

23101719D

**HOUSE BILL NO. 1812**

Offered January 11, 2023

Prefiled January 10, 2023

A *BILL to amend and reenact §§ 24.2-124.1, 24.2-404, 24.2-411.3, 24.2-416, 24.2-417.1, 24.2-418, 24.2-420.1, 24.2-423, 24.2-424, 24.2-452, 24.2-610, 24.2-612, 24.2-625.2, 24.2-629, 24.2-638, 24.2-643, 24.2-646.1, 24.2-653, 24.2-653.01, 24.2-667.1, 24.2-700, 24.2-701, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-706, 24.2-709, 24.2-1004, 46.2-328.3, and 46.2-345.3, as it is currently effective and as it may become effective, of the Code of Virginia; to amend the Code of Virginia by adding in Article 6 of Chapter 1 of Title 24.2 a section numbered 24.2-124.2; and to repeal §§ 24.2-403.1, 24.2-416.7, 24.2-649.1, 24.2-701.1, and 24.2-701.2 of the Code of Virginia, relating to elections; foreign interference in elections; registration, absentee voting, and conduct of election; penalty.*

Patron—March

Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 24.2-124.1, 24.2-404, 24.2-411.3, 24.2-416, 24.2-417.1, 24.2-418, 24.2-420.1, 24.2-423, 24.2-424, 24.2-452, 24.2-610, 24.2-612, 24.2-625.2, 24.2-629, 24.2-638, 24.2-643, 24.2-646.1, 24.2-653, 24.2-653.01, 24.2-667.1, 24.2-700, 24.2-701, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-706, 24.2-709, 24.2-1004, 46.2-328.3, and 46.2-345.3, as it is currently effective and as it may become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 6 of Chapter 1 of Title 24.2 a section numbered 24.2-124.2 as follows:

**§ 24.2-124.1. Acceptance of certain gifts and funding prohibited.**

The State Board, the Department, each local electoral board, and all offices of the general registrar shall not solicit, accept, use, or dispose of any money, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections.

This section shall not be construed to prohibit (i) the operation of a polling place or voter satellite office in a facility furnished by a private individual or nongovernmental entity that otherwise meets the requirements for polling places provided in §§ 24.2-310 and 24.2-310.1 or voter satellite offices provided in § 24.2-701.2 or (ii) acceptance of a federal government grant funded in whole or part by donations from private individuals or nongovernmental entities.

**§ 24.2-124.2. Foreign interference in elections; report; penalty.****A. For the purposes of this section:**

"Covert," with respect to an action or attempted action, means characterized by an intent or apparent intent that the role of a foreign government will not be apparent or acknowledged publicly.

"Covert" means any action or attempted action that is characterized by an intent or apparent intent to conceal or publicly deny the role of a foreign government in an election.

"Election infrastructure" means information and communications technology and systems used by or on behalf of the federal government or a state or local government in managing the election process, including voter registration databases, voting machines, voting tabulation equipment, and equipment for the secure transmission of election results.

"Foreign government" means any national, state, provincial, or other governing authority, any political party, or any official of any such governing authority or political party.

"Foreign interference" means any covert, fraudulent, deceptive, or unlawful action or attempted action of a foreign government, or of any person acting as an agent of or on behalf of a foreign government, undertaken with the purpose or effect of influencing, undermining confidence in, or altering the result or reported result of an election or of undermining public confidence in election processes or institutions.

B. No later than 45 days after the conclusion of a general election, the Attorney General, in consultation with the heads of any other appropriate departments and agencies, shall conduct an assessment of any information indicating that a foreign government, or any person acting as an agent of or on behalf of a foreign government, has acted with the intent or purpose of interfering in that election. The assessment shall identify, to the maximum extent ascertainable, the nature of any foreign interference and any methods employed to execute such foreign interference, the persons involved, and the foreign government or governments that authorized, directed, sponsored, or supported such foreign interference. The Attorney General shall deliver this assessment and appropriate supporting information to the Governor and the General Assembly.

INTRODUCED

HB1812

59 C. Within 45 days of submitting the assessment and information described in subsection A , the  
60 Attorney General, in consultation with the heads of any other appropriate departments and agencies  
61 and, as appropriate, other state and local officials, shall deliver to the Governor and the General  
62 Assembly a report evaluating, with respect to the election that is the subject of the assessment described  
63 in subsection A, (i) the extent to which any foreign interference that targeted election infrastructure  
64 materially affected the security or integrity of such infrastructure, the tabulation of votes, or the timely  
65 transmission of election results and (ii) if any foreign interference involved activities targeting the  
66 infrastructure of, or pertaining to, a political organization, campaign, or candidate and the extent to  
67 which such activities materially affected the security or integrity of that infrastructure, including by  
68 providing unauthorized access to, disclosing or threatening the disclosure of, or altering or falsifying  
69 information or data.

70 Such report shall identify any material issues of fact with respect to these matters that the Attorney  
71 General is unable to evaluate or reach agreement on at the time the report is submitted. Such report  
72 shall also include updates and recommendations, when appropriate, regarding remedial actions to be  
73 taken by the Commonwealth, other than the sanctions described in subsections G and H.

74 D. The heads of all relevant agencies shall transmit to the Attorney General any information relevant  
75 to the execution of his duties pursuant to this section, as appropriate and consistent with applicable law.  
76 If relevant information emerges after the submission of the assessment and report mandated by  
77 subsections B and C, the Attorney General, in consultation with the heads of any other appropriate  
78 departments or agencies, shall amend such assessment and report, as appropriate.

79 E. Nothing in this section shall prevent the head of any agency or any other appropriate official  
80 from tendering to the Governor, at any time through an appropriate channel, any analysis, information,  
81 assessment, or evaluation of foreign interference in an election.

82 F. If information indicating that foreign interference in an election within the Commonwealth has  
83 occurred is identified, it may be included, as appropriate, in the assessment and report mandated by  
84 subsections B and C or submitted to the Governor in an independent report.

85 G. All property and interests in property that are in the Commonwealth, that hereafter come within  
86 the Commonwealth, or that are or hereafter come within the possession or control of any citizen of the  
87 Commonwealth of the following persons are blocked and may not be transferred, paid, exported,  
88 withdrawn, or otherwise dealt in: any foreign person determined by the Attorney General (i) to have  
89 directly or indirectly engaged in, sponsored, concealed, or otherwise been complicit in foreign  
90 interference in an election; (ii) to have materially assisted, sponsored, or provided financial, material,  
91 or technological support for, or goods or services to or in support of, any activity described in clause  
92 (i) or any person whose property and interests in property are blocked pursuant to this subsection; or  
93 (iii) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or  
94 indirectly, any person whose property or interests in property are blocked pursuant to this subsection.

95 H. Following the submission of the assessment and report mandated by subsections B and C, the  
96 Attorney General shall, with regard to the assessment and report mandated by subsections B and C,  
97 and, in consultation with the heads of other appropriate departments and agencies, impose all  
98 appropriate sanctions pursuant to subsection G.

99 The Attorney General, in consultation with the heads of other appropriate departments and agencies,  
100 shall jointly prepare a recommendation for the Governor and the General Assembly as to whether  
101 additional sanctions against foreign persons may be appropriate in response to the identified foreign  
102 interference and in light of the evaluation in the assessment mandated by subsection B, including, as  
103 appropriate and consistent with applicable law, proposed sanctions with respect to the largest business  
104 entities licensed or domiciled in the Commonwealth whose government authorized, directed, sponsored,  
105 or supported election interference, including at least one entity from financial services, defense, energy,  
106 technology, and transportation, or, if inapplicable to that country's largest business entities, sectors of  
107 comparable strategic significance to that foreign government. Such recommendation shall include an  
108 assessment of the effect of the recommended sanctions on the economic and security interests of the  
109 Commonwealth. Any such recommended sanctions shall be appropriately calibrated to the scope of the  
110 foreign interference identified and may include one or more of the following with respect to each  
111 targeted foreign person:

112 1. Blocking and prohibiting all transactions in a person's property and interests in property subject  
113 to the Commonwealth's jurisdiction;

114 2. Prohibitions on financial institutions organized under the laws of the Commonwealth making loans  
115 or providing credit to a person;

116 3. Restrictions on transactions in foreign exchange in which a person has any interest;

117 4. Prohibitions on transfers of credit or payments between financial institutions, or by, through, or to  
118 any financial institution, for the benefit of a person;

119 5. Prohibitions on citizens of the Commonwealth investing in or purchasing equity or debt of a  
120 person;

6. Imposition on a person's alien principal executive officers of any of the sanctions described in this section; or

7. Any other measures authorized by law.

I. The prohibitions in subsection H include (i) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this section and (ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

J. Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this section is prohibited. Any conspiracy formed to violate any of the prohibitions set forth in this section is prohibited.

