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SENATE BILL NO. 1459

Offered January 21, 2021

A *BILL to amend and reenact §§ 24.2-101, 24.2-404, 24.2-411.3, 24.2-643, 24.2-653, 24.2-653.01, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-706, 24.2-707, 24.2-709.1, and 24.2-712 of the Code of Virginia, relating to conduct of elections, voter identification and absentee voting; process for applying for, casting, and counting absentee ballots.*

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Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-101, 24.2-404, 24.2-411.3, 24.2-643, 24.2-653, 24.2-653.01, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-706, 24.2-707, 24.2-709.1, and 24.2-712 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established by a county or city pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, Section 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Department of Elections" or "Department" means the state agency headed by the Commissioner of Elections.

"Direct recording electronic machine" or "DRE" means the electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"General registrar" means the person appointed by the electoral board of a county or city pursuant to § 24.2-110 to be responsible for all aspects of voter registration, in addition to other duties prescribed by this title. When performing duties related to the administration of elections, the general registrar is acting

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SB1459

59 in his capacity as the director of elections for the locality in which he serves.

60 "Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device
61 operated by a voter, is available for verification by the voter at the time the ballot is cast, and is then
62 fed into and scanned by a separate counting machine capable of reading ballots and tabulating results.

63 "Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve
64 at a polling place for any election.

65 "Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

66 "Party" or "political party" means an organization of citizens of the Commonwealth which, at either
67 of the two preceding statewide general elections, received at least 10 percent of the total vote cast for
68 any statewide office filled in that election. The organization shall have a state central committee and an
69 office of elected state chairman which have been continually in existence for the six months preceding
70 the filing of a nominee for any office.

71 "Person with a disability" means a person with a disability as defined by the Virginians with
72 Disabilities Act (§ 51.5-1 et seq.).

73 "Polling place" means the structure that contains the one place provided for each precinct at which
74 the qualified voters who are residents of the precinct may vote.

75 "Precinct" means the territory designated by the governing body of a county, city, or town to be
76 served by one polling place.

77 "Primary" or "primary election" means an election held for the purpose of selecting a candidate to be
78 the nominee of a political party for election to office.

79 "Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable
80 ballots and paper ballots.

81 "Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and
82 who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or
83 subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers
84 to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified
85 voter unless his civil rights have been restored by the Governor or other appropriate authority. No
86 person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as
87 provided by law. Whether a signature should be counted towards satisfying the signature requirement of
88 any petition shall be determined based on the signer of the petition's qualification to vote. For purposes
89 of determining if a signature on a petition shall be included in the count toward meeting the signature
90 requirements of any petition, "qualified voter" shall include only persons maintained on the Virginia
91 voter registration system (a) with active status and (b) with inactive status who are qualified to vote for
92 the office for which the petition was circulated.

93 "Qualified voter in a town" means a person who is a resident within the corporate boundaries of the
94 town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified
95 voter.

96 "Referendum" means any election held pursuant to law to submit a question to the voters for
97 approval or rejection.

98 "Registered voter" means any person who is maintained on the Virginia voter registration system. All
99 registered voters shall be maintained on the Virginia voter registration system with active status unless
100 assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For
101 purposes of applying the precinct size requirements of § 24.2-307, calculating election machine
102 requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election
103 district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306,
104 and determining the number of signatures required for candidate and voter petitions, "registered voter"
105 shall include only persons maintained on the Virginia voter registration system with active status. For
106 purposes of determining if a signature on a petition shall be included in the count toward meeting the
107 signature requirements of any petition, "registered voter" shall include only persons maintained on the
108 Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to
109 vote for the office for which the petition was circulated.

110 "Registration records" means all official records concerning the registration of qualified voters and
111 shall include all records, lists, applications, and files, whether maintained in books, on cards, on
112 automated data bases, or by any other legally permitted record-keeping method.

113 "Residence" or "resident," for all purposes of qualification to register and vote, means and requires
114 both domicile and a place of abode. To establish domicile, a person must live in a particular locality
115 with the intention to remain. A place of abode is the physical place where a person dwells.

116 "Special election" means any election that is held pursuant to law to fill a vacancy in office or to
117 hold a referendum.

118 "State Board" or "Board" means the State Board of Elections.

