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HOUSE BILL NO. 35

Offered January 12, 2022

Prefiled December 29, 2021

A *BILL to amend and reenact §§ 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-706, 24.2-709, and 24.2-1004 of the Code of Virginia, relating to absentee voting; excuse required to vote absentee by mail; excuse required to vote absentee in person prior to the second Saturday preceding an election.*

Patrons—Campbell, R.R., LaRock, Walker and Williams; Senators: Chase and Ruff

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-706, 24.2-709, and 24.2-1004 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-452. Definitions.

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

1. "Covered voter" means:

- a. A uniformed-service voter or an overseas voter who is registered to vote in this state;
- b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements, *including subdivision A 2 of § 24.2-700*;
- c. An overseas voter who, before leaving the United States, was last eligible to vote in this state and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements;
- d. An overseas voter who, before leaving the United States, would have been last eligible to vote in this state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements; or
- e. An overseas voter who was born outside the United States, is not described in subdivision c or d, and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements, if:

(1) The last place where a parent or legal guardian of the voter was, or under this chapter would have been, eligible to vote before leaving the United States is within this state; and

(2) The voter has not previously registered to vote in any other state.

2. "Dependent" means an individual recognized as a dependent by a uniformed service.

3. "Federal postcard application" means the application prescribed under § 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2).

4. "Federal write-in absentee ballot" means the ballot described in § 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, that may be used in all elections in which the voter is eligible to vote as provided in § 24.2-702.1.

5. "Military-overseas ballot" means:

- a. A federal write-in absentee ballot;
- b. A ballot specifically prepared or distributed for use by a covered voter in accordance with this title; or
- c. A ballot cast by a covered voter in accordance with this title.

6. "Overseas voter" means a United States citizen who is outside the United States.

7. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

8. "Uniformed service" means:

- a. Active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States;
- b. The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
- c. The Virginia National Guard.

9. "Uniformed-service voter" means an individual who is qualified to vote and is:

- a. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;
- b. A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;
- c. A member on activated status of the National Guard; or
- d. A spouse or dependent of a member referred to in this definition.

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59 10. "United States," used in the territorial sense, means the several states, the District of Columbia,
60 Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the
61 jurisdiction of the United States.

62 **§ 24.2-612. List of offices and candidates filed with Department of Elections and checked for**
63 **accuracy; when ballots printed; number required.**

64 Immediately after the expiration of the time provided by law for a candidate for any office to qualify
65 to have his name printed on the official ballot and prior to printing the ballots for an election, each
66 general registrar shall forward to the Department of Elections a list of the county, city, or town offices
67 to be filled at the election and the names of all candidates who have filed for each office. In addition,
68 each general registrar shall forward the name of any candidate who failed to qualify with the reason for
69 his disqualification. On that same day, the general registrar shall also provide a copy of the notice to
70 each disqualified candidate. The notice shall be sent by email or regular mail to the address on the
71 candidate's certificate of candidate qualification, and such notice shall be deemed sufficient. The
72 Department of Elections shall promptly advise the general registrar of the accuracy of the list. The
73 failure of any general registrar to send the list to the Department of Elections for verification shall not
74 invalidate any election.

75 Each general registrar shall have printed the number of ballots he determines will be sufficient to
76 conduct the election. Such determination shall be based on the number of active registered voters and
77 historical election data, including voter turnout, and shall be subject to the approval by the electoral
78 board.

79 Notwithstanding any other provisions of this title, the Department of Elections may print or otherwise
80 provide one statewide paper ballot style for each paper ballot style in use for presidential and
81 vice-presidential electors for use only by persons eligible to vote for those offices only under § 24.2-402
82 or only for federal elections under § 24.2-453. The Department of Elections may apportion or authorize
83 the printer or vendor to apportion the costs for these ballots among the localities based on the number of
84 ballots ordered. Any printer employed by the Department of Elections shall execute the statement
85 required by § 24.2-616. The Department of Elections shall designate a representative to be present at the
86 printing of such ballots and deliver them to the appropriate general registrars pursuant to § 24.2-617.
87 Upon receipt of such paper ballots, the electoral board or the general registrar shall affix the seal of the
88 electoral board. Thereafter, such ballots shall be handled and accounted for, and the votes counted as the
89 Department of Elections shall specifically direct.