K. Nothing in this section shall be construed to impair or otherwise affect the authority granted by law to an executive department or agency, or the head thereof. This section shall be implemented consistent with applicable law and subject to the availability of appropriations. This section is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth; its departments, agencies, or entities; its officers, employees, or agents; or any other person. Nothing in this section shall prohibit transactions for the conduct of the official business of the Commonwealth by employees, grantees, or contractors thereof.

L. The Attorney General shall be authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers as may be necessary to carry out the purposes of this section. All agencies of the Commonwealth are hereby directed to take all appropriate measures within their authority to carry out the provisions of this section.

#### **§ 24.2-404. Duties of Department of Elections.**

A. The Department of Elections shall provide for the continuing operation and maintenance of a central recordkeeping system, the Virginia voter registration system, for all voters registered in the Commonwealth.

In order to operate and maintain the system, the Department shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth. Such system shall automatically register a person who has preregistered pursuant to § 24.2-403.1 upon that person becoming eligible for registration under § 24.2-403 or reaching 18 years of age, whichever comes first.

2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.

3. Provide to each general registrar (i) voter confirmation documents for newly registered voters, including voters who were automatically registered pursuant to subdivision 1, and for notice to registered voters on the system of changes and corrections in their registration records and polling places and (ii) voter photo identification cards containing the voter's photograph and signature for free for those voters who do not have one of the forms of identification specified in subsection B of § 24.2-643. The Department shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of identification specified in subsection B of § 24.2-643 for the purpose of providing such voter a voter photo identification card containing the voter's photograph and signature. The Department shall provide each general registrar with the equipment necessary to obtain a voter's signature and photograph, and no general registrar shall be required to purchase such equipment at his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the Department. The Department may contract with an outside vendor for the production and distribution of voter photo identification cards.

4. Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, (v) is known not to be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E, or (vi) is otherwise no longer qualified to vote as may be provided by law, or (vii) is found to be a duplicate registration for the same voter. Such action shall be taken no later than 30 days after notification from the Department. The Department shall promptly provide the information referred to in this subdivision, upon receiving it, to general registrars.

5. Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.

6. Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.

7. Provide to each general registrar, at least 16 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of

a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks. The Department shall provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the Department shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the Department shall provide a regional or statewide list of registered voters to the general registrar of the locality. The Department shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list of registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth.

8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Department.

9. Use any source of information that may assist in carrying out the purposes of this section. All agencies of the Commonwealth shall cooperate with the Department in procuring and exchanging identification information for the purpose of maintaining the voter registration system. The Department may share any information that it receives from another agency of the Commonwealth with any Chief Election Officer of another state for the maintenance of the voter registration system.

10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history, and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and to determine eligibility of individuals to vote in Virginia.

11. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts and polling places, statements of election results by precinct, and any other items required of the Department by law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.

12. *In the 30 days prior to any primary or general election in which there are no candidates for federal office on the ballot, use lists obtained pursuant to § 24.2-404.4 to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered in order to maintain the overall accuracy of the voter registration system.*

B. The Department shall be authorized to provide for the production, distribution, and receipt of information and lists through the Virginia voter registration system by any appropriate means including, but not limited to, paper and electronic means. The Virginia Freedom of Information Act (§ 2.2-3700 et seq.) shall not apply to records about individuals maintained in this system.

C. The State Board shall institute procedures to ensure that each requirement of this section is fulfilled. As part of its procedures, the State Board shall provide that the general registrar shall mail notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is cancelled.

D. The State Board shall promulgate rules and regulations to ensure the uniform application of the law for determining a person's residence.

E. The Department shall apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter registration system are United States citizens. Upon approval of the application, the Department shall enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The State Board shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program.

F. The Department shall report annually by October 1 for the preceding 12 months ending August 31 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia voter registration system and the results of those activities. The Department's report shall be governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4, 24.2-408, 24.2-409, 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428. This report shall contain the methodology used in gathering and analyzing the data. The Commissioner of Elections shall certify that the data included in the report is accurate and reliable.

### **§ 24.2-411.3. Registration of Department of Motor Vehicles customers.**

A. Each person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3 or identification privilege cards issued pursuant to § 46.2-345.3; or (ii) change an address on an existing driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3 or identification privilege cards

issued pursuant to § 46.2-345.3 shall be presented with (a) a question asking whether or not the person is a United States citizen and (b) the option to decline to have his information transmitted to the Department of Elections for voter registration purposes. The citizenship question and option to decline shall be accompanied by a statement that intentionally making a materially false statement during the transaction constitutes election fraud and is punishable under Virginia law as a felony.

The Department of Motor Vehicles may not transmit the information of any person who so declines. The Department of Motor Vehicles may not transmit the information of any person who indicates that he is not a United States citizen, nor may such person be asked any additional questions relevant to voter registration but not relevant to the purpose for which the person came to an office of the Department of Motor Vehicles or accessed its website.

B. For each person who does not select the option to decline to have his information transmitted to the Department of Elections for voter registration purposes and who has identified himself as a United States citizen, the Department of Motor Vehicles shall request any information as may be required by the State Board to ensure that the person meets all voter registration eligibility requirements.

C. The Department of Motor Vehicles shall electronically transmit to the Department of Elections, in accordance with the standards set by the State Board, the information collected pursuant to subsection B for any person who (i) has indicated that he is a United States citizen, (ii) has indicated that he is 17 years of age or older, and (iii) at the time of such transaction did not decline to have his information transmitted to the Department of Elections for voter registration purposes.

D. The Department of Elections shall use the information transmitted to determine whether a person already has a registration record in the voter registration system.

1. For any person who does not yet have a registration record in the voter registration system, the Department of Elections shall transmit the information to the appropriate general registrar. The general registrar shall accept or reject the registration of such person in accordance with the provisions of this chapter.

2. For any person who already has a registration record in the voter registration system, if the information indicates that the voter has moved within the Commonwealth, the Department of Elections shall transmit the information and the registration record to the appropriate general registrar, who shall treat such transmittal as a request for transfer and process it in accordance with the provisions of this chapter.

3. General registrars shall not register any person who does not satisfy all voter eligibility requirements.

*E. The Department of Motor Vehicles shall provide assistance as required in providing voter photo identification cards in accordance with subdivision A 3 of § 24.2-404.*

**§ 24.2-416. Closing registration records before elections.**

A. In any county, city, or town in which an election is being held, the registration records shall be closed for the purpose of registering voters on the election day and during the period in advance of the election as provided in this section. The registration records shall be closed during the 24 30 days before a primary or general election. If the registration records have not been closed previously for a primary or general election, they shall be closed during the six days before a special election called by the Governor, Speaker of the House of Delegates, or President pro tempore of the Senate, or pursuant to rule or resolution of either house of the General Assembly and during the 13 days before any other special election.

B. In the event that a failure of the Virginia online voter registration system occurs prior to the close of registration records pursuant to this section, the Governor shall have the authority to order the online voter registration system to be available for registration activities after the date for closing the registration records for a period of time equal to the amount of time during which the online voter registration system was unavailable for registration activities, rounded up to the nearest whole day, plus an additional day to allow for voter education efforts. During this period, persons shall be permitted to register in person and mail voter registration applications shall be accepted.

**§ 24.2-417.1. Registration residence requirements; presumptions in certain cases.**

A. In determining the residence as defined in § 24.2-101 and domicile and place of abode of a person claimed as a dependent on another person's tax returns, there shall be a rebuttable presumption that a person claimed as a dependent on another person's tax returns resides at the residence address of such person.

B. In determining the residence as defined in § 24.2-101 and the domicile and place of abode of a participant in the American Conservation and Youth Service Corps provided for by federal law (42 U.S.C. § 12655 et seq.), there shall be a presumption that a participant in the Corps who was domiciled and had a place of abode in Virginia at the time of entering the Corps continues to be domiciled and retains the same place of abode unless the participant expressly states otherwise.

C. In determining the residence as defined in § 24.2-101 and domicile and place of abode of a

305 military or merchant marine spouse or dependent, there shall be a presumption that a military or  
306 merchant marine spouse or dependent who has established physical presence and a place of abode in the  
307 Commonwealth shall also have established domicile in the Commonwealth unless the spouse or  
308 dependent expressly states otherwise. Once residence is changed, the military or merchant marine spouse  
309 or dependent may not revert to any previous residence without re-establishing new physical presence and  
310 intent to remain or return.

