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SENATE BILL NO. 552

Offered January 12, 2022

Prefiled January 12, 2022

A *BILL to amend and reenact §§ 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-706, 24.2-709, 24.2-709.1, and 24.2-1004 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-709.2, relating to absentee voting; excuse required to vote absentee by mail; signature match.*

 Patron—Chase

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, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-706, 24.2-709, 24.2-709.1, and 24.2-1004 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-709.2 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

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59 d. A spouse or dependent of a member referred to in this definition.

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

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

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

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

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

91 The general registrar shall make printed ballots available for absentee voting not later than 45 days
92 prior to any election or within three business days of the receipt of a properly completed absentee ballot
93 application, whichever is later. In the case of a special election, excluding for federal offices, if time is
94 insufficient to meet the applicable deadline established herein, then the general registrar shall make
95 printed ballots available as soon after the deadline as possible. For the purposes of this chapter, making
96 printed ballots available includes mailing of such ballots or electronic transmission of such ballots
97 pursuant to § 24.2-706 to a covered voter, as defined in ~~§ 24.2-452, who has applied for an absentee~~
98 ~~ballot pursuant to § 24.2-704~~ a qualified absentee voter who is eligible for an absentee ballot under
99 subdivision A 2 of § 24.2-700. Not later than five days after absentee ballots are made available, each
100 general registrar shall report to the Department of Elections, in writing on a form approved by the
101 Department of Elections, whether he has complied with the applicable deadline.

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

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

109 **§ 24.2-700. Persons entitled to vote by absentee ballot.**

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

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

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

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

121 4. Any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in
122 person to the polls on the day of election because of his disability, illness, or pregnancy;

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

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

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

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

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

138 10. Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in
139 § 65.2-102; volunteer fire fighter, as defined in § 27-42; search and rescue personnel, as defined in
140 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;

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

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

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

148 **§ 24.2-701. Application for absentee ballot.**

149 A. The Department shall furnish each general registrar with a sufficient number of applications for
150 official absentee ballots. The registrars shall furnish applications to persons requesting them.

151 The Department shall implement a system that enables eligible persons to request and receive an
152 absentee ballot application electronically through the Internet. Electronic absentee ballot applications
153 shall be in a form approved by the State Board.

154 Except as provided in § 24.2-703 or 24.2-703.1, a separate application shall be completed for each
155 election in which the applicant offers to vote. An application for an absentee ballot may be accepted the
156 later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month
157 prior to the election in which the applicant is applying to vote.

158 An application that is completed in person at the same time that the applicant registers to vote shall
159 be held and processed no sooner than the fifth day after the date that the applicant registered to vote;
160 however, this requirement shall not be applicable to any covered voter, as defined in § 24.2-452 person
161 who is eligible to vote absentee under subdivision A 2 of § 24.2-700.

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

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

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

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

174 1. An application completed in person shall be completed only in the office of the general registrar
175 and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms
176 of identification specified in subsection B of § 24.2-643, or if he is unable to present one of the
177 specified forms of identification listed in that subsection, he shall sign a statement, subject to felony
178 penalties for making false statements pursuant to § 24.2-1016, that he is the named registered voter he
179 claims to be. An applicant who requires assistance in voting by reason of a physical disability or an
180 inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in
181 preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

243 11. *In the case of a person who is unable to go to the polls on the day of election because of an*

244 obligation occasioned by his religion, that he has an obligation occasioned by his religion; or
 245 12. In the case of a person who, in the regular and orderly course of his business, profession, or
 246 occupation, will be at his place of work and commuting to and from his home to his place of work for
 247 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his
 248 business or employer and hours he will be at the workplace and commuting on election day; or

249 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in
 250 § 65.2-102; volunteer fire fighter, as defined in § 27-42; search and rescue personnel, as defined in
 251 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first
 252 responder; or

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

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

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

262 **§ 24.2-702.1. Federal write-in absentee ballots.**

263 A. Notwithstanding any other provision of this title, a ~~covered voter, as defined in § 24.2-452,~~
 264 *qualified absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700* may
 265 use a federal write-in absentee ballot in any election. Such ballot shall be submitted and processed in the
 266 manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et
 267 seq.) and this article.