119 "Virginia voter registration system" or "voter registration system" means the automated central
120 record-keeping system for all voters registered within the Commonwealth that is maintained as provided

in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections. This term includes direct recording electronic machines (DRE) and ballot scanner machines.

§ 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 (i) 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 (ii) 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 with 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 regional or statewide list of registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth.

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

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

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

11. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts

182 and polling places, statements of election results by precinct, and any other items required of the
183 Department by law. Receipts from such sales shall be credited to the Board for reimbursement of
184 printing expenses.

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

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

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

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

202 F. The Department shall report annually by October 1 for the preceding 12 months ending August 31
203 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the
204 Virginia voter registration system and the results of those activities. The Department's report shall be
205 governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to
206 subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4, 24.2-408,
207 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
208 methodology used in gathering and analyzing the data. The Commissioner of Elections shall certify that
209 the data included in the report is accurate and reliable.

210 **§ 24.2-411.3. Registration of Department of Motor Vehicles customers.**

211 A. Each person coming into an office of the Department of Motor Vehicles or accessing its website
212 in order to (i) apply for, replace, or renew a driver's license or other document issued under Chapter 3
213 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to
214 § 46.2-328.3; or (ii) change an address on an existing driver's license or other document issued under
215 Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to
216 § 46.2-328.3 shall be presented with (a) a question asking whether or not the person is a United States
217 citizen and (b) the option to decline to have his information transmitted to the Department of Elections
218 for voter registration purposes. The citizenship question and option to decline shall be accompanied by a
219 statement that intentionally making a materially false statement during the transaction constitutes election
220 fraud and is punishable under Virginia law as a felony.

221 The Department of Motor Vehicles may not transmit the information of any person who so declines.
222 The Department of Motor Vehicles may not transmit the information of any person who indicates that
223 he is not a United States citizen, nor may such person be asked any additional questions relevant to
224 voter registration but not relevant to the purpose for which the person came to an office of the
225 Department of Motor Vehicles or accessed its website.

226 B. For each person who does not select the option to decline to have his information transmitted to
227 the Department of Elections for voter registration purposes and who has identified himself as a United
228 States citizen, the Department of Motor Vehicles shall request any information as may be required by
229 the State Board to ensure that the person meets all voter registration eligibility requirements.

230 C. The Department of Motor Vehicles shall electronically transmit to the Department of Elections, in
231 accordance with the standards set by the State Board, the information collected pursuant to subsection B
232 for any person who (i) has indicated that he is a United States citizen, (ii) has indicated that he is 17
233 years of age or older, and (iii) at the time of such transaction did not decline to have his information
234 transmitted to the Department of Elections for voter registration purposes.

235 D. The Department of Elections shall use the information transmitted to determine whether a person
236 already has a registration record in the voter registration system.

237 1. For any person who does not yet have a registration record in the voter registration system, the
238 Department of Elections shall transmit the information to the appropriate general registrar. The general
239 registrar shall accept or reject the registration of such person in accordance with the provisions of this
240 chapter.

241 2. For any person who already has a registration record in the voter registration system, if the
242 information indicates that the voter has moved within the Commonwealth, the Department of Elections
243 shall transmit the information and the registration record to the appropriate general registrar, who shall

244 treat such transmittal as a request for transfer and process it in accordance with the provisions of this
245 chapter.

246 3. General registrars shall not register any person who does not satisfy all voter eligibility
247 requirements.

248 *E. The Department of Motor Vehicles shall provide assistance as required in providing voter photo*
249 *identification cards as provided in subdivision A 3 of § 24.2-404.*

250 **§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

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

254 B. An officer of election shall ask the voter for his full name and current residence address and the
255 voter may give such information orally or in writing. The officer of election shall verify with the voter
256 his full name and address and shall repeat, in a voice audible to party and candidate representatives
257 present, the full name provided by the voter. The officer shall ask the voter to present any one of the
258 following forms of identification: (i) ~~his voter confirmation documents~~; (ii) his valid Virginia driver's
259 license, his valid United States passport, or any other identification issued by the Commonwealth, one of
260 its political subdivisions, or the United States, other than a driver privilege card issued under
261 § 46.2-328.3; ~~(iii)~~ (ii) any valid student identification card *containing a photograph of the voter and*
262 *issued by any institution of higher education located in the Commonwealth or any private school located*
263 *in the Commonwealth*; ~~(iv)~~ (iii) any valid student identification card containing a photograph of the
264 voter and issued by any institution of higher education located in any other state or territory of the
265 United States; ~~(v)~~ or (iv) any valid employee identification card containing a photograph of the voter
266 and issued by an employer of the voter in the ordinary course of the employer's business; ~~or~~ (vi) a copy
267 of a current utility bill, bank statement, government check, paycheck, or other government document
268 containing the name and address of the voter. The expiration date on a Virginia driver's license shall not
269 be considered when determining the validity of the driver's license offered for purposes of this section.