311 **§ 24.2-418. Application for registration.**

312 A. Each applicant to register shall provide, subject to felony penalties for making false statements  
313 pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless  
314 physically disabled, he shall sign the application. The application to register shall be only on a form or  
315 forms prescribed by the State Board.

316 The form of the application to register shall require the applicant to provide the following  
317 information: full name; gender; date of birth; social security number, if any; whether the applicant is  
318 presently a United States citizen; address of residence in the precinct; *whether the applicant has been*  
319 *claimed as a dependent on another person's tax returns, and if so, the address of residence of such*  
320 *person*; place of last previous registration to vote; and whether the applicant has ever been adjudicated  
321 incapacitated and disqualified to vote or convicted of a felony, and if so, whether the applicant's right to  
322 vote has been restored. The form shall contain a statement that whoever votes more than once in any  
323 election in the same or different jurisdictions is guilty of a Class 6 felony. Unless directed by the  
324 applicant or as permitted in § 24.2-411.2 or 24.2-411.3, the registration application shall not be  
325 pre-populated with information the applicant is required to provide.

326 The form of the application to register shall request that the applicant provide his telephone number  
327 and email address, but no application shall be denied for failure to provide such information.

328 B. The form shall permit any individual, as follows, or member of his household, to furnish, in  
329 addition to his residence street address, a post office box address located within the Commonwealth to  
330 be included in lieu of his street address on the lists of registered voters and persons who voted, which  
331 are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for  
332 public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to  
333 § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the  
334 post office box address provided under this subsection.

335 1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20),  
336 but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

337 2. Any party granted a protective order issued by or under the authority of any court of competent  
338 jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

339 3. Any party who has furnished a signed written statement by the party that he is in fear for his  
340 personal safety from another person who has threatened or stalked him;

341 4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2;

342 5. Any active or retired federal or Virginia justice or judge and any active or retired attorney  
343 employed by the United States Attorney General or Virginia Attorney General; and

344 6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et  
345 seq.) of Title 63.2.

346 C. If the applicant formerly resided in another state, the general registrar shall send the information  
347 contained in the applicant's registration application to the appropriate voter registration official or other  
348 authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of  
349 § 24.2-114.

350 **§ 24.2-420.1. Extended time for certain persons to register in person.**

351 A. Notwithstanding the provisions of § 24.2-416, ~~any person who is qualified to register to vote the~~  
352 ~~following persons~~ shall be entitled to register in person up to and including the day of the election at the  
353 office of the general registrar in the locality in which such person resides or at the polling place for the  
354 precinct in which such person resides:

355 1. Any member of a uniformed service, as defined in § 24.2-452, who is on active duty;

356 2. Any person who resides temporarily outside of the United States; and

357 3. Any spouse or dependent residing with a person listed in subdivision 1 or 2.

358 The provisions of this subsection shall apply only to those persons who are otherwise qualified to  
359 register and who, by reason of such active duty or temporary overseas residency, either (i) are normally  
360 absent from the city or county in which they reside or (ii) have been absent from such city or county  
361 and returned to reside there during the 28 days immediately preceding the election.

362 B. Notwithstanding the provisions of § 24.2-416, any person who was on active duty as a member of  
363 a uniformed service, as defined in § 24.2-452, and discharged from the uniformed service during the 60  
364 days immediately preceding the election, and his spouse or dependent, shall be entitled to register, if  
365 otherwise qualified, in person up to and including the day of the election.

366 C. The Department shall prescribe procedures for the addition of persons registered under this section

to the lists of registered voters.

**§ 24.2-423. Notice of change of name of registered voter.**

Whenever a registered voter changes his legal name, either by marriage, divorce, order of court, or otherwise, the voter shall promptly notify the general registrar of the jurisdiction where he is registered. Such notice may be made in writing or on a form approved by the State Board of Elections, which may be electronic. The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature. Notice may be provided by electronic means as authorized by the State Board and signed by the voter in a manner consistent with the provisions of § 24.2-416.7 and the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The general registrar shall enter the new name on the registration records and issue the voter a new voter registration card.

**§ 24.2-424. Change of registered voter's address within the Commonwealth; pilot project.**

A. Whenever a registered voter changes his place of residence within the Commonwealth, he shall promptly notify any general registrar of the address of his new residence. Such notice may be made in person, in writing, by return of the voter registration card noting the new address, or on a form approved by the State Board of Elections, which may be electronic. The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature. Notice may be provided by electronic means as authorized by the State Board and signed by the voter in a manner consistent with the provisions of § 24.2-416.7 and the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The fact that a voter provides an address on a candidate or referendum petition that differs from the address for the voter on the voter registration system shall not be sufficient notice to change the voter's registration address. Any statements made by any voter applying for transfer are subject to felony penalties for making a false statement pursuant to § 24.2-1016.

B. If the voter has moved within the same county or city, on receipt of the notification, the general registrar for that county or city shall (i) enter the new address on the registration record; (ii) if satisfied that the registered voter has moved into another precinct within the same county or city, transfer the registration of the voter to that precinct; and (iii) send the voter confirmation documents. This transfer may be entered in the registration records at any time the registration records are not closed pursuant to § 24.2-416.

C. Any request for transfer or change of address within the Commonwealth delivered to any registrar shall be forwarded to the general registrar for the city or county in the Commonwealth where the voter now resides. When forwarding said notice, or upon request from the registrar for the county or city where the voter now resides, the registrar for the county or city where the voter formerly resided shall forward the original application for registration to the registrar for the voter's new locality.

D. Upon receipt of the voter's original registration application, and notice as specified in subsection A of this section indicating the voter's current residence, the registrar for the county or city in which the voter currently resides shall: (i) enter the new address on the registration record; (ii) if satisfied that the registered voter has moved into a precinct within that county or city, transfer the registration of the voter to that precinct; (iii) send the voter confirmation documents; and (iv) through the Virginia voter registration system, notify the registrar of the locality where the voter formerly resided that the registration has been transferred. This transfer may be entered in the registration records at any time the registration records are not closed pursuant to § 24.2-416.

E. If the original registration application is no longer available to the registrar in the city or county where the voter formerly resided, either of the following shall be sent to and accepted by the registrar in the city or county where the voter now resides in lieu of such application: (i) an unsigned voter card (or conversion card) used as the voter record upon the creation of the statewide voter registration system or (ii) a replacement record provided by the Department to replace damaged files in the registrar's office. If no other record is available, then the registrar of the voter's former locality shall provide written notification to the registrar of the locality in which the voter now resides that none of the required documents are available. In this instance only, the registrar of the locality in which the voter now resides shall copy the voter's record from the Virginia voter registration system and use that record in lieu of the original voter registration application. Any complete voter registration application on a form previously authorized for use in Virginia shall be valid for the purposes of continuing or transferring a voter's registration within the Commonwealth.

**§ 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 2 of § 24.2-700*;

428 c. An overseas voter who, before leaving the United States, was last eligible to vote in this state and,  
429 except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements;

430 d. An overseas voter who, before leaving the United States, would have been last eligible to vote in  
431 this state had the voter then been of voting age and, except for a state residency requirement, otherwise  
432 satisfies this state's voter eligibility requirements; or

433 e. An overseas voter who was born outside the United States, is not described in subdivision c or d,  
434 and, except for a state residency requirement, otherwise satisfies this state's voter eligibility  
435 requirements, if:

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

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

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

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

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

445 5. "Military-overseas ballot" means:

446 a. A federal write-in absentee ballot;

447 b. A ballot specifically prepared or distributed for use by a covered voter in accordance with this  
448 title; or

449 c. A ballot cast by a covered voter in accordance with this title.

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

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

453 8. "Uniformed service" means:

454 a. Active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of  
455 the United States;

456 b. The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned  
457 corps of the National Oceanic and Atmospheric Administration of the United States; or

458 c. The Virginia National Guard.

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

460 a. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or  
461 Coast Guard of the United States who is on active duty;

462 b. A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the  
463 commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

464 c. A member on activated status of the National Guard; or

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

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

469 **§ 24.2-610. Materials at polling places.**

470 A. The Department shall provide copies of this title to each member of the electoral boards and to  
471 each general registrar for each precinct in the county or city. The general registrar shall furnish a copy  
472 of this title to each precinct for the use of the officers of election on election day.

