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HOUSE BILL NO. 1847

Offered January 11, 2023

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A *BILL to amend and reenact §§ 15.2-1400, 24.2-404, 24.2-411.3, 24.2-420.1, 24.2-452, 24.2-612, 24.2-643, 24.2-653, 24.2-653.01, 24.2-671.2, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.2, 24.2-706, 24.2-707, 24.2-709, 24.2-709.1, and 24.2-1004 of the Code of Virginia; to repeal §§ 24.2-403.1, 24.2-703.1, and 24.2-707.1 of the Code of Virginia; and to repeal the second enactment of Chapter 103 of the Acts of Assembly of 2021, Special Session I, relating to elections; registration, absentee, and conduct of election.*

Patron—LaRock

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1400, 24.2-404, 24.2-411.3, 24.2-420.1, 24.2-452, 24.2-612, 24.2-643, 24.2-653, 24.2-653.01, 24.2-671.2, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.2, 24.2-706, 24.2-707, 24.2-709, 24.2-709.1, and 24.2-1004 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1400. Governing bodies.

A. The qualified voters of every locality shall elect a governing body for such locality. The date, place, number, term, and other details of the election shall be as specified by law, general or special. Qualification for office is provided in Article 4 (§ 15.2-1522 et seq.) of Chapter 15.

B. The governing body of every locality shall be composed of not fewer than three nor more than 11 members.

C. Chairmen, mayors, supervisors, and councilmen are subject to the prohibitions set forth in §§ 15.2-1534 and 15.2-1535.

D. A governing body may punish or fine a member of the governing body for disorderly behavior.

E. Notwithstanding the provisions of §§ 24.2-222 and 24.2-222.1, any city or town charter, or any other provision of law, general or special, beginning with any election held after January 1, 2022, elections for mayor, members of a local governing body, or members of an elected school board shall be held at the time of the November general election for terms to commence January 1.

F. Notwithstanding any other provision of law, general or special, in a locality that imposes district-based or ward-based residency requirements for members of the governing body, the member elected from each district or ward shall be elected by the qualified voters of that district or ward and not by the locality at large.

§ 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.

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

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

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

72 7. Provide to each general registrar, at least 16 days prior to a general or primary election and three
73 days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of
74 a precinct in which the election is being held in the county, city, or town. These precinct lists shall be
75 used as the official lists of qualified voters and shall constitute the pollbooks. The Department shall
76 provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the
77 efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the
78 Department shall provide any general registrar, upon his request, with a separate electronic list of all
79 registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or
80 electronic voter registration inquiry devices are used in precincts in the locality, the Department shall
81 provide a regional or statewide list of registered voters to the general registrar of the locality. The
82 Department shall determine whether regional or statewide data is provided. Neither the pollbook nor the
83 regional or statewide list of registered voters shall include the day and month of birth of the voter, but
84 shall include the voter's year of birth.

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

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

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

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

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

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

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

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

117 F. The Department shall report annually by October 1 for the preceding 12 months ending August 31
118 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the
119 Virginia voter registration system and the results of those activities. The Department's report shall be
120 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.

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

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

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

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

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

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

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

182 C. The Department shall prescribe procedures for the addition of persons registered under this section
183 to the lists of registered voters.

184 **§ 24.2-452. Definitions.**

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

186 1. "Covered voter" means:

187 a. A uniformed-service voter or an overseas voter who is registered to vote in this state;

188 b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and
189 who otherwise satisfies this state's voter eligibility requirements, *including subdivision A 2 of § 24.2-700*;

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

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

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

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

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

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

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

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

207 5. "Military-overseas ballot" means:

208 a. A federal write-in absentee ballot;

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

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

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

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

215 8. "Uniformed service" means:

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

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

220 c. The Virginia National Guard.

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

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

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

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

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

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

231 **§ 24.2-612. List of offices and candidates filed with Department of Elections and checked for**
232 **accuracy; when ballots printed; number required.**

233 Immediately after the expiration of the time provided by law for a candidate for any office to qualify
234 to have his name printed on the official ballot and prior to printing the ballots for an election, each
235 general registrar shall forward to the Department of Elections a list of the county, city, or town offices
236 to be filled at the election and the names of all candidates who have filed for each office. In addition,
237 each general registrar shall forward the name of any candidate who failed to qualify with the reason for
238 his disqualification. On that same day, the general registrar shall also provide a copy of the notice to
239 each disqualified candidate. The notice shall be sent by email or regular mail to the address on the
240 candidate's certificate of candidate qualification, and such notice shall be deemed sufficient. The
241 Department of Elections shall promptly advise the general registrar of the accuracy of the list. The
242 failure of any general registrar to send the list to the Department of Elections for verification shall not
243 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 A 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.