270 Except as provided in subsection E, any Any voter who does not show one of the forms of
271 identification specified in this subsection shall be allowed to vote after signing a statement, subject to
272 felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he
273 claims to be. A voter who requires assistance in voting by reason of a physical disability or an inability
274 to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of
275 this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are
276 unable to sign shall be followed when assisting a voter in completing this statement. A voter who does
277 not show one of the forms of identification specified in this subsection and does not sign this statement
278 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections
279 shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar
280 or electoral board other than matching submitted identification documents from the voter for the
281 electoral board to make a determination on whether to count the ballot.

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

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

295 C. If the current residence address provided by the voter is different from the address shown on the
296 pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the
297 State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties
298 for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an
299 envelope provided for such forms for transmission to the general registrar who shall then transfer or
300 cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

301 D. At the time the voter is asked his full name and current residence address, the officer of election
302 shall ask any voter for whom the pollbook indicates that an identification number other than a social
303 security number is recorded on the Virginia voter registration system if he presently has a social security
304 number. If the voter is able to provide his social security number, he shall be furnished with a voter

registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

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

§ 24.2-653. Provisional voting; procedures in polling place.

A. Any person voting provisionally pursuant to subsection B of § 24.2-643, § 24.2-651.1, subsection B of § 24.2-652, or § 24.2-653.1 or 24.2-653.2 shall be given a printed ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the Department of Elections, the identifying information required on the envelope, including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. If he is unable to present one of these forms of identification, he shall sign a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. The officers of election shall note on the green envelope whether or not the voter has presented one of the specified forms of identification or signed the required statement in lieu of presenting one of the specified forms of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as having voted.

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the printed ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then promptly be placed in the ballot container by an officer of election.

B. An officer of election, by a written notice given to the voter, shall inform him that a determination of his right to vote shall be made by the electoral board and advise the voter of the beginning time and place for the board's meeting and of the voter's right to be present at that meeting. If the voter is voting provisionally as required by § 24.2-643, an officer of election, by written notice given to the voter, shall also inform him that he may submit a copy of one of the forms of identification specified in subsection B of § 24.2-643 or a statement, signed by him subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election.

C. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

§ 24.2-653.01. Provisional ballots; electoral boards to make determination as to validity.

A. The electoral board shall meet on the day following the election and determine whether each person having submitted a provisional vote pursuant to § 24.2-653 was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. In the case of persons voting provisionally pursuant to § 24.2-653.3, the electoral board shall determine of which district the person is a qualified voter. At the meeting, the voter may request an extension of the determination of the provisional vote in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions that it deems reasonable to determine the status of a provisional vote.

If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension, the meeting shall stand adjourned, not to exceed seven calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

B. The electoral board shall permit one authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

C. If the electoral board determines that such person was not entitled to vote as a qualified voter or district in the precinct or district in which he offered the provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of identification specified in subsection B of § 24.2-643; ~~or the signed statement that the voter is the named registered voter he claims to be,~~ the envelope containing his ballot shall not be opened and his vote shall not be counted. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

The provisional vote shall be counted if (i) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (ii) the Department of Elections or the voter presents proof that indicates the voter submitted an application for registration to a state-designated voter registration agency or the voter's information was transmitted by the Department of Motor Vehicles to the Department of Elections pursuant to § 24.2-411.3 prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection B of § 24.2-652.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot shall be placed in a ballot container without any inspection further than that provided for in § 24.2-646.

D. On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote. However, any voter who cast a provisional ballot and is determined by the electoral board to have been entitled to vote shall have his name included on the list of persons who voted that is submitted to the Department of Elections pursuant to § 24.2-406.