473 B. Pursuant to subdivision A 7 of § 24.2-404, the Department shall transmit to the general registrar  
474 of each county and city pollbooks for each precinct in which the election is to be held. For each  
475 ~~primary and general~~ election, the general registrar shall produce and distribute a printed copy of the  
476 pollbook to each ~~precinct~~ *polling place*. The data elements printed or otherwise provided for each voter  
477 on the pollbooks shall be uniform throughout the Commonwealth.

478 C. The electoral board, general registrar, and officers of election shall comply with the requirements  
479 of this title and the instructions of the State Board to ensure that the pollbooks, ballots, voting  
480 equipment keys, and other materials and supplies required to conduct the election are delivered to the  
481 polling place before 6:00 a.m. on the day of the election and delivered to the proper official following  
482 the election.

483 **§ 24.2-612. List of offices and candidates filed with Department of Elections and checked for**  
484 **accuracy; when ballots printed; number required.**

485 Immediately after the expiration of the time provided by law for a candidate for any office to qualify  
486 to have his name printed on the official ballot and prior to printing the ballots for an election, each  
487 general registrar shall forward to the Department of Elections a list of the county, city, or town offices  
488 to be filled at the election and the names of all candidates who have filed for each office. In addition,  
489 each general registrar shall forward the name of any candidate who failed to qualify with the reason for



his disqualification. On that same day, the general registrar shall also provide a copy of the notice to each disqualified candidate. The notice shall be sent by email or regular mail to the address on the candidate's certificate of candidate qualification, and such notice shall be deemed sufficient. The Department of Elections shall promptly advise the general registrar of the accuracy of the list. The failure of any general registrar to send the list to the Department of Elections for verification shall not invalidate any election.

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

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

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

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

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

#### **§ 24.2-625.2. Wireless communications.**

There shall be no wireless communications on election day, while the polls are open, between or among voting machines within the polling place or between any voting machine within the polling place and any other equipment outside the polling place. For purposes of this section, the term wireless communication shall mean the ability to transfer information via electromagnetic waves without the use of electrical conductors.

The provisions of this section shall not apply to voting machines purchased by any locality before July 1, 2007.

The provisions of this section shall not be construed to prohibit the operation of electronic pollbook devices at polling places on election day.

#### **§ 24.2-629. State Board approval process of electronic voting systems.**

A. Any person, firm, or corporation, referred to in this article as the "vendor," manufacturing, owning, or offering for sale any electronic voting or counting machine and ballots designed to be used with such equipment may apply to the State Board, in the manner prescribed by the Board, to have examined a production model of such equipment and the ballots used with it. The Board may require the vendor to pay a reasonable application fee when he files his request for testing or certification of new or upgraded voting equipment. Receipts from such fees shall be credited to the Board for reimbursement of testing and certification expenses. In addition to any other materials that may be required, a current statement of the financial status of the vendor, including any assets and liabilities, shall be filed with the Board; if the vendor is not the manufacturer of the equipment for which application is made, such a statement shall also be filed for the manufacturer. These statements shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The Board

551 shall require, at a site of its choosing, a demonstration of such equipment and ballots and may require  
552 that a production model of the equipment and a supply of ballots be provided to the Board for testing  
553 purposes. The Board shall also require the vendor to provide documentation of the practices  
554 recommended by the vendor to ensure the optimum security and functionality of the system.

555 B. The Board may approve any kind of electronic voting system that meets the following  
556 requirements:

557 1. It shall provide clear instructions for voters on how to mark or select their choice and cast that  
558 vote.

559 2. It shall provide facilities for voting for all offices at any election and on as many questions as  
560 may be submitted at any election.

561 3. It shall be capable of processing ballots for all parties holding a primary election on the same day,  
562 but programmable in such a way that an individual ballot cast by a voter is limited to the party primary  
563 election in which the voter chooses to participate.

564 4. It shall require votes for presidential and vice presidential electors to be cast for the presidential  
565 and vice presidential electors of one party by one operation. The ballot shall contain the words "Electors  
566 for" preceded by the name of the party or other authorized designation and followed by the names of  
567 the candidates for the offices of President and Vice President.

568 5. It shall enable the voter to cast votes for as many persons for an office as lawfully permitted, but  
569 no more. It shall prevent the voter from casting a vote for the same person more than once for the same  
570 office. However, ballot scanner machines shall not be required to prevent a voter from voting for a  
571 greater number of candidates than he is lawfully entitled to.

572 6. It shall enable the voter to cast a vote on any question on which he is lawfully permitted to vote,  
573 but no other.

574 7. It shall provide the voter with an opportunity to correct any error before a ballot is cast.

575 8. It shall correctly register or record and accurately count all votes cast for candidates and on  
576 questions.

577 9. It shall be provided with a "protective counter," whereby any operation of the machine before or  
578 after the election will be detected.

579 10. It shall be provided with a counter that at all times during an election shall show how many  
580 persons have voted.

581 11. It shall ensure voting in absolute secrecy. Ballot scanner machines shall provide for the secrecy  
582 of the ballot and a method to conceal the voted ballot.

583 12. It shall be programmable to allow ballots to be separated when necessary.

584 13. It shall retain each printed ballot cast.

585 14. Ballot scanner machines shall report, if possible, the number of ballots on which a voter  
586 undervoted or overvoted.

587 15. *It shall be incapable of being connected to the Internet.*

588 C. After its examination of the equipment, ballots, and other materials submitted by the vendors, the  
589 Board shall prepare and file in its office a report of its finding as to (i) the apparent capability of such  
590 equipment to accurately count, register, and report votes; (ii) whether the system can be conveniently  
591 used without undue confusion to the voter; (iii) its accessibility to voters with disabilities; (iv) whether  
592 the system can be safely used without undue potential for fraud; (v) the ease of its operation and  
593 transportation by voting equipment custodians and officers of election; (vi) the financial stability of the  
594 vendor and manufacturer; (vii) whether the system meets the requirements of this title; (viii) whether the  
595 system meets federal requirements; (ix) whether issues of reliability and security identified with the  
596 system by other state governments have been adequately addressed by the vendor; and (x) whether, in  
597 the opinion of the Board, the potential for approval of such system is such as to justify further  
598 examination and testing.

599 D. If the Board determines that there is such potential and prior to its final determination as to  
600 approval or disapproval of such system, the Board shall obtain a report by an independent electronics or  
601 engineering consultant as to (i) whether the system accurately counts, registers, and reports votes; (ii)  
602 whether it is capable of storing and retaining existing votes in a permanent memory in the event of  
603 power failure during and after the election; (iii) the number of separate memory capabilities for the  
604 storage of recorded votes; (iv) its mechanical and electronic perfections and imperfections; (v) the audit  
605 trail provided by the system; (vi) the anticipated frequency of repair; (vii) the ease of repair; (viii) the  
606 anticipated life of the equipment; (ix) its potential for fraudulent use; (x) its accessibility to voters with  
607 disabilities; (xi) the ease of its programming, transportation, and operation by voting equipment  
608 custodians and officers of election; and (xii) any other matters deemed necessary by the Board. Failure  
609 by an applicant to cooperate with the consultant by furnishing information and production equipment  
610 and ballots requested shall be deemed a withdrawal of the application, but nothing in this section shall  
611 require the disclosure of trade secrets by the applicant. If such trade secrets are essential to the proper  
612 analysis of the system and are provided for that reason, the consultant shall subscribe to an oath subject

to the penalty for perjury that he will neither disclose nor make use of such information except as necessary for the system analysis. The report of the consultant shall be filed in the office of the Board.

E. In preparing the reports cited in subsections C and D, the Board shall require, as a condition of certification, that the system is comprehensively examined by individuals including at least one expert in election management and one in computer system security. The Board shall develop, in conjunction with the above listed individuals, a specific set of items to be examined and tested as part of the certification process to further elaborate on the requirements identified in this section.

F. If the Board determines that there is potential for approval of the system and prior to its final determination, the Board shall also require that the system be tested in an actual election in one or more counties or cities. Its use at such election shall be as valid for all purposes as if it had been legally approved by the Board and adopted by the counties or cities.

G. If, following testing, the Board approves any voting system and its ballots for use, the Board shall so notify the electoral boards of each county and city. Systems so approved may be adopted for use at elections as herein provided. No form of voting system and ballots not so approved shall be adopted by any county or city. Any voting system and ballots approved for use by the Board shall be deemed to meet the requirements of this title and any applicable federal laws, and their use in any election shall be valid.

