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SENATE BILL NO. 65

Offered January 8, 2020

Prefiled November 21, 2019

A BILL to amend and reenact §§ 24.2-404, 24.2-411.1, 24.2-643, 24.2-701, as it is currently effective and as it shall become effective, and 24.2-701.1, as it shall become effective, of the Code of Virginia, relating to voter identification; repeal of photo identification requirements.

Patrons—Locke, Barker, Deeds, Boysko, Ebbin and Morrissey; Delegate: Kory

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404, 24.2-411.1, 24.2-643, 24.2-701, as it is currently effective and as it shall become effective, and 24.2-701.1, as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 24.2-404. Duties of Department of Elections.

A. The Department of Elections shall provide for the continuing operation and maintenance of a central recordkeeping system, the Virginia voter registration system, for all voters registered in the Commonwealth.

In order to operate and maintain the system, the Department shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.

2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.

3. Provide to each general registrar, voter confirmation documents for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places and voter photo identification cards containing the voter's photograph and signature for free for those voters who do not have one of the forms of identification specified in subsection B of § 24.2-643. The Department shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of identification specified in subsection B of § 24.2-643 for the purpose of providing such voter a voter photo identification card containing the voter's photograph and signature. The Department shall provide each general registrar with the equipment necessary to obtain a voter's signature and photograph and no general registrar shall be required to purchase such equipment at his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the Department. The Department may contract with an outside vendor for the production and distribution of voter photo identification cards.

4. Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, (v) is known not to be a United States citizen 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, or (vi) is otherwise no longer qualified to vote as may be provided by law. Such action shall be taken no later than 30 days after notification from the Department. The Department shall promptly provide the information referred to in this subdivision, upon receiving it, to general registrars.

5. Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.

6. Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.

7. Provide to each general registrar, at least 16 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks. The Department shall provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the Department shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the Department shall provide a regional or statewide list of registered voters to the general registrar of the locality. The Department shall determine whether regional or statewide data is provided. Neither the pollbook nor the

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59 regional or statewide list of registered voters shall include the day and month of birth of the voter, but
60 shall include the voter's year of birth.

61 8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the
62 Department.

63 9. Use any source of information that may assist in carrying out the purposes of this section. All
64 agencies of the Commonwealth shall cooperate with the Department in procuring and exchanging
65 identification information for the purpose of maintaining the voter registration system. The Department
66 may share any information that it receives from another agency of the Commonwealth with any Chief
67 Election Officer of another state for the maintenance of the voter registration system.

68 10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history,
69 and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose
70 addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and
71 to determine eligibility of individuals to vote in Virginia.

72 11. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts
73 and polling places, statements of election results by precinct, and any other items required of the
74 Department by law. Receipts from such sales shall be credited to the Board for reimbursement of
75 printing expenses.

76 B. The Department shall be authorized to provide for the production, distribution, and receipt of
77 information and lists through the Virginia voter registration system by any appropriate means including,
78 but not limited to, paper and electronic means. The Virginia Freedom of Information Act (§ 2.2-3700 et
79 seq.) shall not apply to records about individuals maintained in this system.

80 C. The State Board shall institute procedures to ensure that each requirement of this section is
81 fulfilled. As part of its procedures, the State Board shall provide that the general registrar shall mail
82 notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is
83 cancelled.

84 D. The State Board shall promulgate rules and regulations to ensure the uniform application of the
85 law for determining a person's residence.

86 E. The Department shall apply to participate in the Systematic Alien Verification for Entitlements
87 Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S.
88 Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter
89 registration system are United States citizens. Upon approval of the application, the Department shall
90 enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The
91 State Board shall promulgate rules and regulations governing the use of the immigration status and
92 citizenship status information received from the SAVE Program.

93 F. The Department shall report annually by October 1 for the preceding 12 months ending August 31
94 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the
95 Virginia voter registration system and the results of those activities. The Department's report shall be
96 governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to
97 subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4, 24.2-408,
98 24.2-409, 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428. This report shall contain the
99 methodology used in gathering and analyzing the data. The Commissioner of Elections shall certify that
100 the data included in the report is accurate and reliable.

101 § 24.2-411.1. Offices of the Department of Motor Vehicles.

