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HOUSE BILL NO. 39

Offered January 12, 2022

Prefiled December 30, 2021

A BILL to amend and reenact §§ 24.2-701 and 24.2-701.1 of the Code of Virginia, relating to absentee voting in person; available beginning on the fourteenth day prior to election; hours of operation.

Patrons—Scott, P.A., LaRock, Anderson, Campbell, R.R., Freitas, Runion, Walker, Williams and Wyatt

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

**1. That §§ 24.2-701 and 24.2-701.1 of the Code of Virginia are amended and reenacted as follows:
§ 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.

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.~~ 7:00 a.m. and ~~5:00 p.m.~~ 7:00 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 applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 or does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections 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.

This paragraph 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 paragraph 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

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59 and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

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

66 3. The application of any covered voter, as defined in § 24.2-452, may be on a federal postcard
67 application, as defined in § 24.2-452. The federal postcard application may be accepted the later of (i)
68 12 months before an election or (ii) the day following any election held in the twelfth month prior to
69 the election in which the applicant is applying to vote.

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

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

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

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

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

88 **§ 24.2-701.1. Absentee voting in person.**

89 A. Absentee voting in person shall be available on the ~~forty-fifth~~ *fourteenth* day prior to any election
90 and shall continue until ~~5:00 p.m.~~ *7:00 p.m.* on the Saturday immediately preceding the election. In the
91 case of a special election, excluding for federal offices, if time is insufficient between the issuance of
92 the writ calling for the special election and the date of the special election, absentee voting in person
93 shall be available as soon as possible after the issuance of the writ.

94 Any registered voter offering to vote absentee in person shall provide his name and his residence
95 address in the county or city in which he is offering to vote. After verifying that the voter is a registered
96 voter of that county or city, the general registrar shall enroll the voter's name and address on the
97 absentee voter applicant list maintained pursuant to § 24.2-706.

98 Except as provided in subsection F, a registered voter voting by absentee ballot in person shall
99 provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show
100 one of the forms of identification specified in subsection B of § 24.2-643, he shall be allowed to vote
101 after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he
102 is the named registered voter he claims to be. A voter who requires assistance in voting by reason of a
103 physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649,
104 may be assisted in preparation of this statement in accordance with that section. The provisions of
105 § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in
106 completing this statement. A voter who does not show one of the forms of identification specified in
107 this subsection or does not sign this statement shall be offered a provisional ballot under the provisions
108 of § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and
109 counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

110 B. Absentee voting in person shall be available ~~during regular business hours~~ *Monday through*
111 *Saturday, beginning at 7:00 a.m. and ending at 7:00 p.m. each day.* The electoral board of each county
112 and city shall provide for absentee voting in person in the office of the general registrar or a voter
113 satellite office established pursuant to § 24.2-701.2. ~~For purposes of this chapter, such offices shall be~~
114 ~~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~~
115 ~~and second Saturday immediately preceding all elections.~~ The electoral board or general registrar may
116 provide for absentee voting in person in such offices on Sundays. Any applicant who is in line to cast
117 his ballot when the office of the general registrar or voter satellite office closes shall be permitted to
118 cast his absentee ballot that day.

119 C. The general registrar may provide for the casting of absentee ballots in person pursuant to this
120 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.