H. A vendor whose voting system is approved for use shall provide updates concerning its recommended practices for optimum security and functionality of the system, as may be requested by the Board. Any product for which requested updates are not provided shall be deemed non-compliant and may be decertified at the discretion of the Board.

I. The Board shall have the authority to investigate, at its discretion, any voting system certified in Virginia to ensure that it continues to meet the standards outlined in subsections C and D. The Board may, at its discretion, decertify any voting system based on significant problems detected with the voting system in Virginia or on reports provided by federal authorities or other state election officials.

**§ 24.2-638. Voting equipment to be in plain view; officers and others not permitted to see actual voting; unlocking counter compartment of equipment, etc.**

During the election, the exterior of the voting equipment and every part of the polling place shall be in plain view of the officers of election.

No voting or counting machines shall be removed from the plain view of the officers of election or from the polling place at any time during the election and through the determination of the vote as provided in § 24.2-657; ~~except as provided in subsection D of § 24.2-649.1.~~ In the case of an emergency that makes a polling place unusable or inaccessible, voting or counting machines may be removed to an alternative polling place pursuant to the provisions of subsection D of § 24.2-310.

The equipment shall be placed at least four feet from any table where an officer of election is working or seated. The officers of election shall not themselves be, or permit any other person to be, in any position or near any position that will permit them to observe how a voter votes or has voted.

One of the officers shall inspect the face of the voting machine after each voter has cast his vote and verify that the ballots on the face of the machine are in their proper places and that the machine has not been damaged. During an election, the door or other covering of the counter compartment of the voting or counting machine shall not be unlocked or open or the counters exposed except for good and sufficient reasons, a statement of which shall be made and signed by the officers of election and attached to the statement of results. No person shall be permitted in or about the polling place except the voting equipment custodian, vendor, or contractor technicians and other persons authorized by this title.

**§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and the voter may give such information orally or in writing. The officer of election shall verify with the voter his full name and address and shall repeat, in a voice audible to party and candidate representatives present, the full name provided by the voter. The officer shall ask the voter to present any one of the following forms of identification: (i) ~~his voter confirmation documents;~~ (ii) his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States, other than a driver privilege card issued under § 46.2-328.3 or an identification privilege card issued under § 46.2-345.3; ~~(iii)~~ (ii) any valid student identification card *containing a photograph of the voter and* issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; ~~(iv)~~ (iii) any valid student identification card containing a photograph of the voter and issued by any institution of higher education located in any other state or territory of the United States; ~~(v)~~ or (iv) any valid

674 employee identification card containing a photograph of the voter and issued by an employer of the  
675 voter in the ordinary course of the employer's business; or (vi) a copy of a current utility bill, bank  
676 statement, government check, paycheck, or other government document containing the name and address  
677 of the voter. The expiration date on a Virginia driver's license shall not be considered when determining  
678 the validity of the driver's license offered for purposes of this section.

679 Except as provided in subsection E, any Any voter who does not show one of the forms of  
680 identification specified in this subsection shall be allowed to vote after signing a statement, subject to  
681 felony penalties for false statements pursuant to §- 24.2-1016, that he is the named registered voter he  
682 claims to be. A voter who requires assistance in voting by reason of a physical disability or an inability  
683 to read or write, and who requests assistance pursuant to §- 24.2-649, may be assisted in preparation of  
684 this statement in accordance with that section. The provisions of §-24.2-649 regarding voters who are  
685 unable to sign shall be followed when assisting a voter in completing this statement. A voter who does  
686 not show one of the forms of identification specified in this subsection and does not sign this statement  
687 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections  
688 shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar  
689 or electoral board other than matching submitted identification documents from the voter for the  
690 electoral board to make a determination on whether to count the ballot.

691 If the voter presents one of the forms of identification listed above, if his name is found on the  
692 pollbook in a form identical to or substantially similar to the name on the presented form of  
693 identification and the name provided by the voter, if he is qualified to vote in the election, and if no  
694 objection is made, (a) an officer shall enter, opposite the voter's name on the pollbook, the first or next  
695 consecutive number from the voter count form provided by the State Board, or shall enter that the voter  
696 has voted if the pollbook is in electronic form; (b) an officer shall provide the voter with the official  
697 ballot; and (c) another officer shall admit him to the voting booth. Each voter whose name has been  
698 marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the  
699 officers of election in the polling place until he has voted. If a line of voters who have been marked on  
700 the pollbooks as present to vote forms to await entry to the voting booths, the line shall not be  
701 permitted to extend outside of the room containing the voting booths and shall remain under observation  
702 by the officers of election.

703 A voter may be accompanied into the voting booth by his child age 15 or younger.

704 C. If the current residence address provided by the voter is different from the address shown on the  
705 pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the  
706 State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties  
707 for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an  
708 envelope provided for such forms for transmission to the general registrar who shall then transfer or  
709 cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

710 D. At the time the voter is asked his full name and current residence address, the officer of election  
711 shall ask any voter for whom the pollbook indicates that an identification number other than a social  
712 security number is recorded on the Virginia voter registration system if he presently has a social security  
713 number. If the voter is able to provide his social security number, he shall be furnished with a voter  
714 registration form prescribed by the State Board to update his registration information. Upon its  
715 completion, the form shall be placed by the officer of election in an envelope provided for such forms  
716 for transmission to the general registrar. Any social security numbers so provided shall be entered by the  
717 general registrar in the voter's record on the voter registration system.

718 E. This subsection shall apply in the case of any individual who is required by subparagraph (b) of  
719 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes  
720 in a federal election in the state. At such election, such individual shall present (i) a current and valid  
721 photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck,  
722 or other government document that shows the name and address of the voter. Such individual who  
723 desires to vote in person but does not show one of the forms of identification specified in this  
724 subsection shall be offered a provisional ballot under the provisions of §-24.2-653. The identification  
725 requirements of subsection B of this section and subsection A of §-24.2-653 shall not apply to such  
726 voter at such election. The Department of Elections shall provide instructions to the electoral boards for  
727 the handling and counting of such provisional ballots pursuant to subsection B of §-24.2-653 and this  
728 section.

#### 729 § 24.2-646.1. Permitted use of paper ballots.

730 The official paper ballot shall be used by a voter to cast his vote only in one of the following  
731 circumstances:

732 1. The official paper ballot is the only ballot in use in the precinct.

733 2. The official paper ballot is used by voters voting outside of the polling place pursuant to §-  
734 24.2-649.1.

735 3. The voter is casting a provisional ballot.

4. 3. The voter is provided an official paper ballot or copy thereof pursuant to § 24.2-642 when voting equipment is inoperable or otherwise unavailable.

5- 4. The official absentee paper ballot voted in accordance with (§ 24.2-700 et seq.).

6- 5. The voter is provided an official paper ballot for a presidential election pursuant to § 24.2-402 or for federal elections pursuant to § 24.2-453.

**§ 24.2-653. Provisional voting; procedures in polling place.**

A. Any person voting provisionally pursuant to subsection B of § 24.2-643, § 24.2-651.1, subsection B of § 24.2-652, or § 24.2-653.1 or 24.2-653.2 shall be given a printed ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the Department of Elections, the identifying information required on the envelope, including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. If he is unable to present one of these forms of identification, he shall sign 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. The officers of election shall note on the green envelope whether or not the voter has presented one of the specified forms of identification or signed the required statement in lieu of presenting one of the specified forms of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as having voted.

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the printed ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then promptly be placed in the ballot container by an officer of election.

B. An officer of election, by a written notice given to the voter, shall inform him that a determination of his right to vote shall be made by the electoral board and advise the voter of the beginning time and place for the board's meeting and of the voter's right to be present at that meeting. If the voter is voting provisionally as required by § 24.2-643, an officer of election, by written notice given to the voter, shall also inform him that he may submit a copy of one of the forms of identification specified in subsection B of § 24.2-643 or a statement, signed by him subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election.

C. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

**§ 24.2-653.01. Provisional ballots; electoral boards to make determination as to validity.**

A. The electoral board shall meet on the day following the election and determine whether each person having submitted a provisional vote pursuant to § 24.2-653 was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. In the case of persons voting provisionally pursuant to § 24.2-653.3, the electoral board shall determine of which district the person is a qualified voter. At the meeting, the voter may request an extension of the determination of the provisional vote in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions that it deems reasonable to determine the status of a provisional vote.

If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension, the meeting shall stand adjourned, not to exceed seven calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

B. The electoral board shall permit one authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written

797 designation, such a designation may be made by the state or district chairman of the political party.  
798 However, no written designation made by a state or district chairman shall take precedence over a  
799 written designation made by the county or city chairman. Such statement, bearing the chairman's or  
800 candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy  
801 had been signed.

