii) give the name and address of the clerk of the circuit court for such county or city (to be supplied by the general registrar), (iii) state that a filing fee of ten dollars must be paid when filing the petition, (iv) contain a statement by which the applicant may indicate his desire to petition the court to have his right to register determined, and (v) provide space for the applicant to state the facts in support of his right to register.

On the filing of a petition to have the right to register determined, the clerk of the court shall immediately bring the matter to the attention of the chief judge of the court for the scheduling of a hearing on the petition. The matter shall be heard and determined on the face of the petition, the answer made in writing by the general registrar, and any evidence introduced as part of the proceedings. The proceedings shall take precedence over all other business of the court and shall be heard as soon as possible.

On the filing of the petition, the clerk of the court shall immediately give notice to the attorney for the Commonwealth for his county or city, who shall appear and defend against the petition on behalf of the Commonwealth.

Judgment in favor of the petitioner shall entitle him to registration. From a judgment rendered against the petitioner, an appeal shall lie to the Supreme Court of Virginia.

B. The general registrar shall send a new application for registration to the applicant with the form prescribed in subsection A. The general registrar shall advise the applicant that he may complete and return the new application, in lieu of filing an appeal, if the reason stated for denial is that the applicant has failed to sign the application or failed to provide a required item of information on the application. Any applicant who returns a second application and whose second application is denied shall have the right to appeal provided in subsection A.

C. ~~The provisions of § 24.2-416, pertaining to the closing of registration records in advance of an election, shall apply to any application submitted pursuant to subsection B following a denial of registration.~~

§ 24.2-424. Change of registered voter's address within the Commonwealth; pilot project.

A. Whenever a registered voter changes his place of residence within the Commonwealth, he shall promptly notify any general registrar of the address of his new residence. Such notice may be made in person, in writing, by return of the voter registration card noting the new address, or on a form approved by the State Board of Elections, which may be electronic. The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature. Notice may be provided by electronic means as authorized by the State Board and signed by the voter in a manner consistent with the provisions of § 24.2-416.7 and the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The fact that a voter provides an address on a candidate or referendum petition that differs from the address for the voter on the voter registration system shall not be sufficient notice to change the voter's registration address. Any statements made by any voter applying for transfer are subject to felony penalties for making a false statement pursuant to § 24.2-1016.

B. If the voter has moved within the same county or city, on receipt of the notification, the general registrar for that county or city shall (i) enter the new address on the registration record; (ii) if satisfied that the registered voter has moved into another precinct within the same county or city, transfer the registration of the voter to that precinct; and (iii) send the voter confirmation documents. This transfer may be entered in the registration records at any time ~~the registration records are not closed pursuant to § 24.2-416.~~

C. Any request for transfer or change of address within the Commonwealth delivered to any registrar shall be forwarded to the general registrar for the city or county in the Commonwealth where the voter now resides. When forwarding said notice, or upon request from the registrar for the county or city where the voter now resides, the registrar for the county or city where the voter formerly resided shall forward the original application for registration to the registrar for the voter's new locality.

D. Upon receipt of the voter's original registration application, and notice as specified in subsection A of this section indicating the voter's current residence, the registrar for the county or city in which the voter currently resides shall: (i) enter the new address on the registration record; (ii) if satisfied that the registered voter has moved into a precinct within that county or city, transfer the registration of the voter to that precinct; (iii) send the voter confirmation documents; and (iv) through the Virginia voter registration system, notify the registrar of the locality where the voter formerly resided that the registration has been transferred. This transfer may be entered in the registration records at any time ~~the registration records are not closed pursuant to § 24.2-416.~~

E. If the original registration application is no longer available to the registrar in the city or county where the voter formerly resided, either of the following shall be sent to and accepted by the registrar in the city or county where the voter now resides in lieu of such application: (i) an unsigned voter card (or conversion card) used as the voter record upon the creation of the statewide voter registration system or (ii) a replacement record provided by the Department to replace damaged files in the registrar's office. If no other record is available, then the registrar of the voter's former locality shall provide written notification to the registrar of the locality in which the voter now resides that none of the required documents are available. In this instance only, the registrar of the locality in which the voter now resides shall copy the voter's record from the Virginia voter registration system and use that record in lieu of the original voter registration application. Any complete voter registration application on a form previously authorized for use in Virginia shall be valid for the purposes of continuing or transferring a voter's registration within the Commonwealth.

§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or disqualified to vote.

A. Any registered voter may cancel his registration and have his name removed from the central registration records by signing an authorization for cancellation and mailing or otherwise submitting the signed authorization to the general registrar. When submitted by any means other than when notarized or in person, such cancellation must be made at least 22 days prior to an election in order to be valid in that election. The general registrar shall acknowledge receipt of the authorization and advise the voter in person or by first-class mail that his registration has been canceled within 10 days of receipt of such authorization.

