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**HOUSE BILL NO. 208**

Offered January 8, 2020

Prefiled December 27, 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, of the Code of Virginia, relating to absentee voting; eligibility of persons age 65 or older.*

Patrons—Murphy and Lopez

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, of the Code of Virginia are amended and reenacted as follows:**

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

11. Any 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; or

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

13. Any person who will be age 65 or older on the date of the election for which an absentee ballot is requested.

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

A. 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

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59 while on personal business or vacation, will be absent from the county or city in which he is entitled to  
60 vote;

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

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

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

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

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

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

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

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

84 10. Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in  
85 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in  
86 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;

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

90 12. Any person granted a protective order issued by or under the authority of any court of competent  
91 jurisdiction; or

92 13. *Any person who will be age 65 or older on the date of the election for which an absentee ballot*  
93 *is requested.*

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

96 **§ 24.2-701. (Effective for elections prior to the general election on November 3, 2020)**  
97 **Application for absentee ballot.**

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

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

103 Except as provided in § 24.2-703, a separate application shall be completed for each election in  
104 which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i)  
105 12 months before an election or (ii) the day following any election held in the twelfth month prior to  
106 the election in which the applicant is applying to vote.

107 An application that is completed in person at the same time that the applicant registers to vote shall  
108 be held and processed no sooner than the fifth day after the date that the applicant registered to vote;  
109 however, this requirement shall not be applicable to any person who is qualified to vote absentee under  
110 subdivision 2 of § 24.2-700.

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

113 For the purposes of this chapter, the general registrar's office shall be open a minimum of eight  
114 hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately  
115 preceding all general elections, except May general elections, and on the Saturday immediately  
116 preceding any primary election, May general election, or special election.

117 Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant  
118 who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to  
119 the best of his knowledge and belief the facts contained in the application are true and correct and that  
120 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 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

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; or

16. *In the case of a person who will be age 65 or older on the date of the election for which an absentee ballot is requested, the person's date of birth.*

**§ 24.2-701. (Effective for elections beginning with the general election on November 3, 2020) 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 A 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 elections.

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 completed only in the office of the general registrar and signed by the applicant 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 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; or

*16. In the case of a person who will be age 65 or older on the date of the election for which an absentee ballot is requested, the person's date of birth.*

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 immediately preceding the election in which he is offering to vote.