802 Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.),  
803 attendance at meetings of the electoral board to determine the validity of provisional ballots shall be  
804 permitted only for the authorized representatives provided for in this subsection, for the persons whose  
805 provisional votes are being considered and their representative or legal counsel, and for appropriate staff  
806 and legal counsel for the electoral board.

807 C. If the electoral board determines that such person was not entitled to vote as a qualified voter in  
808 the precinct or district in which he offered the provisional vote, is unable to determine his right to vote,  
809 or has not been provided one of the forms of identification specified in subsection B of § 24.2-643, ~~or~~  
810 ~~the signed statement that the voter is the named registered voter he claims to be,~~ the envelope  
811 containing his ballot shall not be opened and his vote shall not be counted. The general registrar shall  
812 notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose  
813 provisional vote was not counted.

814 The provisional vote shall be counted if (i) such person is entitled to vote in the precinct pursuant to  
815 § 24.2-401 or (ii) the Department of Elections or the voter presents proof that indicates the voter  
816 submitted an application for registration to a state-designated voter registration agency or the voter's  
817 information was transmitted by the Department of Motor Vehicles to the Department of Elections  
818 pursuant to § 24.2-411.3 prior to the close of registration pursuant to § 24.2-416 and the registrar  
819 determines that the person was qualified for registration based upon the application for registration  
820 submitted by the person pursuant to subsection B of § 24.2-652.

821 If the electoral board determines that such person was entitled to vote, the name of the voter shall be  
822 entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and  
823 the ballot shall be placed in a ballot container without any inspection further than that provided for in  
824 § 24.2-646.

825 D. On completion of its determination, the electoral board shall proceed to count such ballots and  
826 certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671.  
827 No adjustment shall be made to the statement of results for the precinct in which the person offered to  
828 vote. However, any voter who cast a provisional ballot and is determined by the electoral board to have  
829 been entitled to vote shall have his name included on the list of persons who voted that is submitted to  
830 the Department of Elections pursuant to § 24.2-406.

831 E. The certification of the results of the count together with all ballots and envelopes, whether open  
832 or unopened, and other related material shall be delivered by the electoral board to the clerk of the  
833 circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

834 **§ 24.2-667.1. Reporting of results; absentee votes.**

835 The general registrar shall report to the Department for each precinct in his locality the number and  
836 results of absentee ballots cast by voters assigned to such precinct. Results from absentee voting and  
837 voting at the precinct on election day shall be reported separately. ~~The general registrar shall also report~~  
838 ~~to the Department of Elections the number and results of absentee ballots cast early in person pursuant~~  
839 ~~to § 24.2-701.1 separately from the number and results of all other absentee ballots.~~ The Department  
840 shall establish standards for ascertaining and reporting such information.

841 **§ 24.2-700. Persons entitled to vote by absentee ballot.**

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

844 *1. Any duly registered person who, in the regular and orderly course of his business, profession, or*  
845 *occupation or while on personal business or vacation, will be absent on the day of the election from the*  
846 *county or city in which he is entitled to vote;*

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

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

853 *4. Any duly registered person with a disability, as defined in § 24.2-101, or who is hospitalized or*  
854 *pregnant who is unable to go in person to the polls on the day of election because of his disability,*  
855 *hospitalization, or pregnancy;*

856 *5. Any person who is confined while awaiting trial or for having been convicted of a misdemeanor,*  
857 *provided that the trial or release date is scheduled on or after the third day preceding the election. Any*  
858 *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 the day of the election 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.

**§ 24.2-701. Application for mailed 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 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 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

920 federal election in the state. At such election, such individual shall present (i) a current and valid photo  
921 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or  
922 other government document that shows the name and address of the voter. Such individual who desires  
923 to vote in person but does not show one of the forms of identification specified in this paragraph shall  
924 be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of  
925 subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such  
926 election. The Department of Elections shall provide instructions to the electoral boards for the handling  
927 and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

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

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

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

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

944 2. A statement that he is registered in the county or city in which he offers to vote and his residence  
945 address in such county or city. Any person temporarily residing outside the United States shall provide  
946 the last date of residency at his Virginia residence address, if that residence is no longer available to  
947 him. ~~Any covered voter, as defined in § 24.2-452, person who makes application under subdivision 2 of~~  
948 ~~§ 24.2-700 who is not a registered voter may file the applications to register and for a ballot~~  
949 ~~simultaneously; and~~

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

957 ~~D. An application shall not be required for any registered voter appearing in person to cast an~~  
958 ~~absentee ballot pursuant to § 24.2-701.1; and~~

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

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

964 6. ~~In the case of any duly registered person with a disability, as defined in § 24.2-101, or who is~~  
965 ~~hospitalized or pregnant, who is unable to go in person to the polls on the day of the election because~~  
966 ~~of his disability, hospitalization, or pregnancy, that he is a person with a disability, or who is~~  
967 ~~hospitalized or pregnant; or~~

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

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

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

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

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

979 12. ~~In the case of a person who, in the regular and orderly course of his business, profession, or~~  
980 ~~occupation, will be at his place of work and commuting to and from his home to his place of work for~~  
981 ~~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 the 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 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, 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.*

**§ 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 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 absentee voter applications and list for certain voters with a disability or who are hospitalized.**

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 4 of § 24.2-700 because of a disability or hospitalization 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 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*

1043 registrar knows that the applicant is no longer a qualified voter, no ballot for any subsequent election  
 1044 shall be sent to the voter until a new application is filed and accepted.

1045 **§ 24.2-703.2. Replacement absentee ballots for certain disabled or ill voters; penalty.**

1046 A person with a disability or illness voter who has applied for an absentee ballot under subdivision  
 1047 A 4 of § 24.2-700 because of a disability or hospitalization and has been sent an absentee ballot but  
 1048 who did not receive or has lost the absentee ballot on or before the Saturday before the election may  
 1049 obtain a replacement absentee ballot. In such case, the voter may request a replacement absentee ballot  
 1050 by the close of business for the local elections office on the Saturday before election day and designate,  
 1051 in writing, a representative to obtain a replacement absentee ballot on his behalf from the general  
 1052 registrar and to return the properly completed ballot as directed by the general registrar no later than the  
 1053 close of polls on the day of election for which the absentee ballot is valid. The representative shall be  
 1054 age 18 or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse,  
 1055 parent, or child of an elected official or candidate. The voter and representative shall complete the form  
 1056 prescribed by the State Board to implement the provisions of this section. The form shall include a  
 1057 statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the  
 1058 form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.

1059 **§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.**

1060 A. On receipt of an application for an absentee ballot, the general registrar shall enroll the name and  
 1061 address of each registered applicant on an absentee voter applicant list that shall be maintained in the  
 1062 office of the general registrar with a file of the applications received. The list shall be available for  
 1063 inspection and copying and the applications shall be available for inspection only by any registered voter  
 1064 during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall  
 1065 provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such  
 1066 list shall be used only for campaign and political purposes. Any list made available for inspection and  
 1067 copying under this section shall contain the post office box address in lieu of the residence street  
 1068 address for any individual who has furnished at the time of registration or subsequently, in addition to  
 1069 his street address, a post office box address pursuant to subsection B of § 24.2-418.

1070 No list or application containing an individual's social security number, or any part thereof, or the  
 1071 individual's day and month of birth, shall be made available for inspection or copying by anyone. The  
 1072 Department of Elections shall prescribe procedures for general registrars to make the information in the  
 1073 lists and applications available in a manner that does not reveal social security numbers or parts thereof,  
 1074 or an individual's day and month of birth.

1075 B. The completion and timely delivery of an application for an absentee ballot shall be construed to  
 1076 be an offer by the applicant to vote in the election.

1077 The general registrar shall note on each application received whether the applicant is or is not a  
 1078 registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject  
 1079 the application of any individual because of an error or omission on any record or paper relating to the  
 1080 application, if such error or omission is not material in determining whether such individual is qualified  
 1081 to vote absentee.

1082 C. If the application has been properly completed and signed and the applicant is a registered voter  
 1083 of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots  
 1084 for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other  
 1085 evidence of either first-class or expedited mailing or delivery from the United States Postal Service or  
 1086 other commercial delivery provider, or deliver to him in person in the office of the registrar, the  
 1087 following items and nothing else:

1088 1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except  
 1089 in presence of a witness."