B. The general registrar shall cancel the registration of (i) all persons known by him to be deceased or disqualified to vote by reason of a felony conviction or adjudication of incapacity; (ii) all persons known by him not to be United States citizens by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 and in accordance with the requirements of subsection B1; (iii) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has moved from the Commonwealth; and (iv) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in clauses (iii) and (iv) shall be considered as a written request from the voter to have his registration cancelled. A voter's registration may be cancelled at any time during the year in which the general registrar discovers that the person is no longer entitled to be registered. The general registrar shall mail notice of any cancellation to the person whose registration is cancelled.

B1. The general registrar shall mail notice promptly to all persons known by him not to be United States citizens by reason of a report from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 prior to cancelling their registrations. The notice shall inform the person of the report from the Department of Motor Vehicles or from the Department of Elections and allow the person to submit his sworn statement that he is a United States citizen within 14 days of the date that the notice was mailed. The general registrar shall cancel the registrations of such persons who do not respond within 14 days to the notice that they have been reported not to be United States citizens.

B2. The general registrar shall (i) process the Department's most recent list of persons convicted of felonies within 21 to 14 days before any primary or general election, (ii) cancel the registration of any registered voter shown to have been convicted of a felony who has not provided evidence that his right to vote has been restored, and (iii) send prompt notice to the person of the cancellation of his registration. If it appears that any registered voter has made a false statement on his registration application with respect to his having been convicted of a felony, the general registrar shall report the fact to the attorney for the Commonwealth for prosecution under § 24.2-1016 for a false statement made on his registration application.

C. The general registrar may cancel the registration of any person for whom a notice has been submitted to the Department of Motor Vehicles in accordance with the Driver License Compact set out in Article 18 (§ 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that the voter has moved from the Commonwealth; provided that the registrar shall mail notice of such cancellation to the person at both his new address, as reported to the Department of Motor Vehicles, and the address at which he had most recently been registered in Virginia. ~~No general registrar may cancel registrations under this authority while the registration records are closed pursuant to § 24.2-416. No registrar may cancel the registration under this authority of any person entitled to register under the provisions of subsection A of § 24.2-420.1~~ (i) member of a uniformed service of the United States, as defined in § 24.2-452, who is on active duty, (ii) person who resides temporarily outside of the United States, or (iii) spouse or dependent residing with a person listed in clause (i) or (ii), and shall reinstate the registration of any such person who is otherwise a qualified voter covered by subsection A of ~~§ 24.2-420.1~~ and who applies to vote within four years of the date of cancellation.

§ 24.2-432. Notice to person objected to and decision of court.

Fifteen days' notice shall be given by the petitioners to any person whose registration is objected to pursuant to § 24.2-431, and the court shall summarily proceed to determine the right of the person to registration. The determination shall be without the necessity of formal pleadings and in preference to all other matters on the docket. ~~An order of the court concerning registration of the voter shall not be limited by the provisions of § 24.2-416 requiring the registration records to be closed.~~

§ 24.2-653. Voter whose name does not appear on pollbook or who is marked as having voted; handling of provisional ballots; ballots cast after normal close of polls due to court order extending polling hours.

A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available or cannot state that the person is registered to vote, then such person shall be allowed to vote by printed ballot in the manner provided in this section. This procedure shall also apply when required by § 24.2-643 or 24.2-651.1.

Such person shall be given a printed ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the Department of Elections, the identifying information required on the envelope, including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete

305 address, and signature. Such person shall be asked to present one of the forms of identification specified
306 in subsection B of § 24.2-643. The officers of election shall note on the green envelope whether or not
307 the voter has presented one of the specified forms of identification. The officers of election shall enter
308 the appropriate information for the person in the precinct provisional ballots log in accordance with the
309 instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook
310 nor otherwise mark his name as having voted. The officers of election shall provide an application for
311 registration to the person offering to vote in the manner provided in this section.

312 The voter shall then, in the presence of an officer of election, but in a secret manner, mark the
313 printed ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the
314 ballot shall then promptly be placed in the ballot container by an officer of election.

315 An officer of election, by a written notice given to the voter, shall (i) inform him that a
316 determination of his right to vote shall be made by the electoral board, (ii) advise the voter of the
317 beginning time and place for the board's meeting and of the voter's right to be present at that meeting,
318 and (iii) inform a voter voting provisionally when required by § 24.2-643 that he may submit a copy of
319 one of the forms of identification specified in subsection B of § 24.2-643 to the electoral board by
320 facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial
321 mail delivery, to be received by the electoral board no later than noon on the third day after the
322 election. At the meeting, the voter may request an extension of the determination of the provisional vote
323 in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to
324 § 24.2-401. The electoral board shall have the authority to grant such extensions which it deems
325 reasonable to determine the status of a provisional vote.