90 The general registrar shall make printed ballots available for absentee voting not later than 45 days
91 prior to any election or within three business days of the receipt of a properly completed absentee ballot
92 application, whichever is later. In the case of a special election, excluding for federal offices, if time is
93 insufficient to meet the applicable deadline established herein, then the general registrar shall make
94 printed ballots available as soon after the deadline as possible. For the purposes of this chapter, making
95 printed ballots available includes mailing of such ballots or electronic transmission of such ballots
96 pursuant to § 24.2-706 to a covered voter, as defined in ~~§ 24.2-452, who has applied for an absentee~~
97 ~~ballot pursuant to § 24.2-701~~ a qualified absentee voter who is eligible for an absentee ballot under
98 subdivision A 2 of § 24.2-700. Not later than five days after absentee ballots are made available, each
99 general registrar shall report to the Department of Elections, in writing on a form approved by the
100 Department of Elections, whether he has complied with the applicable deadline.

101 Only the names of candidates for offices to be voted on in a particular election district shall be
102 printed on the ballots for that election district.

103 The general registrar shall send to the Department of Elections a statement of the number of ballots
104 ordered to be printed, proofs of each printed ballot for verification, and copies of each final ballot. If the
105 Department of Elections finds that, in its opinion, the number of ballots ordered to be printed by any
106 general registrar is not sufficient, it may direct the general registrar to order the printing of a reasonable
107 number of additional ballots.

108 **§ 24.2-700. Persons entitled to vote by absentee ballot.**

109 ~~Any registered voter~~ A. The following registered voters may vote by absentee ballot in accordance
110 with the provisions of this chapter in any election in which ~~he is~~ they are qualified to vote:

111 1. Any person who, in the regular and orderly course of his business, profession, or occupation or
112 while on personal business or vacation, will be absent from the county or city in which he is entitled to
113 vote;

114 2. Any person (i) who is (a) a member of a uniformed service, as defined in § 24.2-452, on active
115 duty; (b) temporarily residing outside of the United States; or (c) the spouse or dependent residing with
116 any person listed in clause (a) or (b), and (ii) who will be absent on the day of the election from the
117 county or city in which he is entitled to vote;

118 3. Any student attending a school or institution of higher education, or his spouse, who will be
119 absent on the day of election from the county or city in which he is entitled to vote;

120 4. Any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in

person to the polls on the day of election because of his disability, illness, or pregnancy;

5. Any person who is confined while awaiting trial or for having been convicted of a misdemeanor, provided that the trial or release date is scheduled on or after the third day preceding the election. Any person who is awaiting trial and is a resident of the county or city where he is confined shall, on his request, be taken to the polls to vote on election day if his trial date is postponed and he did not have an opportunity to vote absentee;

6. Any person who is a member of an electoral board, registrar, officer of election, or custodian of voting equipment;

7. Any duly registered person who is unable to go in person to the polls on the day of the election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home;

8. Any duly registered person who is unable to go in person to the polls on the day of the election because of an obligation occasioned by his religion;

9. Any person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603;

10. Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer fire fighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;

11. Any person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to §§ 24.2-604.4 and 24.2-639; or

12. Any person granted a protective order issued by or under the authority of any court of competent jurisdiction.

B. Any registered voter may vote by absentee ballot in person beginning on the second Saturday immediately preceding any election in which he is qualified to vote.

§ 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 person who is eligible to vote absentee under subdivision A 2 of § 24.2-700.

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

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

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

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

1. An application completed in person shall be completed only in the office of the general registrar and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643, or if he is unable to present one of the specified forms of identification listed in that subsection, he shall sign a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. An applicant 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. Any

182 applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643
183 or does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653.
184 The State Board of Elections shall provide instructions to the general registrar for the handling and
185 counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

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

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

202 3. ~~The application of any covered voter, as defined in § 24.2-452, An application made under~~
203 ~~subdivision A 2 of § 24.2-700 may be on a federal postcard application, as defined in § 24.2-452. The~~
204 ~~federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day~~
205 ~~following any election held in the twelfth month prior to the election in which the applicant is applying~~
206 ~~to vote.~~

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

208 1. The applicant's printed name ~~and~~, the last four digits of the applicant's social security number, ~~and~~
209 ~~the reason the applicant will be absent or unable to vote at his polling place on the day of the election.~~
210 However, an applicant completing the application in person shall not be required to provide the last four
211 digits of his social security number;

212 2. A statement that he is registered in the county or city in which he offers to vote and his residence
213 address in such county or city. Any person temporarily residing outside the United States shall provide
214 the last date of residency at his Virginia residence address, if that residence is no longer available to
215 him. ~~Any covered voter, as defined in § 24.2-452, person who makes application under subdivision A 2~~
216 ~~of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot~~
217 ~~simultaneously; and~~

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

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

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

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

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

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

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

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

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

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

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

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to §§ 24.2-604.4 and 24.2-639, the fact that he is so designated; or

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

D. An application shall not be required for any registered voter appearing in person to cast an absentee ballot pursuant to § 24.2-701.1 during the period beginning on the Saturday immediately preceding the election in which he is offering to vote.