1090 2. An envelope for resealing the marked ballot, on which envelope is printed the following:

1091 "Statement of Voter."

1092 "I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016,  
 1093 that my FULL NAME is \_\_\_\_\_ (last, first, middle); that I am now or have been at some time  
 1094 since last November's general election a legal resident of \_\_\_\_\_ (STATE YOUR LEGAL  
 1095 RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip  
 1096 code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that  
 1097 I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness,  
 1098 without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am  
 1099 returning the form required to report how I was assisted); that I then sealed the ballot(s) in this  
 1100 envelope; and that I have not voted and will not vote in this election at any other time or place.

1101 Signature of Voter \_\_\_\_\_

1102 Date \_\_\_\_\_

1103 Signature of witness \_\_\_\_\_ "

1104 For elections held after January 1, 2004, instead of the envelope containing the above oath, an

envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

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

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

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot. Such instructions shall include information on the sites of all drop-off locations in the county or city. Whenever there is a proposed constitutional amendment or a statewide referendum to be voted on by the voters, these instructions shall also include the website address where the explanation of the proposed amendment prepared pursuant to § 30-19.9 or the information about the referendum prepared pursuant to § 30-19.10 is posted on the Department's website.

For federal elections held after January 1, 2004, for any voter 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 the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of 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 by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653.01. 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.

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

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

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

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

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

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

**§ 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 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 4 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; or (iii) *makes any false statement in a registration application, or any record related to or required to accompany such application, or supplies false information intending that such information be used in the preparation of any such application or record is guilty of a Class 4 felony.*

*Any person who without lawful authority (a) and with the intent to deceive, makes, counterfeits, alters, amends, or mutilates any registration application, or any record related to or required to accompany such application; (b) willfully and knowingly furnishes or possesses any registration application, any record related to or required to accompany such application, or any copy of such application or record, with the knowledge or intention that it be used for the purposes of deception; (c) possesses any registration application, any record related to or required to accompany such application, or any copy or such application or record, knowing same to have been stolen or otherwise unlawfully obtained; or (d) obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any registration application, any record related to or required to accompany such application, or any copy of such application or record made, counterfeited, altered, amended, or mutilated or that is false in whole or part is guilty of a Class 6 4 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 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.

**§ 46.2-328.3. Driver privilege cards and permits.**

A. Upon application of any person who does not meet the requirements for a driver's license or permit under subsection A or B of § 46.2-328.1, the Department may issue to the applicant a driver privilege card or permit if the Department determines that the applicant (i) has reported income and deductions from Virginia sources, as defined in § 58.1-302, or been claimed as a dependent, on an individual income tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements set forth in Article 8 (§ 46.2-705 et seq.) of Chapter 6.

B. Driver privilege cards and permits shall confer the same privileges and shall be subject to the same provisions of this title as driver's licenses and permits issued under this chapter, unless otherwise provided, and shall be subject to the following conditions and exceptions:

1. The front of a driver privilege card or permit shall *have the words "not an acceptable voter ID" conspicuously printed but otherwise* be identical in appearance to a driver's license or permit that is not a REAL ID credential and the back of the card or permit shall be identical in appearance to the restriction on the back of a limited-duration license, permit, or special identification card;

2. An applicant for a driver privilege card or permit shall not be eligible for a waiver of any part of the driver examination provided under § 46.2-325;

3. An applicant for a driver privilege card or permit shall not be required to present proof of legal presence in the United States;

4. A driver privilege card or permit shall expire on the applicant's second birthday following the date of issuance;

5. The fee for an original driver privilege card or permit shall be \$50. The Department may issue, upon application by the holder of a valid, unexpired card or permit issued under this section, and upon payment of a fee of \$50, another driver privilege card or permit that shall be valid for a period of two years from the date of issuance. The amount paid by an applicant for a driver privilege card or other document issued pursuant to this chapter shall be considered privileged information for the purposes of § 46.2-208. No applicant shall be required to provide proof of compliance with clauses (i) and (ii) of subsection A for a reissued, renewed, or duplicate card or permit; and

6. Any information collected pursuant to this section that is not otherwise collected by the Department or required for the issuance of any other driving credential issued pursuant to the provisions of this chapter and any information regarding restrictions in the Department's records related to the issuance of a credential issued pursuant to this section shall be considered privileged. Notwithstanding the provisions of § 46.2-208, such information shall not be released except upon request by the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, or the authorized representative of the subject of the information, or pursuant to a court order.

C. The Department shall not release the following information relating to the issuance of a driver privilege card or permit, except upon request by the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, or the authorized representative of the subject of the information, or pursuant to a court order, (i) proof documents submitted for the purpose of obtaining a driver privilege card or permit, (ii) the information in the Department's records indicating the type of proof documentation that was provided, or (iii) applications.

The Department shall release only to any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, or court, or the authorized agent of any of the foregoing, information related to the issuance of a driver privilege card or permit, the release of which is not otherwise prohibited by this section, that is required for a requester to carry out the requester's official functions if the requester provides the individual's name and other sufficient identifying information contained on the individual's record. Any such release shall be in accordance with the requirements of § 46.2-208.

**§ 46.2-345.3. (Effective until July 1, 2023) Issuance of identification privilege cards; fee; confidentiality; penalties.**

A. Upon application of any person who does not hold a status that is eligible for a special identification card under subsections A and B of § 46.2-328.1, the parent of any such person who is under the age of 18, or the legal guardian of any such person, the Department may issue an identification privilege card to any resident of the Commonwealth, provided that:

1. Application is made on a form prescribed by the Department;

2. The applicant presents, when required by the Department, proof of identity, residency, and social

1289 security number or individual taxpayer identification number;

1290 3. The Department determines that the applicant has reported income and deductions from Virginia  
1291 sources, as defined in § 58.1-302, or has been claimed as a dependent, on an individual income tax  
1292 return filed with the Commonwealth in the preceding 12 months; and

1293 4. The applicant does not hold a credential issued under this chapter.

1294 Persons 70 years of age or older may exchange a valid Virginia driver privilege card for an  
1295 identification privilege card at no fee. Identification privilege cards subsequently issued to such persons  
1296 shall be subject to the regular fees for identification privilege cards.

1297 B. The fee for the issuance of an original, duplicate, reissue, or renewal identification privilege card  
1298 is \$25. The amount paid by an applicant for an identification privilege card shall be considered  
1299 privileged information for the purposes of § 46.2-208.

1300 C. An original identification privilege card shall expire on the applicant's fourth birthday following  
1301 the date of issuance. Duplicate, reissue, or renewal identification privilege cards shall be valid for a  
1302 period of four years from the date of issuance. No applicant shall be required to provide proof of  
1303 compliance with subdivision A 3 for a duplicate, reissue, or renewal identification privilege card. Those  
1304 cards issued to children under the age of 15 shall expire on the child's sixteenth birthday.

1305 Notwithstanding the provisions of this subsection, the Commissioner may extend the validity period  
1306 of an expiring card if (i) the Department is unable to process an application for renewal due to  
1307 circumstances beyond its control and (ii) the extension has been authorized under a directive from the  
1308 Governor. However, in no event shall the validity period be extended more than 90 days per occurrence  
1309 of such conditions.

1310 D. An identification privilege card issued under this section may be similar in size, shape, and design  
1311 to a driving credential and include a photograph of its holder, but the card shall be readily  
1312 distinguishable from a driving credential and shall clearly state that it does not authorize the person to  
1313 whom it is issued to drive a motor vehicle. Every applicant for an identification privilege card shall  
1314 appear in person before the Department to apply for a renewal, duplicate, or reissue unless specifically  
1315 permitted by the Department to apply in another manner. The front of an identification privilege card  
1316 shall *have the words "not an acceptable voter ID" conspicuously printed but otherwise* be identical in  
1317 appearance to a special identification card issued under § 46.2-345, and the back of the card shall be  
1318 identical in appearance to the restriction on the back of a limited-duration special identification card.

1319 E. Identification privilege cards, for persons at least 15 years old but younger than 21 years old, shall  
1320 be immediately and readily distinguishable from those issued to persons 21 years old or older.  
1321 Distinguishing characteristics shall include unique design elements of the credential and descriptors  
1322 within the photograph area to identify persons who are at least 15 years old but younger than 21 years  
1323 old. These descriptors shall include the month, day, and year when the person will become 21 years old.