102 A. The Department of Motor Vehicles shall provide the opportunity to register to vote to each person
103 who comes to an office of the Department of Motor Vehicles to:

- 104 1. Apply for, replace, or renew a driver's license;
- 105 2. Apply for, replace, or renew a special identification card; or
- 106 3. Change an address on an existing driver's license or special identification card.

107 B. The method used to receive an application for voter registration shall avoid duplication of the
108 license portion of the license application and require only the minimum additional information necessary
109 to enable registrars to determine the voter eligibility of the applicant and to administer voter registration
110 and election laws. A person who does not sign the registration portion of the application shall be
111 deemed to have declined to register at that time. The voter application shall include a statement that, if
112 an applicant declines to register to vote, the fact the applicant has declined to register will remain
113 confidential and will be used only for voter registration purposes.

114 Each application form distributed under this section shall be accompanied by the following statement
115 featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A
116 MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION
117 FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY
118 BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR
119 FINED UP TO \$2,500."

120 Any completed application for voter registration submitted by a person who is already registered

121 shall serve as a written request to update his registration record. Any change of address form submitted
 122 for purposes of a motor vehicle driver's license or special identification card shall serve as notification
 123 of change of address for voter registration for the registrant involved unless the registrant states on the
 124 form that the change of address is not for voter registration purposes. If the information from the
 125 notification of change of address for voter registration indicates that the registered voter has moved to
 126 another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a
 127 request for transfer from the registered voter. The notification and the registered voter's registration
 128 record shall be transmitted as directed by the Department of Elections to the appropriate general registrar
 129 who shall send confirmation documents of the transfer to the voter pursuant to § 24.2-424. The
 130 Department of Motor Vehicles and Department of Elections shall cooperate in the prompt transmittal by
 131 electronic or other means of the notification to the appropriate general registrar.

132 C. The completed voter registration portion of the application shall be transmitted as directed by the
 133 Department of Elections not later than five business days after the date of receipt. The Department of
 134 Motor Vehicles and Department of Elections shall cooperate in the prompt transmittal by electronic or
 135 other means of the voter registration portion of the application to the appropriate general registrar.

136 D. The Department of Elections shall maintain statistical records on the number of applications to
 137 register to vote with information provided from the Department of Motor Vehicles.

138 E. A person who provides services at the Department of Motor Vehicles shall not disclose, except as
 139 authorized by law for official use, the social security number, or any part thereof, of any applicant for
 140 voter registration.

141 F. ~~The Department of Motor Vehicles shall provide assistance as required in providing voter photo~~
 142 ~~identification cards as provided in subdivision A 3 of § 24.2-404.~~

143 **§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

144 A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers
 145 of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the
 146 voting booth and furnishing an official ballot to him.

147 B. An officer of election shall ask the voter for his full name and current residence address and the
 148 voter may give such information orally or in writing. The officer of election shall repeat, in a voice
 149 audible to party and candidate representatives present, the full name and address provided by the voter.
 150 The officer shall ask the voter to present any one of the following forms of identification: *his voter*
 151 *confirmation documents*; his valid Virginia driver's license, his valid United States passport, or any other
 152 ~~photo~~ identification issued by the Commonwealth, one of its political subdivisions, or the United States;
 153 any valid student identification card ~~containing a photograph of the voter and~~ issued by any institution
 154 of higher education located in the Commonwealth or any private school located in the Commonwealth;
 155 ~~or~~ any valid employee identification card containing a photograph of the voter and issued by an
 156 employer of the voter in the ordinary course of the employer's business; *or a copy of a current utility*
 157 *bill, bank statement, government check, paycheck, or other government document containing the name*
 158 *and address of the voter.*

159 Any voter who does not show one of the forms of identification specified in this subsection shall be
 160 offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall
 161 provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or
 162 electoral board other than matching submitted identification documents from the voter for the electoral
 163 board to make a determination on whether to count the ballot.

164 If the voter presents one of the forms of identification listed above, if his name is found on the
 165 pollbook in a form identical to or substantially similar to the name on the presented form of
 166 identification and the name provided by the voter, if he is qualified to vote in the election, and if no
 167 objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next
 168 consecutive number from the voter count form provided by the State Board, or shall enter that the voter
 169 has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot;
 170 and another officer shall admit him to the voting booth. Each voter whose name has been marked on the
 171 pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of
 172 election in the polling place until he has voted. If a line of voters who have been marked on the
 173 pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to
 174 extend outside of the room containing the voting booths and shall remain under observation by the
 175 officers of election.

