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1 **HOUSE BILL NO. 177**
2 Offered January 12, 2022
3 Prefiled January 10, 2022
4 *A BILL to amend and reenact §§ 24.2-702.1, 24.2-704, 24.2-706, and 24.2-707 of the Code of Virginia,*
5 *relating to elections; absentee voting; witness requirement; printed name and residence address.*
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8 Referred to Committee on Privileges and Elections
9 ——————
10 **Be it enacted by the General Assembly of Virginia:**
11 **1. That §§ 24.2-702.1, 24.2-704, 24.2-706, and 24.2-707 of the Code of Virginia are amended and**
12 **reenacted as follows:**
13 **§ 24.2-702.1. Federal write-in absentee ballots.**
14 A. Notwithstanding any other provision of this title, a covered voter, as defined in § 24.2-452, may
15 use a federal write-in absentee ballot in any election. Such ballot shall be submitted and processed in the
16 manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et
17 seq.) and this article.
18 B. Notwithstanding any other provision of this title, a federal write-in absentee ballot submitted
19 pursuant to subsection A shall be considered valid for purposes of simultaneously satisfying both an
20 absentee ballot application and a completed absentee ballot, provided that the ballot is received no later
21 than the deadline for the return of absentee ballots as provided in § 24.2-709 for the election in which
22 the voter offers to vote, and the application contains the following information: (i) the voter's signature;
23 however, if the voter is unable to sign, the person assisting the voter will note this fact in the voter
24 signature box; (ii) the voter's printed name; (iii) *the voter's date of birth; (iv) the last four digits of the*
25 *voter's social security number; (v)* the county or city in which he is registered and offers to vote; ~~(iv)~~
26 *(vi)* the residence address at which he is registered to vote; ~~(v)~~ *and (vii)* his current military or overseas
27 address~~; and (vi) the signature of a witness who shall sign the same application~~.
28 C. This section shall not be construed to require that an absentee ballot be sent to the absentee voter
29 on receipt of a federal write-in absentee ballot unless the voter has also submitted an absentee ballot
30 application pursuant to § 24.2-701.
31 **§ 24.2-704. Applications and ballots for persons requiring assistance in voting; penalty.**
32 A. The application for an absentee ballot shall provide space for the applicant to indicate that he will
33 require assistance to vote his absentee ballot by reason of blindness, disability, or inability to read or
34 write.
35 B. On receipt of an application from an applicant who indicated that he will require assistance due to
36 a visual impairment or print disability, the general registrar shall offer to provide to the applicant a
37 ballot marking tool with screen reader assistive technology made available pursuant to § 24.2-103.2. If
38 the applicant opts to use such tool, the general registrar shall send by mail to him a ballot return
39 envelope and accessible instructions provided by the Department for using such tool and returning the
40 marked ballot. The general registrar shall cause the outer envelope containing the ballot return envelope
41 and accessible instructions to have a tactile marking that identifies the outer envelope as the outer
42 envelope to the voter. For purposes of this section, "tactile marking" includes a hole punch, a cut corner,
43 or a tactile sticker.
44 An absentee voter using such tool shall return the marked absentee ballot in accordance with the
45 instructions provided by the Department.
46 No ballot marked with the electronic ballot marking tool shall be rejected because the ballot was
47 printed on regular paper. No ballot marked with the electronic ballot marking tool shall be rejected on
48 the basis of the position of the voter's signature or address on the ballot return envelope as long as the
49 voter's signature or address is anywhere on the ballot return envelope.
50 C. On receipt of an application from an applicant marked to indicate that he will require assistance
51 due to any other disability or if an applicant offered the ballot marking tool pursuant to subsection B
52 declines to use such tool, the general registrar shall deliver, with the items required by § 24.2-706, the
53 voter assistance form furnished by the State Board pursuant to § 24.2-649. The voter and any person
54 assisting him shall complete the form by signing the request for assistance and statement required of the
55 assistant. If the voter is unable to sign the request, the ~~witness~~ *person assisting him* will note this fact
56 on the line for signature of voter. The provisions of § 24.2-649 shall apply to absentee voting and
57 assistance for absentee voters. Any person who willfully violates the provisions of this section or
58 § 24.2-649 in providing assistance to a person who is voting absentee shall be guilty of a Class 5