E. The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

§ 24.2-701. Application for absentee ballot.

A. The Department 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 Department 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 or 24.2-703.1, 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 covered voter, as defined in § 24.2-452.

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

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

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

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

438 1. An application completed in person shall be completed only in the office of the general registrar
439 and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms
440 of identification specified in subsection B of § 24.2-643; or if he is unable to present one of the
441 specified forms of identification listed in that subsection, he shall sign a statement, subject to felony
442 penalties for making false statements pursuant to § 24.2-1016, that he is the named registered voter he
443 claims to be. An applicant who requires assistance in voting by reason of a physical disability or an
444 inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in
445 preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding
446 voters who are unable to sign shall be followed when assisting a voter in completing this statement. Any
447 applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643
448 or does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653.
449 The State Board of Elections shall provide instructions to the general registrar for the handling and
450 counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

451 This paragraph shall apply in the case of any individual who is required by subparagraph (b) of 52
452 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a
453 federal election in the state. At such election, such individual shall present (i) a current and valid photo
454 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or
455 other government document that shows the name and address of the voter. Such individual who desires
456 to vote in person but does not show one of the forms of identification specified in this paragraph shall
457 be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of
458 subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such
459 election. The Department of Elections shall provide instructions to the electoral boards for the handling
460 and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

461 2. Any other application may be made by mail, by electronic or telephonic transmission to a
462 facsimile device if one is available to the office of the general registrar or to the office of the
463 Department if a device is not available locally, or by other means. The application shall be on a form
464 furnished by the registrar or as specified in subdivision 3. The application shall be made to the
465 appropriate registrar no later than 5:00 p.m. on the eleventh day prior to the election in which the
466 applicant offers to vote.

467 3. The application of any covered voter, as defined in § 24.2-452, may be on a federal postcard
468 application, as defined in § 24.2-452. The federal postcard application may be accepted the later of (i)
469 12 months before an election or (ii) the day following any election held in the twelfth month prior to
470 the election in which the applicant is applying to vote.

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

472 1. The applicant's printed name and the last four digits of the applicant's social security number.
473 However, an applicant completing the application in person shall not be required to provide the last four
474 digits of his social security number;

475 2. A statement that he is registered in the county or city in which he offers to vote and his residence
476 address in such county or city. Any person temporarily residing outside the United States shall provide
477 the last date of residency at his Virginia residence address, if that residence is no longer available to
478 him. Any covered voter, as defined in § 24.2-452, who is not a registered voter may file the applications
479 to register and for a ballot simultaneously; and

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

487 D. An application shall not be required for any registered voter appearing in person to cast an
488 absentee ballot pursuant to § 24.2-701.1.

489 **§ 24.2-701.1. Absentee voting in person.**

A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall continue until 5:00 p.m. on the Saturday immediately preceding the election. In the case of a special election, excluding for federal offices, if time is insufficient between the issuance of the writ calling for the special election and the date of the special election, absentee voting in person shall be available as soon as possible after the issuance of the writ.

Any registered voter offering to vote absentee in person 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.

Except as provided in subsection F, 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 allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. A voter who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement. A voter who does not show one of the forms of identification specified in this subsection or does not sign this statement 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 § 24.2-653.01 and this section.

B. Absentee voting in person 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 or a voter satellite office established pursuant to § 24.2-701.2. For purposes of this chapter, such office shall be open to the public 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 applicant who is in line to cast his ballot when the office of the general registrar or voter satellite office closes shall be permitted to cast his absentee ballot that day.

C. 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.

D. 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 C are located in the office of the general registrar or voter satellite office and (ii) the general registrar or an assistant registrar is present.

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

F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

§ 24.2-702.1. Federal write-in absentee ballots.

A. Notwithstanding any other provision of this title, a covered voter, as defined in § 24.2-452, may use a federal write-in absentee ballot in any election. Such ballot shall be submitted and processed in the manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) and this article.

