

2021 SPECIAL SESSION I

HOUSE SUBSTITUTE

21200289D

SENATE BILL NO. 1097

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on February 17, 2021)

(Patron Prior to Substitute—Senator Favola)

A BILL to amend and reenact § 24.2-707 of the Code of Virginia, relating to absentee voting; witness signature not required during declared state of emergency related to a communicable disease of public health threat.

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-707 of the Code of Virginia is amended and reenacted as follows:

§ 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 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 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 voter's failure to have a witness sign the absentee ballot return envelope for any election held during a declared state of emergency related to a communicable disease of public health threat shall not be considered a material omission and shall not render his 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.

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

2. That the Department of Elections shall convene a work group to consider and evaluate alternatives to the witness signature requirement for election officials to use to verify that an absentee ballot has been cast by the voter identified as having requested and received the absentee ballot. The work group shall include such persons determined by the Department of Elections as necessary or appropriate. The work group shall organize no later than July 31, 2021, and shall complete its work no later than October 31, 2021. If recommending any specific policies or legislative proposals, the work group, through the Commissioner of Elections, shall communicate such recommendations to the Chairmen of the House and Senate Committees on Privileges and Elections by November 15, 2021.

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