

20104016D

HOUSE BILL NO. 187

Offered January 8, 2020

Prefiled December 26, 2019

A BILL to amend and reenact §§ 24.2-700 and 24.2-701, as they are currently effective and as they shall become effective, and 24.2-701.1, as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-420.2, relating to elections; same-day registration; in-person absentee and election day voting.

Patrons—Simon, Bourne, Cole, J.G., Delaney, Guzman, Hope, Hudson, Jenkins, Keam, Kory, Lopez, Murphy, Plum, Price, Rasoul, Roem, Simonds, Watts and Willett

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 they are currently effective and as they shall become effective, and 24.2-701.1, as it shall become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-420.2 as follows:

§ 24.2-420.2. Registration in person during the in-person absentee voting period or on election day.

A. Notwithstanding the provisions of § 24.2-416, any person who (i) is qualified to register to vote, (ii) is unregistered or registered in a locality in which he no longer resides but is otherwise entitled to vote by absentee ballot pursuant to § 24.2-700, and (iii) desires to vote absentee in person at the same time that they present themselves to be registered, shall be entitled to register to vote in the office of the general registrar or at any other location in the county or city approved by the electoral board for casting absentee ballots.

B. In addition to any other requirements for registration, any such person offering to register to vote at the same time he applies for an absentee ballot to be cast in person shall also provide proof of his residency, in a form specified by the State Board for this purpose.

§ 24.2-700. (Effective for elections prior to the general election on November 3, 2020) 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 higher education, 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

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58 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;

59 11. Any person who has been designated by a political party, independent candidate, or candidate in
60 a primary election to be a representative of the party or candidate inside a polling place on the day of
61 the election pursuant to subsection C of § 24.2-604 and § 24.2-639; or

62 12. Any person granted a protective order issued by or under the authority of any court of competent
63 jurisdiction.

64 13. *Any person who has registered to vote pursuant to § 24.2-420.2 during the hours that polls are*
65 *open.*

66 **§ 24.2-700. (Effective for elections beginning with the general election on November 3, 2020)**
67 **Persons entitled to vote by absentee ballot.**

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

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

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

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

79 4. Any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in
80 person to the polls on the day of election because of his disability, illness, or pregnancy;

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

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

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

91 8. Any duly registered person who is unable to go in person to the polls on the day of the election
92 because of an obligation occasioned by his religion;

93 9. Any person who, in the regular and orderly course of his business, profession, or occupation, will
94 be at his place of work and commuting to and from his home to his place of work for 11 or more hours
95 of the 13 hours that the polls are open pursuant to § 24.2-603;

96 10. Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in
97 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in
98 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;

99 11. Any person who has been designated by a political party, independent candidate, or candidate in
100 a primary election to be a representative of the party or candidate inside a polling place on the day of
101 the election pursuant to subsection C of § 24.2-604 and § 24.2-639; or

102 12. Any person granted a protective order issued by or under the authority of any court of competent
103 jurisdiction.

104 13. *Any person who is registered to vote pursuant to § 24.2-420.2 (i) on or after the second Saturday*
105 *immediately preceding the election in which he is offering to vote or (ii) during the hours that polls are*
106 *open.*

107 B. Any registered voter may vote by absentee ballot in person beginning on the second Saturday
108 immediately preceding any election in which he is qualified to vote.

109 **§ 24.2-701. (Effective for elections prior to the general election on November 3, 2020)**
110 **Application for absentee ballot.**

111 A. The State Board shall furnish each general registrar with a sufficient number of applications for
112 official absentee ballots. The registrars shall furnish applications to persons requesting them.

113 The State Board shall implement a system that enables eligible persons to request and receive an
114 absentee ballot application electronically through the Internet. Electronic absentee ballot applications
115 shall be in a form approved by the State Board.

116 Except as provided in § 24.2-703, a separate application shall be completed for each election in
117 which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i)
118 12 months before an election or (ii) the day following any election held in the twelfth month prior to
119 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 *or is registered to vote pursuant to § 24.2-420.2.*

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) 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 *and (b) during the hours that polls are open on the date of any 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 *or on the date of such election, during the hours when polls are open,* 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 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. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

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

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be 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 higher education, the name of the school or institution of higher education; 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

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

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

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

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

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

192 12. In the case of a person who, in the regular and orderly course of his business, profession, or
193 occupation, will be at his place of work and commuting to and from his home to his place of work for
194 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his
195 business or employer and hours he will be at the workplace and commuting on election day; or

196 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in
197 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in
198 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first
199 responder; or

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

204 15. In the case of a person who has been granted a protective order issued by or under the authority
205 of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the
206 issuing court.