B. Notwithstanding any other provision of this title, a federal write-in absentee ballot submitted pursuant to subsection A shall be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot, provided that the ballot is received no later than the deadline for the return of absentee ballots as provided in § 24.2-709 for the election in which the voter offers to vote, and the application contains the following information: (i) the voter's signature; however, if the voter is unable to sign, the person assisting the voter will note this fact in the voter

signature box; (ii) the voter's printed name; (iii) the county or city in which he is registered and offers to vote; (iv) the residence address at which he is registered to vote; (v) his current military or overseas address; and (vi) the signature, *printed name, and residence address* of a witness ~~who shall sign~~ *placed on the same application. Failure to provide a zip code shall not be considered a material omission and shall not render the voter's ballot void.*

C. This section shall not be construed to require that an absentee ballot be sent to the absentee voter on receipt of a federal write-in absentee ballot unless the voter has also submitted an absentee ballot application pursuant to § 24.2-701.

§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.

A. On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications received. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The Department of Elections shall prescribe procedures for general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

B. The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other evidence of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."

2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter _____

Date _____

Signature of witness _____

Printed name of witness _____

Residence address of witness _____"

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

When this statement has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

3. A properly addressed envelope for the return of the ballot to the general registrar by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653.01. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the Department of Elections.

C. If the applicant completes his application in person under § 24.2-701 at a time when the printed ballots for the election are available, he may request that the general registrar send to him by mail the items set forth in subdivisions B 1 through 4, instead of casting the ballot in person. Such request shall be made no later than 5:00 p.m. on the eleventh day prior to the election in which the applicant offers to vote, and the general registrar shall send those items to the applicant by mail, obtaining a certificate or other evidence of mailing.

D. If the applicant is a covered voter, as defined in § 24.2-452, the general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions B 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be required. If the applicant requests that such items be sent by electronic transmission, the general registrar, at the time when the printed ballots for the election are available but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter. Such materials shall be sent using the official email address or fax number of the office of the general registrar published on the Department of Elections website. The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

E. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

§ 24.2-707. How ballots marked and returned by mail.

On receipt of a mailed absentee ballot, the voter shall, in the presence of a witness, (i) open the sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644 and 24.2-646 without assistance and without making known how he marked the ballot, except as provided by § 24.2-704.

After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope provided for that purpose; (b) seal the envelope; (c) fill in and sign the statement printed on the back of the envelope in the presence of a witness, who shall sign *and print his name and residence address* on the same envelope; (d) enclose the ballot envelope and any required assistance form within the envelope directed to the general registrar; and (e) seal that envelope and mail it to the office of the general registrar or deliver it personally to the *office of the* general registrar. A voter's failure to provide in the statement on the back of the envelope his full middle name or his middle initial shall not be a material omission, rendering his ballot void, unless the voter failed to provide in the statement on the back of the envelope his full first and last name. A voter's failure to provide the date, or any part of the date, including the year, on which he signed the statement printed on the back of the envelope shall not be considered a material omission and shall not render his ballot void. *A witness's failure to provide a*

zip code shall not be considered a material omission and shall not render the voter's ballot void. For purposes of this chapter, "mail" shall include delivery by a commercial delivery service, but shall not include delivery by a personal courier service or another individual except as provided by §§ 24.2-703.2 and 24.2-705. For the purposes of this section, "office of the general registrar" shall not include any location or drop-box that is not located within the office of the general registrar. Under no circumstances shall the requirement in clause (c) that a witness sign the ballot envelope be waived, whether for emergency reasons or otherwise.

Failure to follow the procedures set forth in this section shall render the applicant's ballot void.

§ 24.2-709.1. Processing returned absentee ballots before election day.

Each general registrar shall take ~~one or more~~ of the following measures as needed to expedite counting absentee ballots returned by mail before election day: (i) examine the ballot envelopes to verify completion of the required voter affirmation; (ii) mark the pollbook, or the absentee voter applicant list if the pollbook is not available, that the voter has voted; ~~or and~~ (iii) open the sealed ballot envelopes and insert the ballots in optical scan counting equipment or other secure ballot container without initiating any ballot count totals. ~~If the general registrar proceeds to open sealed ballot envelopes as provided in clause (iii), at~~ At least two officers of election, one representing each political party, shall be present during all hours when a general registrar ~~uses the expedited procedures authorized in this section opens sealed ballot envelopes as provided in clause (iii).~~ No person present while sealed ballot envelopes are opened and ballots are inserted into counting equipment or other secure ballot container pursuant to clause (iii) shall disclose any information concerning the ballots.