§ 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.

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

2. Any registered voter offering to may vote absentee in person on or after the second Saturday immediately preceding the election in which he is offering to vote. He 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 offices 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. The electoral board or general registrar may provide for absentee voting in person in such offices on Sundays. 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,~~ *qualified absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700* 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 of a witness who shall sign the same application.

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.

§ 24.2-703.1. Special annual applications for absentee ballots for certain voters with an illness or disability.

A. Any registered voter shall be eligible to file a special application to receive absentee ballots for all elections in which he is eligible to vote ~~person who is eligible for an absentee ballot under subdivision A 4 of § 24.2-700 because of a disability or illness and who is likely to remain so eligible for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in a calendar year. Such~~ His first such application shall be accompanied by a statement, on a form approved by the State Board and signed by the voter and his physician, provider as defined § 37.2-403, or accredited religious practitioner, that the voter is eligible for an absentee ballot under subdivision A 4 of § 24.2-700 and likely to remain so eligible for the remainder of the calendar year. The absentee ballots sent to a voter on the permanent absentee voter list shall be sent to the address in the voter's registration record, except as provided in subdivision C 1.

B. In accordance with procedures established by the State Board, the general registrar shall retain the application *and form*, enroll the applicant on a ~~permanent~~ *special* absentee voter applicant list, and process the applicant's request for an absentee ballot for each succeeding election *in the calendar year*. The applicant shall specify by party designation the primary ballots he is requesting.

C. The State Board shall prescribe the process by which a voter on the permanent absentee voter list may:

1. Request that his absentee ballot for (i) a single election or (ii) a primary election and the following general election be sent to an address other than the address on his voter registration record.

2. Request a primary ballot for a political party other than the one he specified on his application for permanent absentee voter status for a single primary election.

3. ~~Change his political party selection for all succeeding primary elections~~ *The general registrar shall send each such enrolled applicant a blank application by December 15 for each ensuing calendar year and, upon completion thereof, the applicant shall be eligible to receive ballots for all elections in which he is eligible to vote in that calendar year.*

D. A voter shall be removed from the permanent absentee voter list if (i) the voter requests in writing to be removed from the list, (ii) the voter's registration is canceled pursuant to § 24.2-427, (iii) the voter's registration is placed on inactive status pursuant to § 24.2-428 or 24.2-428.1, or (iv) the voter

moves to a different address not in the same county or city of his registration. If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable, or the general registrar knows that the applicant is no longer a qualified voter, no ballot for any subsequent election shall be sent to the voter until a new application is filed and accepted.

§ 24.2-703.2. Replacement absentee ballots for certain voters with an illness or disability; penalty.

A person with a disability or illness voter who has applied for an absentee ballot under subdivision A 4 of § 24.2-700 because of a disability or illness and has been sent an absentee ballot but who did not receive or has lost the absentee ballot on or before the Saturday before the election may obtain a replacement absentee ballot. In such case, the voter may request a replacement absentee ballot by the close of business for the local elections office on the Saturday before election day and designate, in writing, a representative to obtain a replacement absentee ballot on his behalf from the general registrar and to return the properly completed ballot as directed by the general registrar no later than the close of polls on the day of election for which the absentee ballot is valid. The representative shall be age 18 or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate. The voter and representative shall complete the form prescribed by the State Board to implement the provisions of this section. The form shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.

§ 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.

C. 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 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.

428 Signature of Voter _____

429 Date _____

430 Signature of witness _____ "

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

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

437 3. An envelope, properly addressed and postage prepaid, for the return of the ballot to the general
438 registrar by mail or by the applicant in person, or to a drop-off location.

439 4. Printed instructions for completing the ballot and statement on the envelope and returning the
440 ballot. Such instructions shall include information on the sites of all drop-off locations in the county or
441 city.

442 For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of
443 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter
444 votes in a federal election in the state, the printed instructions shall direct the voter to submit with his
445 ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank
446 statement, government check, paycheck or other government document that shows the name and address
447 of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of
448 identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as
449 a provisional ballot under the provisions of § 24.2-653.01. The Department of Elections shall provide
450 instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to
451 § 24.2-653.01 and this section.

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

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

457 D. The general registrar may contract with a third party for the printing, assembly, and mailing of
458 the items set forth in subsection C. The general registrar shall provide to the contractor in a timely
459 manner the names, addresses, precincts, and ballot styles of voters requesting an absentee ballot by mail.
460 The vendor shall provide to the general registrar a report of the voters to whom the absentee ballot
461 materials have been sent.

