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**SENATE BILL NO. 46**

Offered January 8, 2020

Prefiled November 18, 2019

*A BILL to amend and reenact § 24.2-701, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to absentee voting; application form contents.*

Patron—Spruill

Referred to Committee on Privileges and Elections

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

**1. That § 24.2-701, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:**

**§ 24.2-701. (Effective for elections prior to 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 2 of § 24.2-700.

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

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

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

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

1. An application completed in person shall be made not less than three days prior to the election in which the applicant offers to vote and completed only in the office of the general registrar. The applicant shall sign the application in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, by electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or to the office of the State Board if a device is not available locally, or by 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:

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59 1. The applicant's printed name, the last four digits of the applicant's social security number, and the  
60 reason the applicant will be absent or cannot vote at his polling place on the day of the election.  
61 However, an applicant completing the application in person shall not be required to provide the last four  
62 digits of his social security number;

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

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

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

78 5. ~~In the case of a student, or the spouse of a student, who is attending a school or institution of~~  
79 ~~higher education, the name of the school or institution of higher education; or~~

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

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

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

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

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

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

94 12. ~~In the case of a person who, in the regular and orderly course of his business, profession, or~~  
95 ~~occupation, will be at his place of work and commuting to and from his home to his place of work for~~  
96 ~~11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his~~  
97 ~~business or employer and hours he will be at the workplace and commuting on election day; or~~

98 13. ~~In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in~~  
99 ~~§ 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in~~  
100 ~~§ 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first~~  
101 ~~responder; or~~

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

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

109 **§ 24.2-701. (Effective for elections beginning with 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.

120 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, by electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or to the office of the State Board if a device is not available locally, or by 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; and

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