§ 24.2-712. Central absentee voter precincts; counting ballots.

A. Notwithstanding any other provision of law, the *office of the general registrar shall be a central absentee voter precinct, and the governing body of each county or city may establish one or more additional central absentee voter precincts in the courthouse or other public buildings for the purpose of receiving, counting, and recording absentee ballots cast in the county or city. The decision to establish any additional absentee voter precinct shall be made by the governing body by ordinance; the ordinance shall state for which elections the precinct shall be used. The decision to abolish any absentee voter precinct other than the central absentee voter precinct established in the office of the general registrar shall be made by the governing body by ordinance. Immediate notification of either decision shall be sent to the Department of Elections and the electoral board.*

B. Each central absentee voter precinct shall have at least three officers of election as provided for other precincts. The number of officers shall be determined by the electoral board and general registrar.

C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day of the election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the general registrar on or before the day of the election, he shall be allowed to vote it, and his ballot shall be delivered to the absentee voter precinct pursuant to § 24.2-710.

The officers at the absentee voter precinct shall determine any appeal by any other voter whose name appears on the absentee voter applicant list and who offers to vote in person. If the officers at the absentee voter precinct produce records showing the receipt of his application and the certificate or other evidence of mailing for the ballot, they shall deny his appeal. If the officers cannot produce such records, the voter shall be allowed to vote in person at the absentee voter precinct and have his vote counted with other absentee votes. If the voter's appeal is denied, the provisions of § 24.2-708 shall be applicable, and the officers shall advise the voter that he may vote on presentation of a statement signed by him that he has not received an absentee ballot and subject to felony penalties for making false statements pursuant to § 24.2-1016.

D. Absentee ballots may be processed as required by § 24.2-711 by the officers of election at the central absentee voter precinct prior to the closing of the polls; *however, such absentee ballots shall be sorted by the precinct to which the voter who cast the absentee ballot is assigned upon removal of the ballot from the ballot envelope.* In the case of machine-readable ballots, the ballot container may be opened and the absentee ballots may be inserted in the counting machines prior to the closing of the polls in accordance with procedures prescribed by the Department of Elections, including procedures to preserve ballot secrecy, but no ballot count totals by the machines shall be initiated prior to the closing of the polls.

In the case of absentee ballots that are counted by hand, the officers of election may begin tallying such ballots at any time after 3:00 p.m. on the day of the election in accordance with the procedures prescribed by the Department of Elections, including procedures to preserve ballot secrecy. No counts of such tallies shall be determined or transmitted outside of the central absentee voter precinct until after the closing of the polls. The use of cellular telephones or other communication devices shall be prohibited in the central absentee voter precinct during such tallying and until the closing of the polls. Any person present in the central absentee voter precinct shall sign a statement under oath that he will not transmit any counts prior to the closing of the polls. Any person who transmits any counts in violation of this section is guilty of a Class 1 misdemeanor.

As soon as the polls are closed in the county or city, the officers of election at the central absentee voter precinct shall proceed promptly to *separately* ascertain and record the total vote given by all absentee ballots *associated with each precinct* and report the results in the manner provided for counting and reporting ballots generally in Article 4 (§ 24.2-643 et seq.) of Chapter 6. *The counted absentee ballots associated with each precinct shall be sealed separately from the counted absentee ballots associated with any other precinct for delivery to the clerk of court.*

E. The electoral board or general registrar may provide that the officers of election for a central absentee voter precinct may be assigned to work all or a portion of the time that the precinct is open on election day subject to the following conditions:

1. The chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to represent the two political parties, are on duty at all times; and

2. No officer, political party representative, or other candidate representative shall leave the precinct after any ballots have been counted until the polls are closed and the count for the precinct is completed and reported.

F. The general registrar may provide that the central absentee voter precinct *in the office of the general registrar* will open after 6:00 a.m. on the day of the election, provided that the office of the general registrar will be open for the receipt of absentee ballots until the central absentee voter precinct is open and that the officers of election for the central absentee voter precinct obtain the absentee ballots returned to the general registrar's office for the purpose of counting the absentee ballots at the central absentee voter precinct ~~and provided further that the central absentee voter precinct is the same location as the office of the general registrar.~~