§ 24.2-643. 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 employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or (vi) a copy of a current utility bill, bank statement, government check, paycheck, or other government document containing the name and address of the voter. The expiration date on a Virginia driver's license shall not be considered when determining the validity of the driver's license offered for purposes of this section.

Except as provided in subsection E, any Any voter who does not show one of the forms of identification specified in this subsection shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. A voter who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement. A voter who does

305 not show one of the forms of identification specified in this subsection and does not sign this statement
306 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections
307 shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar
308 or electoral board other than matching submitted identification documents from the voter for the
309 electoral board to make a determination on whether to count the ballot.

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

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

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

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

337 E. This subsection shall apply in the case of any individual who is required by subparagraph (b) of
338 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes
339 in a federal election in the state. At such election, such individual shall present (i) a current and valid
340 photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck,
341 or other government document that shows the name and address of the voter. Such individual who
342 desires to vote in person but does not show one of the forms of identification specified in this
343 subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification
344 requirements of subsection B of this section and subsection A of § 24.2-653 shall not apply to such
345 voter at such election. The Department of Elections shall provide instructions to the electoral boards for
346 the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this
347 section.

348 § 24.2-653. Provisional voting; procedures in polling place.

349 A. Any person voting provisionally pursuant to subsection B of § 24.2-643, § 24.2-651.1, subsection
350 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
351 penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the
352 Department of Elections, the identifying information required on the envelope, including (i) the last four
353 digits of his social security number, if any, (ii) full name including the maiden or any other prior legal
354 name, (iii) date of birth, (iv) complete address including the house or apartment number, street name or
355 rural route address, city, and zip code, and (v) signature. Such person shall be asked to present one of
356 the forms of identification specified in subsection B of § 24.2-643 to the officer of election
357 administering the provisional vote. If he is unable to present one of these forms of identification, he
358 shall sign a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is
359 the named registered voter he claims to be. The officer of election shall not sign the envelope
360 and indicate (a) by checking a box on the green envelope whether or not the voter has presented one of
361 the specified forms of identification or signed the required statement in lieu of presenting one of the
362 specified forms of identification and (b) if identification was shown, the type of identification. The
363 officers of election shall enter the appropriate information for the person in the precinct provisional
364 ballots log in accordance with the instructions of the State Board but shall not enter a consecutive
365 number for the voter on the pollbook nor otherwise mark his name as having voted.

366 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. *A provisional envelope missing any of the information required by subsection A of § 24.2-653 shall be considered prima facie invalid and no further inquiry into the qualifications of the person who submitted such envelope shall be conducted by the electoral board.* 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 designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

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

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

The provisional vote shall be counted if (i) such person is entitled to vote in the precinct pursuant to

§ 24.2-401 or (ii) the Department of Elections or the voter presents proof that indicates the voter submitted an application for registration to a state-designated voter registration agency or the voter's information was transmitted by the Department of Motor Vehicles to the Department of Elections pursuant to § 24.2-411.3 prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection B of § 24.2-652.

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

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

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

§ 24.2-671.2. Risk-limiting audits.

A. For the purposes of this section:

"Contested race" means an election for an office where more names appear on the ballot than there are vacancies to be filled or a statewide referendum or proposed constitutional amendment.

"Risk limit" means the largest probability that the risk-limiting audit will fail to correct an election outcome that differs from the outcome that would be found by a full manual tabulation of the votes on all ballots cast in the contested race.

"Risk-limiting audit" means an audit protocol conducted after an election and prior to the certification of the election results with a pre-specified minimum probability of requiring a full hand count of votes cast if the outcome reported by the voting system differs from the outcome that would be found by a full hand count of the votes in a contested race. A "risk-limiting audit" requires a hand count of randomly sampled printed ballots that continues until there is either strong statistical evidence that the reported outcome is correct or, in the absence of such evidence, a full hand count of all ballots cast in the contested race that determines the outcome.