1324 F. Identification privilege cards for persons under age 15 shall bear a full-face photograph. The  
1325 identification card issued to persons under age 15 shall be readily distinguishable from a driving  
1326 credential and from other identification cards issued by the Department. Such cards shall clearly indicate  
1327 that it does not authorize the person to whom it is issued to drive a motor vehicle.

1328 G. Any information collected pursuant to this section that is not otherwise collected by the  
1329 Department or required for the issuance of any other special identification card issued pursuant to the  
1330 provisions of this chapter and any information regarding restrictions in the Department's records related  
1331 to the issuance of a credential issued pursuant to this section shall be considered privileged.  
1332 Notwithstanding the provisions of § 46.2-208, such information shall not be released except upon request  
1333 by the subject of the information, the parent of a minor who is the subject of the information, the  
1334 guardian of the subject of the information, or the authorized representative of the subject of the  
1335 information or pursuant to a court order.

1336 The Department shall release to any federal, state, or local governmental entity, local government  
1337 group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, or court, or the  
1338 authorized agent of any of the foregoing, information related to the issuance of an identification  
1339 privilege card, the release of which is not otherwise prohibited by this section, that is required for a  
1340 requester to carry out the requester's official functions if the requester provides the individual's name and  
1341 other sufficient identifying information contained on the individual's record. Any such release shall be in  
1342 accordance with the requirements of § 46.2-208.

1343 H. Any person who uses a false or fictitious name or gives a false or fictitious address in any  
1344 application for an identification privilege card or knowingly makes a false statement or conceals a  
1345 material fact or otherwise commits a fraud in any such application is guilty of a Class 2 misdemeanor.  
1346 However, where the name or address is given, or false statement is made, or fact is concealed, or fraud  
1347 committed, for the purpose of committing any offense punishable as a felony, a violation of this section  
1348 shall constitute a Class 4 felony.

1349 I. When requested by the applicant, the applicant's parent if the applicant is a minor, or the  
1350 applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the

applicant's condition, the Department shall indicate on the applicant's identification privilege card that the applicant has any condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision impaired.

J. Unless the context of the Code provides otherwise, an identification privilege card shall be treated as a special identification card.

**§ 46.2-345.3. (Effective July 1, 2023) Issuance of identification privilege cards; fee; confidentiality; penalties.**

A. Upon application of any person who does not hold a status that is eligible for a special identification card under subsections A and B of § 46.2-328.1, the parent of any such person who is under the age of 18, or the legal guardian of any such person, the Department may issue an identification privilege card to any resident of the Commonwealth, provided that:

1. Application is made on a form prescribed by the Department;

2. The applicant presents, when required by the Department, proof of identity, residency, and social security number or individual taxpayer identification number;

3. The Department determines that the applicant has reported income and deductions from Virginia sources, as defined in § 58.1-302, or has been claimed as a dependent, on an individual income tax return filed with the Commonwealth in the preceding 12 months; and

4. The applicant does not hold a credential issued under this chapter.

Persons 70 years of age or older may exchange a valid Virginia driver privilege card for an identification privilege card at no fee. Identification privilege cards subsequently issued to such persons shall be subject to the regular fees for identification privilege cards.

B. The fee for the issuance of an original, duplicate, reissue, or renewal identification privilege card is \$25. The amount paid by an applicant for an identification privilege card shall be considered privileged information for the purposes of § 46.2-208.

C. An original identification privilege card shall expire on the applicant's fourth birthday following the date of issuance. Duplicate, reissue, or renewal identification privilege cards shall be valid for a period of four years from the date of issuance. No applicant shall be required to provide proof of compliance with subdivision A 3 for a duplicate, reissue, or renewal identification privilege card. Those cards issued to children under the age of 15 shall expire on the child's sixteenth birthday.

Notwithstanding the provisions of this subsection, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for renewal due to circumstances beyond its control and (ii) the extension has been authorized under a directive from the Governor. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

D. An identification privilege card issued under this section may be similar in size, shape, and design to a driving credential and include a photograph of its holder, but the card shall be readily distinguishable from a driving credential and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for an identification privilege card shall appear in person before the Department to apply for a renewal, duplicate, or reissue unless specifically permitted by the Department to apply in another manner. The front of an identification privilege card shall *have the words "not an acceptable voter ID" conspicuously printed but otherwise* be identical in appearance to a special identification card issued under § 46.2-345, and the back of the card shall be identical in appearance to the restriction on the back of a limited-duration special identification card.

E. Identification privilege cards, for persons at least 15 years old but younger than 21 years old, shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the credential and descriptors within the photograph area to identify persons who are at least 15 years old but younger than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. Identification privilege cards for persons under age 15 shall bear a full-face photograph. The identification card issued to persons under age 15 shall be readily distinguishable from a driving credential and from other identification cards issued by the Department. Such cards shall clearly indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.

G. Any information collected pursuant to this section that is not otherwise collected by the Department or required for the issuance of any other special identification card issued pursuant to the provisions of this chapter and any information regarding restrictions in the Department's records related to the issuance of a credential issued pursuant to this section shall be considered privileged. Notwithstanding the provisions of § 46.2-208, such information shall not be released except upon request by the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, or the authorized representative of the subject of the information or pursuant to a court order.

The Department shall release to any federal, state, or local governmental entity, local government

1412 group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, or court, or the  
1413 authorized agent of any of the foregoing, information related to the issuance of an identification  
1414 privilege card, the release of which is not otherwise prohibited by this section, that is required for a  
1415 requester to carry out the requester's official functions if the requester provides the individual's name and  
1416 other sufficient identifying information contained on the individual's record. Any such release shall be in  
1417 accordance with the requirements of § 46.2-208.

1418 H. Any person who uses a false or fictitious name or gives a false or fictitious address in any  
1419 application for an identification privilege card or knowingly makes a false statement or conceals a  
1420 material fact or otherwise commits a fraud in any such application is guilty of a Class 2 misdemeanor.  
1421 However, where the name or address is given, or false statement is made, or fact is concealed, or fraud  
1422 committed, for the purpose of committing any offense punishable as a felony, a violation of this section  
1423 shall constitute a Class 4 felony.

1424 I. When requested by the applicant, the applicant's parent if the applicant is a minor, or the  
1425 applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the  
1426 applicant's condition, the Department shall indicate on the applicant's identification privilege card that  
1427 the applicant has any condition listed in subsection K of § 46.2-342 or that the applicant is blind or  
1428 vision impaired.

1429 J. The Department shall establish a method by which an applicant for an original, reissued, or  
1430 renewed identification privilege card may indicate his blood type. If the applicant chooses to indicate his  
1431 blood type, the Department shall make a notation of this designation on his identification privilege card  
1432 and in his record. Such notation on the special identification card shall only be used by emergency  
1433 medical services agencies in providing emergency medical support. Upon written request of the license  
1434 holder or his legal guardian to have the designation removed, the Department shall issue the  
1435 identification privilege card without such designation upon the payment of applicable fees.

1436 Notwithstanding any other provision of law, the Department shall not disclose any data collected  
1437 pursuant to this subsection except to the subject of the information and by designation on the  
1438 identification privilege card. Nothing herein shall require the Department to verify any information  
1439 provided for the designation. No action taken by any person, whether private citizen or public officer or  
1440 employee, with regard to any blood type designation displayed on an identification privilege card, shall  
1441 create a warranty of the reliability or accuracy of the document or electronic image, nor shall it create  
1442 any liability on the part of the Commonwealth or of any department, office, or agency or of any officer,  
1443 employee, or agent thereof.

1444 K. Unless the context of the Code provides otherwise, an identification privilege card shall be treated  
1445 as a special identification card.

1446 **2. That §§ 24.2-403.1, 24.2-416.7, 24.2-649.1, 24.2-701.1, and 24.2-701.2 of the Code of Virginia are**  
1447 **repealed.**

1448 **3. That the State Board of Elections shall decertify any previously certified voting system capable**  
1449 **of being connected to the Internet.**

1450 **4. That, not later than 30 days following the enactment of this act, the Attorney General, in**  
1451 **consultation with the head of any appropriate state agency, shall develop a framework for the**  
1452 **process that will be used to carry out their respective responsibilities pursuant to § 24.2-124.2 of**  
1453 **the Code of Virginia, as created by this act.**

1454 **5. That the provisions of this act may result in a net increase in periods of imprisonment or**  
1455 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**  
1456 **necessary appropriation cannot be determined for periods of imprisonment in state adult**  
1457 **correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I,**  
1458 **requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**  
1459 **\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
1460 **appropriation cannot be determined for periods of commitment to the custody of the Department**  
1461 **of Juvenile Justice.**