59 felony.
60 **§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.**
61 A. On receipt of an application for an absentee ballot, the general registrar shall enroll the name and
62 address of each registered applicant on an absentee voter applicant list that shall be maintained in the
63 office of the general registrar with a file of the applications received. The list shall be available for
64 inspection and copying and the applications shall be available for inspection only by any registered voter
65 during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall
66 provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such
67 list shall be used only for campaign and political purposes. Any list made available for inspection and
68 copying under this section shall contain the post office box address in lieu of the residence street
69 address for any individual who has furnished at the time of registration or subsequently, in addition to
70 his street address, a post office box address pursuant to subsection B of § 24.2-418.
71 No list or application containing an individual's social security number, or any part thereof, or the
72 individual's day and month of birth, shall be made available for inspection or copying by anyone. The
73 Department of Elections shall prescribe procedures for general registrars to make the information in the
74 lists and applications available in a manner that does not reveal social security numbers or parts thereof,
75 or an individual's day and month of birth.
76 B. The completion and timely delivery of an application for an absentee ballot shall be construed to
77 be an offer by the applicant to vote in the election.
78 The general registrar shall note on each application received whether the applicant is or is not a
79 registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject
80 the application of any individual because of an error or omission on any record or paper relating to the
81 application, if such error or omission is not material in determining whether such individual is qualified
82 to vote absentee.
83 C. If the application has been properly completed and signed and the applicant is a registered voter
84 of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots
85 for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other
86 evidence of either first-class or expedited mailing or delivery from the United States Postal Service or
87 other commercial delivery provider, or deliver to him in person in the office of the registrar, the
88 following items and nothing else:
89 1. An envelope containing the folded ballot, sealed and marked "Ballot within. ~~Do not open except~~
90 ~~in presence of a witness.~~"
91 2. An envelope for resealing the marked ballot, on which envelope is printed the following:
92 "Statement of Voter."
93 "I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016,
94 that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since
95 last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN
96 VIRGINIA including the house number, street name or rural route address, city, zip code); that I
97 received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the
98 envelope marked 'ballot within' and marked the ballot(s) ~~in the presence of the witness~~, without
99 assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning
100 the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that
101 I have not voted and will not vote in this election at any other time or place.
102 Signature of Voter _____
103 *Last four digits of voter's social security number _____*
104 *Voter's Date of Birth _____*
105 Date _____
106 ~~Signature of witness _____~~"
107 For elections held after January 1, 2004, instead of the envelope containing the above oath, an
108 envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the
109 Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to
110 voters who are qualified to vote absentee under that Act.
111 When this statement has been properly completed and signed by the registered voter ~~and witnessed~~,
112 his ballot shall not be subject to challenge pursuant to § 24.2-651.
113 3. An envelope, properly addressed and postage prepaid, for the return of the ballot to the general
114 registrar by mail or by the applicant in person, or to a drop-off location.
115 4. Printed instructions for completing the ballot and statement on the envelope and returning the
116 ballot. Such instructions shall include information on the sites of all drop-off locations in the county or
117 city.
118 For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of
119 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter
120 votes in a federal election in the state, the printed instructions shall direct the voter to submit with his

121 ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank
122 statement, government check, paycheck or other government document that shows the name and address
123 of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of
124 identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as
125 a provisional ballot under the provisions of § 24.2-653.01. The Department of Elections shall provide
126 instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to
127 § 24.2-653.01 and this section.
128 5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee
129 Voting Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to
130 the voting rights and responsibilities for such citizens, or information provided by the registrar specific
131 to the status of the voter registration and absentee ballot application of such voter, may be included.
132 The envelopes and instructions shall be in the form prescribed by the Department of Elections.
133 D. The general registrar may contract with a third party for the printing, assembly, and mailing of
134 the items set forth in subsection C. The general registrar shall provide to the contractor in a timely
135 manner the names, addresses, precincts, and ballot styles of voters requesting an absentee ballot by mail.
136 The vendor shall provide to the general registrar a report of the voters to whom the absentee ballot
137 materials have been sent.
138 E. If the applicant completes his application in person under § 24.2-701 at a time when the printed
139 ballots for the election are available, he may request that the general registrar send to him by mail the
140 items set forth in subdivisions C 1 through 4, instead of casting the ballot in person. Such request shall
141 be made no later than 5:00 p.m. on the eleventh day prior to the election in which the applicant offers
142 to vote, and the general registrar shall send those items to the applicant by mail, obtaining a certificate
143 or other evidence of mailing.
144 F. If the applicant is a covered voter, as defined in § 24.2-452, the general registrar, at the time when
145 the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or
146 deliver in person to the applicant in the office of the general registrar the items as set forth in
147 subdivisions C 1 through 4 and, if necessary, an application for registration. A certificate or other
148 evidence of mailing shall not be required. If the applicant requests that such items be sent by electronic
149 transmission, the general registrar, at the time when the printed ballots for the election are available but
150 not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot,
151 the form for the envelope for returning the marked ballot, and instructions to the voter. Such materials
152 shall be sent using the official email address or fax number of the office of the general registrar
153 published on the Department of Elections website. The State Board of Elections may prescribe by
154 regulation the format of the email address used for transmitting ballots to eligible voters. A general
155 registrar may also use electronic transmission facilities provided by the Federal Voting Assistance
156 Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.
157 G. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this
158 section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole
159 or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur,
160 or (iii) the campaign committee or the appropriate district political party chairman of such candidate.
161 Any person who fails to discharge his duty as provided in this section through willful neglect of duty
162 and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of
163 § 24.2-1001.
164 **§ 24.2-707. How ballots marked and returned.**
165 A. On receipt of a mailed absentee ballot, the voter shall, ~~in the presence of a witness,~~ (i) open the
166 sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644
167 and 24.2-646 without assistance and without making known how he marked the ballot, except as
168 provided by § 24.2-704.
169 After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope
170 provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the back of
171 the envelope ~~in the presence of a witness, who shall sign the same envelope,~~ (d) enclose the ballot
172 envelope and any required assistance form within the envelope directed to the general registrar, and (e)
173 seal that envelope. A voter's failure to provide in the statement on the back of the envelope his full
174 middle name or his middle initial shall not be a material omission, rendering his ballot void, unless the
175 voter failed to provide in the statement on the back of the envelope his full first and last name. A
176 voter's failure to provide the date, or any part of the date, including the year, on which he signed the
177 statement printed on the back of the envelope shall not be considered a material omission and shall not
178 render his ballot void. ~~A voter's failure to have a witness sign the absentee ballot return envelope for~~
179 ~~any election held during a declared state of emergency related to a communicable disease of public~~
180 ~~health threat shall not be considered a material omission and shall not render his ballot void.~~
181 B. A mailed absentee ballot shall be returned (i) by mail to the office of the general registrar, (ii) by

182 the voter in person to the general registrar, or (iii) to a drop-off location established pursuant to
183 § 24.2-707.1. For purposes of this subsection, "mail" includes a delivery by a commercial delivery
184 service but does not include delivery by a personal courier service or other individual except as provided
185 by §§ 24.2-703.2 and 24.2-705.
186   C. Failure to follow the procedures set forth in this section shall render the applicant's ballot void.