207 **§ 24.2-701. (Effective for elections beginning with the general election on November 3, 2020)**
208 **Application for absentee ballot.**

209 A. The State Board shall furnish each general registrar with a sufficient number of applications for
210 official absentee ballots. The registrars shall furnish applications to persons requesting them.

211 The State Board shall implement a system that enables eligible persons to request and receive an
212 absentee ballot application electronically through the Internet. Electronic absentee ballot applications
213 shall be in a form approved by the State Board.

214 Except as provided in § 24.2-703, a separate application shall be completed for each election in
215 which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i)
216 12 months before an election or (ii) the day following any election held in the twelfth month prior to
217 the election in which the applicant is applying to vote.

218 An application that is completed in person at the same time that the applicant registers to vote shall
219 be held and processed no sooner than the fifth day after the date that the applicant registered to vote;
220 however, this requirement shall not be applicable to any person who is qualified to vote absentee under
221 subdivision A 2 of § 24.2-700 *or who is registered to vote pursuant to § 24.2-420.2*.

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

224 For the purposes of this chapter, the general registrar's office shall be open (a) a minimum of eight
225 hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately
226 preceding all elections and (b) *during the hours that polls are open on the date of any election*.

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

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

234 1. An application completed in person shall be completed only in the office of the general registrar
235 and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms
236 of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the
237 forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot
238 under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the
239 general registrar for the handling and counting of such provisional ballots pursuant to subsection B of
240 § 24.2-653 and this section.

241 2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile
242 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 A 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 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. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

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

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be 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 higher education, the name of the school or institution of higher education; 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, that he has an obligation occasioned by his religion; 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 has been granted a protective order issued by or under the authority of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing court.

D. An application shall not be required for any registered voter appearing in person to cast an absentee ballot during the period beginning on the second Saturday *and ending on the first Saturday* immediately preceding the election in which he is offering to vote.

§ 24.2-701.1. (Effective for elections beginning with the general election on November 3, 2020)

Absentee voting in person.

A. Absentee voting in person shall be available *(i)* on the forty-fifth day prior to any election and shall continue until 5:00 p.m. on the Saturday immediately preceding the election *and (ii) during the hours that polls are open on the date of any election.*

1. Any registered voter eligible to vote absentee pursuant to subsection A of § 24.2-700 may vote absentee in person beginning on the forty-fifth day prior to the election in which he is offering to vote and continuing until the second Friday immediately preceding such election. He shall complete the application for an absentee ballot required by § 24.2-701, and the general registrar shall process that application in accordance with the provisions of § 24.2-706.

2. Any registered voter may vote absentee in person on or after the second Saturday immediately preceding the election in which he is offering to vote. He shall provide his name and his residence address in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of that county or city, the general registrar shall enroll the voter's name and address on the absentee voter applicant list maintained pursuant to § 24.2-706. *Notwithstanding the provisions of this subdivision, a voter who is registered to vote pursuant to § 24.2-420.2 shall complete the application for an absentee ballot required by § 24.2-701, and the general registrar shall process that application in accordance with the provisions of § 24.2-706.*

3. *Any registered voter eligible to vote absentee pursuant to subdivision A 13 of § 24.2-700 may vote absentee in person during the hours that polls are open on the date of any election. He shall complete the application for an absentee ballot required by § 24.2-701, and the general registrar shall process that application in accordance with the provisions of § 24.2-706.*

A registered voter voting by absentee ballot in person shall provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the forms of identification specified in subsection B of § 24.2-643, he shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board 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.

B. Absentee voting in person *pursuant to subdivisions A 1 and 2* shall be available during regular business hours. The electoral board of each county and city shall provide for absentee voting in person in the office of the general registrar. For purposes of this chapter, such 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 elections. *Any Whenever absentee voting in person is offered, any applicant who is in line to cast his ballot when the office of the general registrar or location being used for in-person absentee voting closes shall be permitted to cast his absentee ballot that day.*

C. Additional locations in the county or city approved by the electoral boards may be available for absentee voting in person. Any such location shall be in a public building owned or leased by the county, city, or town within the county and may be in a facility that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. Any such location shall have adequate facilities for the protection of all elections materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.

D. The general registrar may provide for the casting of absentee ballots in person pursuant to this section on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures shall provide for absentee voting in person on voting systems that have been certified and are currently approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to all localities using comparable voting systems.

E. At least two officers of election shall be present during all hours that absentee voting in person is available and shall represent the two major political parties, except in the case of a party primary, when they may represent the party conducting the primary. However, such requirement shall not apply when (i) voting systems that are being used pursuant to subsection D are located in the office of the general registrar and (ii) the general registrar or an assistant registrar is present.

F. The Department shall include absentee ballots voted in person in its instructions for the preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.