176 A voter may be accompanied into the voting booth by his child age 15 or younger.

177 C. If the current residence address provided by the voter is different from the address shown on the
 178 pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the
 179 State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties
 180 for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an
 181 envelope provided for such forms for transmission to the general registrar who shall then transfer or

182 cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

183 D. At the time the voter is asked his full name and current residence address, the officer of election
184 shall ask any voter for whom the pollbook indicates that an identification number other than a social
185 security number is recorded on the Virginia voter registration system if he presently has a social security
186 number. If the voter is able to provide his social security number, he shall be furnished with a voter
187 registration form prescribed by the State Board to update his registration information. Upon its
188 completion, the form shall be placed by the officer of election in an envelope provided for such forms
189 for transmission to the general registrar. Any social security numbers so provided shall be entered by the
190 general registrar in the voter's record on the voter registration system.

191 *E. This subsection shall apply in the case of any individual who is required by subparagraph (b) of*
192 *52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in*
193 *a federal election in the state. At such election, such individual shall present (i) a current and valid*
194 *photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck,*
195 *or other government document that shows the name and address of the voter. Such individual who*
196 *desires to vote in person but does not show one of the forms of identification specified in this subsection*
197 *shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements*
198 *of subsection B and subsection A of § 24.2-653 shall not apply to such voter at such election. The*
199 *Department of Elections shall provide instructions to the electoral boards for the handling and counting*
200 *of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.*

201 **§ 24.2-701. (Effective for elections prior to the general election on November 3, 2020)**
202 **Application for absentee ballot.**

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

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

208 Except as provided in § 24.2-703, a separate application shall be completed for each election in
209 which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i)
210 12 months before an election or (ii) the day following any election held in the twelfth month prior to
211 the election in which the applicant is applying to vote.

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

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

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

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

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

229 1. An application completed in person shall be made not less than three days prior to the election in
230 which the applicant offers to vote and completed only in the office of the general registrar. The
231 applicant shall sign the application in the presence of a registrar. The applicant shall provide one of the
232 forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of
233 the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot
234 under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general
235 registrar for the handling and counting of such provisional ballots pursuant to subsection B of
236 § 24.2-653 and this section.

237 *This paragraph shall apply in the case of any individual who is required by subparagraph (b) of 52*
238 *U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a*
239 *federal election in the state. At such election, such individual shall present (i) a current and valid photo*
240 *identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or*
241 *other government document that shows the name and address of the voter. Such individual who desires*
242 *to vote in person but does not show one of the forms of identification specified in this paragraph shall*
243 *be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of*

244 subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such
245 election. The Department of Elections shall provide instructions to the electoral boards for the handling
246 and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this paragraph.

247 2. Any other application may be made by mail, by electronic or telephonic transmission to a
248 facsimile device if one is available to the office of the general registrar or to the office of the State
249 Board if a device is not available locally, or by other means. The application shall be on a form
250 furnished by the registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard
251 application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be
252 accepted the later of (i) 12 months before an election or (ii) the day following any election held in the
253 twelfth month prior to the election in which the applicant is applying to vote. The application shall be
254 made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in
255 which the applicant offers to vote.

256 C. Applications for absentee ballots shall contain the following information:

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

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

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

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

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

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

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

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

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

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

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

292 12. In the case of a person who, in the regular and orderly course of his business, profession, or
293 occupation, will be at his place of work and commuting to and from his home to his place of work for
294 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his
295 business or employer and hours he will be at the workplace and commuting on election day; or

296 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in
297 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in
298 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first
299 responder; or

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

304 15. In the case of a person who has been granted a protective order issued by or under the authority

305 of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the
306 issuing court.

307 **§ 24.2-701. (Effective for elections beginning with the general election on November 3, 2020)**
308 **Application for absentee ballot.**

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

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

314 Except as provided in § 24.2-703, a separate application shall be completed for each election in
315 which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i)
316 12 months before an election or (ii) the day following any election held in the twelfth month prior to
317 the election in which the applicant is applying to vote.

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

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

324 For the purposes of this chapter, the general registrar's office shall be open a minimum of eight
325 hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately
326 preceding all elections.