326 B. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be
327 sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes
328 contained therein, and signed by the officers of election who counted them. All provisional votes
329 envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such
330 envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the
331 electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

332 The electoral board shall meet on the day following the election and determine whether each person
333 having submitted such a provisional vote was entitled to do so as a qualified voter in the precinct in
334 which he offered the provisional vote. If the board is unable to determine the validity of all the
335 provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot
336 an extension as provided in subsection A, the meeting shall stand adjourned, not to exceed seven
337 calendar days from the date of the election, until the board has determined the validity of all provisional
338 ballots offered in the election.

339 One authorized representative of each political party or independent candidate in a general or special
340 election or one authorized representative of each candidate in a primary election shall be permitted to
341 remain in the room in which the determination is being made as an observer so long as he does not
342 participate in the proceedings and does not impede the orderly conduct of the determination. Each
343 authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each
344 representative, who is not himself a candidate or party chairman, shall present to the electoral board a
345 written statement designating him to be a representative of the party or candidate and signed by the
346 county or city chairman of his political party, the independent candidate, or the primary candidate, as
347 appropriate. If the county or city chairman is unavailable to sign such a written designation, such a
348 designation may be made by the state or district chairman of the political party. However, no written
349 designation made by a state or district chairman shall take precedence over a written designation made
350 by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature,
351 may be photocopied and such photocopy shall be as valid as if the copy had been signed.

352 Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.),
353 attendance at meetings of the electoral board to determine the validity of provisional ballots shall be
354 permitted only for the authorized representatives provided for in this subsection, for the persons whose
355 provisional votes are being considered and their representative or legal counsel, and for appropriate staff
356 and legal counsel for the electoral board.

357 If the electoral board determines that such person was not entitled to vote as a qualified voter in the
358 precinct in which he offered the provisional vote, is unable to determine his right to vote, or has not
359 been provided one of the forms of identification specified in subsection B of § 24.2-643, the envelope
360 containing his ballot shall not be opened and his vote shall not be counted. The provisional vote shall be
361 counted if (a) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (b) the
362 Department of Elections or the voter presents proof that indicates the voter submitted an application for
363 registration to the Department of Motor Vehicles or other state-designated voter registration agency prior
364 to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was
365 qualified for registration based upon the application for registration submitted by the person pursuant to
366 subsection A. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found

not properly registered or whose provisional vote was not counted.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot placed in a ballot container without any inspection further than that provided for in § 24.2-646.

On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote. However, any voter who cast a provisional ballot and is determined by the electoral board to have been entitled to vote shall have his name included on the list of persons who voted that is submitted to the Department of Elections pursuant to § 24.2-406.

The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section.

§ 24.2-703. Application for absentee ballots for multiple elections for uniformed and overseas voters.

Any person who is eligible for a military-overseas ballot as defined in § 24.2-452 may file a single application to receive ballots for all elections in which he is eligible to vote absentee. The application shall be on a federal postcard application. An application from any person who is already registered or who is eligible for late registration under ~~§ 24.2-419~~ that is received by the general registrar no later than 5:00 p.m. on the seventh day prior to the election shall be considered a standing request for absentee ballots through December 31 of the year following the calendar year of the date of the application or another shorter period the voter specifies. In the event that a second or subsequent federal postcard application is received from a voter, any previous applications shall be superseded and the duration of the most recently received application shall apply.

The general registrar shall retain the application and process the applicant's request for an absentee ballot for each election in accordance with procedures established by the State Board. The applicant shall specify by party designation the primary ballots he is requesting.

If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable, no other ballots shall be sent. No ballot shall be sent to the applicant, and no voted ballot received from the applicant shall be valid, (i) for any election held after the voter has notified the registrar that the voter no longer wishes to be registered or (ii) after the registrar has received notification that the voter has registered to vote in another state.

§ 24.2-1002.01. Destruction of, or failure to mail or deliver, voter registration application; penalty.

If any person (i) agrees to mail or deliver a signed voter registration application to the voter registrar or other appropriate person authorized to receive the application and (ii) intentionally interferes with the applicant's effort to register either by destroying the application or by failing to mail or deliver the application in a timely manner, he shall be guilty of a Class 1 misdemeanor. The mailing or delivery of an application shall be deemed timely for the purposes of this section if it is mailed or delivered within 10 days of the applicant's signature or in accordance with the provisions of ~~§ 24.2-416.4~~ for processing before the closing of the registration records for the pending election whichever comes first. This section shall not apply to any state or local government employee acting in his official capacity. If any person intentionally solicits multiple registrations from any one person or intentionally falsifies a registration application, he shall be guilty of a Class 5 felony.

2. That §§ 24.2-414, 24.2-416, 24.2-416.4, 24.2-419, and 24.2-420.1 of the Code of Virginia are repealed.