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

468 F. If the applicant is a covered voter, as defined in § 24.2-452 states as the reason for his absence
469 on election day any of the reasons set forth in subdivision A 2 of § 24.2-700, the general registrar, at the
470 time when the printed ballots for the election are available, shall mail by the deadline set forth in
471 § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set
472 forth in subdivisions C 1 through 4 and, if necessary, an application for registration. A certificate or
473 other evidence of mailing shall not be required. If the applicant requests that such items be sent by
474 electronic transmission, the general registrar, at the time when the printed ballots for the election are
475 available but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the
476 blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter.
477 Such materials shall be sent using the official email address or fax number of the office of the general
478 registrar published on the Department of Elections website. The State Board of Elections may prescribe
479 by regulation the format of the email address used for transmitting ballots to eligible voters. A general
480 registrar may also use electronic transmission facilities provided by the Federal Voting Assistance
481 Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

482 G. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this
483 section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole
484 or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur,
485 or (iii) the campaign committee or the appropriate district political party chairman of such candidate.
486 Any person who fails to discharge his duty as provided in this section through willful neglect of duty
487 and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of
488 § 24.2-1001.

489 **§ 24.2-709. Ballot to be returned in manner prescribed by law.**

A. Any ballot returned to the office of the general registrar or to a drop-off location in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to the general registrar or to a drop-off location before the closing of the polls. Any voter who is in line to return an absentee ballot at a drop-off location by 7:00 p.m. on the day of the election shall be permitted to deposit his absentee ballot. The registrar receiving the ballot shall (i) seal the ballot in an envelope with the statement or declaration of the voter, or both, attached to the outside and (ii) mark on each envelope the date, time, and manner of delivery. No returned absentee ballot shall be deemed void because (a) the inner envelope containing the voted ballot is imperfectly sealed so long as the outside envelope containing the ballot envelope is sealed or (b) it is not returned sealed in the outside envelope so long as it is returned sealed in the inner envelope.

B. Notwithstanding the provisions of subsection A, any absentee ballot (i) returned to the general registrar after the closing of the polls on election day but before noon on the third day after the election and (ii) postmarked on or before the date of the election shall be counted pursuant to the procedures set forth in this chapter if the voter is found entitled to vote. For purposes of this subsection, a postmark shall include any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service.

C. Notwithstanding the provisions of subsection A, any absentee ballot (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by a ~~covered voter, as defined in § 24.2-452, an absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700~~ shall be counted pursuant to the procedures set forth in this chapter if the voter is found entitled to vote. The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.

D. Notwithstanding the provisions of clause (i) of subsection B of § 24.2-427, an absentee ballot returned by a voter in compliance with § 24.2-707 and this section who dies prior to the counting of absentee ballots on election day shall be counted pursuant to the procedures set forth in this chapter if the voter is found to have been entitled to vote at the time that he returned the ballot.

§ 24.2-1004. Illegal voting and registrations.

A. Any person who wrongfully deposits a ballot in the ballot container or casts a vote on any voting equipment, is guilty of a Class 1 misdemeanor.

B. Any person who intentionally (i) votes more than once in the same election, whether those votes are cast in Virginia or in Virginia and any other state or territory of the United States, (ii) procures, assists, or induces another to vote more than once in the same election, whether those votes are cast in Virginia or in Virginia and any other state or territory of the United States, (iii) votes knowing that he is not qualified to vote where and when the vote is to be given, or (iv) procures, assists, or induces another to vote knowing that such person is not qualified to vote where and when the vote is to be given is guilty of a Class 6 felony.

C. Any person who intentionally (i) registers to vote at more than one residence address at the same time, whether such registrations are in Virginia or in Virginia and any other state or territory of the United States, or (ii) procures, assists, or induces another to register to vote at more than one address at the same time, whether such registrations are in Virginia or in Virginia and any other state or territory of the United States, is guilty of a Class 6 felony. This subsection shall not apply to any person who, when registering to vote, changing the address at which he is registered, transferring his registration, or assisting another in registering, changing his address, or transferring his registration, provides the information required by § 24.2-418 on the applicant's place of last previous registration to vote.

D. Nothing in this section shall be construed to prohibit a ~~covered voter, as defined in § 24.2-452, person eligible to vote absentee under subdivision A 2 of § 24.2-700~~ from casting in the same election both a state ballot and a write-in absentee ballot that is processed in the manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.). If both ballots are received prior to the close of the polls on election day, the state ballot shall be counted.