268 B. Notwithstanding any other provision of this title, a federal write-in absentee ballot submitted
 269 pursuant to subsection A shall be considered valid for purposes of simultaneously satisfying both an
 270 absentee ballot application and a completed absentee ballot, provided that the ballot is received no later
 271 than the deadline for the return of absentee ballots as provided in § 24.2-709 for the election in which
 272 the voter offers to vote, and the application contains the following information: (i) the voter's signature;
 273 however, if the voter is unable to sign, the person assisting the voter will note this fact in the voter
 274 signature box; (ii) the voter's printed name; (iii) the county or city in which he is registered and offers
 275 to vote; (iv) the residence address at which he is registered to vote; (v) his current military or overseas
 276 address; and (vi) the signature of a ~~witness~~ *notary* who shall sign the same application.

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

280 **§ 24.2-703.1. Special annual applications for absentee ballots for certain voters with an illness**
 281 **or disability.**

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

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

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

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

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

303 3. ~~Change his political party selection for all succeeding primary elections~~ *The general registrar shall*
 304 *send each such enrolled applicant a blank application by December 15 for each ensuing calendar year*

305 *and, upon completion thereof, the applicant shall be eligible to receive ballots for all elections in which*
 306 *he is eligible to vote in that calendar year.*

307 D. A voter shall be removed from the permanent absentee voter list if (i) the voter requests in
 308 writing to be removed from the list, (ii) the voter's registration is canceled pursuant to § 24.2-427, (iii)
 309 the voter's registration is placed on inactive status pursuant to § 24.2-428 or 24.2-428.1, or (iv) the voter
 310 moves to a different address not in the same county or city of his registration *If an official reply to the*
 311 *application or an absentee ballot sent to the applicant is returned as undeliverable, or the general*
 312 *registrar knows that the applicant is no longer a qualified voter, no ballot for any subsequent election*
 313 *shall be sent to the voter until a new application is filed and accepted.*

314 **§ 24.2-703.2. Replacement absentee ballots for certain voters with an illness or disability;**
 315 **penalty.**

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

329 **§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.**

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

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

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

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

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

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

360 2. An envelope for resealing the marked ballot, on which envelope is printed the following:
 361 "Statement of Voter."

362 "I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016,
 363 that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since
 364 last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN
 365 VIRGINIA including the house number, street name or rural route address, city, zip code); that I
 366 received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the

367 envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness notary, without
368 assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning
369 the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that
370 I have not voted and will not vote in this election at any other time or place.

371 Signature of Voter _____

372 Date _____

373 Signature and seal of witness notary _____"

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

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

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

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

385 For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of
386 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter
387 votes in a federal election in the state, the printed instructions shall direct the voter to submit with his
388 ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank
389 statement, government check, paycheck or other government document that shows the name and address
390 of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of
391 identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as
392 a provisional ballot under the provisions of § 24.2-653.01. The Department of Elections shall provide
393 instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to
394 § 24.2-653.01 and this section.

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

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

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

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

411 F. If the applicant is a covered voter, as defined in ~~§ 24.2-452~~ states as the reason for his absence
412 on election day any of the reasons set forth in subdivision A 2 of § 24.2-700, the general registrar, at the
413 time when the printed ballots for the election are available, shall mail by the deadline set forth in
414 § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set
415 forth in subdivisions C 1 through 4 and, if necessary, an application for registration. A certificate or
416 other evidence of mailing shall not be required. If the applicant requests that such items be sent by
417 electronic transmission, the general registrar, at the time when the printed ballots for the election are
418 available but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the
419 blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter.
420 Such materials shall be sent using the official email address or fax number of the office of the general
421 registrar published on the Department of Elections website. The State Board of Elections may prescribe
422 by regulation the format of the email address used for transmitting ballots to eligible voters. A general
423 registrar may also use electronic transmission facilities provided by the Federal Voting Assistance
424 Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

425 G. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this
426 section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole
427 or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur,

428 or (iii) the campaign committee or the appropriate district political party chairman of such candidate.
 429 Any person who fails to discharge his duty as provided in this section through willful neglect of duty
 430 and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of
 431 § 24.2-1001.

432 **§ 24.2-709. Ballot to be returned in manner prescribed by law.**

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

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

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

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

463 **§ 24.2-709.1. Processing returned absentee ballots before election day; cure process.**

464 A. On receipt of an absentee ballot returned in person or by mail to the office of the general registrar
 465 or to a drop-off location before election day, the general registrar shall mark the date of receipt in the
 466 voter's record and shall examine the ballot envelope to verify completion of the required voter
 467 affirmation *and to compare the signature of the voter on the ballot envelope with the signature on the*
 468 *application for the absentee ballot completed by the voter or the signature on file in the voter's*
 469 *registration record.* A voter affirmation statement shall not be deemed to be incomplete on the sole
 470 basis of the voter's failure to provide (i) his full name or his middle initial, as long as the voter provided
 471 his full first and last name, or (ii) the date, or any part of the date, including the year, on which he
 472 signed the statement.

