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**SENATE BILL NO. 559**

Offered January 10, 2018

Prefiled January 9, 2018

*A BILL to amend and reenact § 24.2-455 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-458.1, relating to the Uniform Military and Overseas Voters Act; secure return of voted military-overseas ballots by electronic means; pilot program.*

Patrons—DeSteph; Delegate: Bell, John J.

Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:**

**1. That § 24.2-455 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-458.1 as follows:**

**§ 24.2-455. Role of Commissioner of Elections.**

A. The Commissioner of Elections is the state official responsible for implementing this chapter and Virginia's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301 et seq.

B. The Commissioner shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots. The Commissioner may delegate the responsibility under this subsection only to the state office designated in compliance with § 102(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20302(b)(1).

C. The Commissioner shall coordinate with local electoral boards to establish an appropriate system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information under this chapter. *This system shall also be capable of accepting the secure return of voted military-overseas ballots pursuant to the pilot program provided in § 24.2-458.1.*

D. The Commissioner shall:

1. Develop standardized absentee-voting materials, including privacy and transmission envelopes, authentication materials, and voting instructions to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in this state; and

2. To the extent reasonably possible, coordinate with other states to carry out this subsection.

E. The Commissioner shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of an overseas-military ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot, as modified to be consistent with this chapter. The Commissioner shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

**§ 24.2-458.1. Secure return of military-overseas ballots by electronic means; pilot program.**

*The State Board shall establish and supervise a pilot program for the secure return of voted military-overseas ballots by electronic means from those uniformed-service voters who are members (i) of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who are on active duty or (ii) of the National Guard on activated status and who are deployed outside of the United States. Such uniformed-service voters shall have the option to return their voted military-overseas ballots by mail.*

*Under the pilot program, such a uniformed-service voter shall be permitted to sign the military-overseas ballot application, the statement of voter accompanying the military-overseas ballot, and any other related documents deemed necessary by the State Board to ensure authentication of the voter's identification using his digital signature associated with his military-issued electronic mail account. Such signature shall be deemed to meet the requirements of §§ 24.2-706 and 24.2-707. The State Board shall modify the form and content of the declaration provided for in subsection E of § 24.2-455 to be compatible with electronic submission of voted ballots pursuant to this pilot program.*

**2. That the State Board of Elections (State Board) shall request proposals for the development and maintenance of the system used for the pilot program and shall provide instructions, procedures, services, and ongoing security assessments for the entity selected to develop and maintain the system. The State Board shall promulgate rules and regulations to administer the pilot program.**

**3. That the provisions of this act shall expire on July 1, 2020.**

**4. That the provisions of this act shall not become effective unless an appropriation effectuating the purposes of this act is included in a general appropriation act passed in 2018 by the General**

INTRODUCED

SB559

**59 Assembly that becomes law.**