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

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

334 1. An application completed in person shall be completed only in the office of the general registrar
335 and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms
336 of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the
337 forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot
338 under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the
339 general registrar for the handling and counting of such provisional ballots pursuant to subsection B of
340 § 24.2-653 and this section.

341 *This paragraph shall apply in the case of any individual who is required by subparagraph (b) of 52*
342 *U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a*
343 *federal election in the state. At such election, such individual shall present (i) a current and valid photo*
344 *identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or*
345 *other government document that shows the name and address of the voter. Such individual who desires*
346 *to vote in person but does not show one of the forms of identification specified in this paragraph shall*
347 *be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of*
348 *subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such*
349 *election. The Department of Elections shall provide instructions to the electoral boards for the handling*
350 *and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this paragraph.*

351 2. Any other application may be made by mail, by electronic or telephonic transmission to a
352 facsimile device if one is available to the office of the general registrar or to the office of the State
353 Board if a device is not available locally, or by other means. The application shall be on a form
354 furnished by the registrar or, if made under subdivision A 2 of § 24.2-700, may be on a federal postcard
355 application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be
356 accepted the later of (i) 12 months before an election or (ii) the day following any election held in the
357 twelfth month prior to the election in which the applicant is applying to vote. The application shall be
358 made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in
359 which the applicant offers to vote.

360 C. Applications for absentee ballots shall contain the following information:

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

365 2. A statement that he is registered in the county or city in which he offers to vote and his residence
366 address in such county or city. Any person temporarily residing outside the United States shall provide

367 the last date of residency at his Virginia residence address, if that residence is no longer available to
 368 him. Any person who makes application under subdivision A 2 of § 24.2-700 who is not a registered
 369 voter may file the applications to register and for a ballot simultaneously;

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

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

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

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

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

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

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

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

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

396 12. In the case of a person who, in the regular and orderly course of his business, profession, or
 397 occupation, will be at his place of work and commuting to and from his home to his place of work for
 398 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his
 399 business or employer and hours he will be at the workplace and commuting on election day; or

400 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in
 401 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in
 402 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first
 403 responder; or

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

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

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

414 **§ 24.2-701.1. (Effective for elections beginning with the general election on November 3, 2020)**
 415 **Absentee voting in person.**

416 A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall
 417 continue until 5:00 p.m. on the Saturday immediately preceding the election.

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

423 2. Any registered voter may vote absentee in person on or after the second Saturday immediately
 424 preceding the election in which he is offering to vote. He shall provide his name and his residence
 425 address in the county or city in which he is offering to vote. After verifying that the voter is a registered
 426 voter of that county or city, the general registrar shall enroll the voter's name and address on the
 427 absentee voter applicant list maintained pursuant to § 24.2-706.

428 A *Except for those voters who are required by subparagraph (b) of 52 U.S.C. § 21083 of the Help*
429 *America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the*
430 *state, a registered voter voting by absentee ballot in person shall provide one of the forms of*
431 *identification specified in subsection B of § 24.2-643. If he does not show one of the forms of*
432 *identification specified in subsection B of § 24.2-643, he shall be offered a provisional ballot under the*
433 *provisions of § 24.2-653. The State Board shall provide instructions to the general registrar for the*
434 *handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this*
435 *section.*

436 *Any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote*
437 *Act of 2002 to show identification the first time he votes in a federal election in the state shall present*
438 *at that election (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank*
439 *statement, government check, paycheck, or other government document that shows the name and address*
440 *of the voter. Such individual who desires to vote in person but does not show one of the forms of*
441 *identification specified in this paragraph shall be offered a provisional ballot under the provisions of*
442 *§ 24.2-653. The identification requirements of subsection B of § 24.2-643 and subsection A of § 24.2-653*
443 *shall not apply to such voter at such election. The Department of Elections shall provide instructions to*
444 *the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B*
445 *of § 24.2-653 and this paragraph.*

446 B. Absentee voting in person shall be available during regular business hours. The electoral board of
447 each county and city shall provide for absentee voting in person in the office of the general registrar.
448 For purposes of this chapter, such office shall be open a minimum of eight hours between the hours of
449 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. Any
450 applicant who is in line to cast his ballot when the office of the general registrar or location being used
451 for in-person absentee voting closes shall be permitted to cast his absentee ballot that day.

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

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

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

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