473 B. If the voter affirmation has been completed as required *and the signature on the ballot envelope*
 474 *matches the signature on the application for the absentee ballot or on file in the voter's registration*
 475 *record,* the general registrar may open the sealed ballot envelope and insert the ballot in optical scan
 476 counting equipment or other secure ballot container without initiating any ballot count totals. If a general
 477 registrar does not choose to do so, the sealed ballot envelope shall be deposited into a secure container
 478 provided for such purpose, in which it shall remain until the general registrar initiates the process of
 479 opening the sealed ballot envelopes deposited into the secure container and inserting such ballots into
 480 optical scan counting equipment without initiating any ballot count totals. Such process shall be at the
 481 general registrar's discretion at any time prior to the seventh day immediately preceding the election but
 482 shall be mandatory beginning on the seventh day immediately preceding the election.

483 At least two officers of election, one representing each political party, shall be present during all
 484 hours when sealed ballot envelopes are opened as authorized in or required by this subsection. No
 485 person present while sealed ballot envelopes are opened and ballots are inserted into counting equipment
 486 shall disclose any information concerning the ballots.

487 In the event that circumstances prevent a general registrar from complying with the provisions of this
 488 subsection, such failure shall not be grounds for contesting the election pursuant to Article 2 (§ 24.2-803
 489 et seq.) of Chapter 8 and shall not invalidate the absentee ballots.

490 C. For any absentee ballot received by the Friday immediately preceding the day of the election, if
 491 the general registrar finds during the examination of the ballot envelope that the required voter
 492 affirmation was not correctly or completely filled out or that a procedure required by § 24.2-707 was not
 493 properly followed, and such error or failure would render the ballot void by law, the general registrar
 494 shall enter into the voter's record in the voter registration system that the absentee ballot has an issue
 495 requiring correction in order for it to be counted. This information shall be included on any absentee
 496 voter applicant list provided pursuant to subsection C of § 24.2-710.

497 Within three days of such finding, the registrar shall notify the voter in writing or by email of the
 498 error or failure and shall provide information to the voter on how to correct the issue so his ballot may
 499 be counted. The voter shall be entitled to make such necessary corrections before noon on the third day
 500 after the election, and his ballot shall then be counted pursuant to the procedures set forth in this chapter
 501 if he is found to be entitled to vote. No absentee ballot needing correction shall be delivered to the
 502 officers of election at the appropriate precinct until the voter is provided the opportunity to make the
 503 necessary corrections pursuant to this subsection.

504 The general registrar may issue a new absentee ballot to the voter if necessary and shall preserve the
 505 first ballot with other spoiled ballots.

506 *D. If the signature on the ballot envelope is missing or does not match the signature on the*
 507 *application for the absentee ballot or on file in the voter's registration record, the general registrar*
 508 *shall proceed in accordance with the provisions of § 24.2-709.2.*

509 **§ 24.2-709.2. Absentee ballots; missing or invalid signatures.**

510 A. A mailed absentee ballot that is missing the signature of the voter on the voter affirmation
 511 statement or that has a signature that does not match the signature on the application for the absentee
 512 ballot submitted by the voter or on file in the voter's registration record shall be handled and processed
 513 as a provisional ballot, and the voter shall be entitled to complete and submit a cure affidavit, along
 514 with a copy of a form of identification containing his name, photograph, and signature, in order for his
 515 ballot to be counted.

516 B. The general registrar shall promptly notify the voter of his absentee ballot's provisional status by
 517 email, text message, or telephone call and shall direct the voter to the cure affidavit on the official
 518 website of the county or city. If the absentee ballot was returned on or before the seventh day
 519 immediately preceding the election, the general registrar shall also notify the voter by first class mail.
 520 The voter shall have until noon on the third day following the election to submit his completed cure
 521 affidavit and a copy of a form of identification containing his name, photograph, and signature.

522 C. Each county or city shall make available on its official website the cure affidavit, which shall be
 523 on a form prescribed by the State Board and shall provide the voter the opportunity to affirm that the
 524 ballot was submitted by him, that the ballot is his ballot, and that he is registered and qualified to vote
 525 in such election.

526 D. The Department shall provide instructions to the general registrars and electoral boards for the
 527 handling, processing, and counting of ballots pursuant to this section.

528 **§ 24.2-1004. Illegal voting and registrations.**

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

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

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

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