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SENATE BILL NO. 1331

Offered January 13, 2021

Prefiled January 12, 2021

A *BILL to amend and reenact § 24.2-704 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-103.2, relating to absentee voting; accessibility for voters with a visual impairment or print disability.*

Patrons—Reeves; Delegates: Hayes and Kory

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-704 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-103.2 as follows:

§ 24.2-103.2. Duties of the Department of Elections related to accessible absentee voting.

The Department shall make available to all localities a tool to allow a voter with a visual impairment or print disability to electronically and accessibly receive and mark his absentee ballot using screen reader assistive technology. The Department shall develop instructions regarding the use and availability of such tool, including instructions on making the tool available to voters and counting ballots voted with such tool.

§ 24.2-704. Applications and ballots for persons requiring assistance in voting; penalty.

A. The application for an absentee ballot shall provide space for the applicant to indicate that he will require assistance to vote his absentee ballot by reason of blindness, disability, or inability to read or write.

B. *On receipt of an application from an applicant who indicated that he will require assistance due to a visual impairment or print disability, the general registrar shall offer to provide to the applicant a ballot marking tool with screen reader assistive technology made available pursuant to § 24.2-103.2. If the applicant opts to use such tool, the general registrar shall send by mail to him a ballot return envelope and accessible instructions provided by the Department for using such tool and returning the marked ballot. The general registrar shall cause the outer envelope containing the ballot return envelope and accessible instructions to have a tactile marking that identifies the outer envelope as the outer envelope to the voter. For the purpose of this section, "tactile marking" includes a hole punch, a cut corner, or a tactile sticker.*

An absentee voter using such tool shall return the marked absentee ballot in accordance with the instructions provided by the Department.

No ballot marked with the electronic ballot marking tool shall be rejected because the ballot was printed on regular paper. No ballot marked with the electronic ballot marking tool shall be rejected on the basis of the position of the voter's signature or address on the ballot return envelope as long as the voter's signature or address is anywhere on the ballot return envelope. Ballots marked with the electronic ballot marking tool shall not be required to be completed in the presence of a witness, and no such ballot shall be rejected for lack of a witness signature.

C. On receipt of an application from an applicant marked to indicate that he will require assistance due to any other disability, or if an applicant offered the ballot marking tool pursuant to subsection B declines to use such tool, the general registrar shall deliver, with the items required by § 24.2-706, the voter assistance form furnished by the State Board pursuant to § 24.2-649. The voter and any person assisting him shall complete the form by signing the request for assistance and statement required of the assistant. If the voter is unable to sign the request, the witness will note this fact on the line for signature of voter. The provisions of § 24.2-649 shall apply to absentee voting and assistance for absentee voters. Any person who willfully violates the provisions of this section or § 24.2-649 in providing assistance to a person who is voting absentee shall be guilty of a Class 5 felony.

INTRODUCED

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