B. Risk-limiting audits conducted pursuant to this section shall be performed by the local electoral boards and general registrars under the supervision of the Department and in accordance with the procedures prescribed by the State Board, including:

1. Processes for randomly selecting contested races and determining the risk limit.

2. Procedures for preparing for a risk-limiting audit, including guidelines for organizing ballots, selecting venues, and securing appropriate materials by local electoral boards and general registrars.

3. Procedures for ballot custody, accounting, security, and written record retention that ensure that the collection of cast ballots from which samples are drawn is complete and accurate throughout the audit.

4. Procedures for hand counting of the audited ballots.

5. Processes and methods for conducting the risk-limiting audit.

6. Procedures for ensuring transparency and understanding of the process by participants and the public, including guidelines for direct observation by members of the public, representatives of the candidates involved in the risk-limiting audit, and representatives of the political parties.

C. The Department shall provide that the following risk-limiting audits be conducted:

1. In the year of a general election for members of the United States House of Representatives, a risk-limiting audit of at least one randomly selected contested race for such office;

2. (Effective July 1, 2023) In the year of a general election for members of the General Assembly, a risk-limiting audit of at least one randomly selected contested race for such office;

3. (Effective July 1, 2024) In any year in which there is not a general election for a statewide office, a risk-limiting audit of at least one randomly selected contested race for a local office, including constitutional offices, for which certification by the State Board is required under § 24.2-680; and

4. (Effective July 1, 2023) In any year, any other risk-limiting audit of a contested race that is necessary to ensure that each locality participates in a risk-limiting audit of an office within its jurisdiction at least once every five years or that the State Board finds appropriate. Such audits must be approved by at least a two-thirds majority vote of all members of the Board.

D. A local electoral board may request that the State Board approve the conduct of a risk-limiting audit for a contested race within the local electoral board's jurisdiction, *which may include an audit of the portion of ballots cast in a district or statewide contested race that occurs within the locality*

represented by the local electoral board. The state board shall promulgate regulations for submitting such requests. The State Board shall grant an extension of the local electoral board's certification deadline under § 24.2-671 as necessary to accommodate the conduct of a risk-limiting audit conducted pursuant to this subsection. The Department may count a risk-limiting audit conducted pursuant to this subsection toward the requirement in subdivision C 4.

E. Notwithstanding the provisions of subsections C and D, no contested race shall be selected to receive a risk-limiting audit if the tabulation of the unofficial result for the contested race shows a difference of not more than one percent of the total vote cast for the top two candidates.

F. Upon the tabulation of the unofficial results of an election, the State Board shall determine, in accordance with subsection C, all the contested races for that election that will receive a risk-limiting audit and shall set the risk limit to be applied in such audits. As soon as practicable after selection of the contests to be audited, the Department shall publish a notice of the contested races in accordance with the requirements for public meetings in § 2.2-3707. The Department shall provide support to local electoral boards and general registrars in preparing to hold the risk-limiting audits.

G. The local electoral board and general registrar shall conduct a risk-limiting audit within their jurisdiction at the date, time, and location noticed by the Department. At least one member of the local electoral board representing each party shall participate in the risk-limiting audit and be present for the duration of the risk-limiting audit when ballots are being selected and counted and calculations are being made. All risk-limiting audits shall be conducted in a place and manner that is open to the public. At the conclusion of a risk-limiting audit, all audit materials, including ballots and any records generated during the course of the audit, shall be delivered to the clerk of the circuit court and retained as election materials pursuant to § 24.2-668.

H. The local electoral board in coordination with the general registrar shall promptly report the results of a risk-limiting audit of any contested races subject to § 24.2-680 in their jurisdiction to the Department. The results of any risk-limiting audit for a local contested race shall also be retained by the local electoral board. At the conclusion of each risk-limiting audit requiring certification by the State Board, the Department shall submit to the State Board a report, which shall include all data generated by the risk-limiting audit and all information required to confirm that the risk-limiting audit was conducted in accordance with the procedures adopted by the State Board. The Department shall publish the results of all risk-limiting audits pursuant to this section on the Department's website.

I. If a risk-limiting audit of a contested race escalates to a full hand count, the results of the hand count shall be used to certify the election in lieu of the tabulation of the unofficial results obtained prior to the conduct of the risk-limiting audit. A full hand count conducted pursuant to this section shall not be construed as a recount under Chapter 8 (§ 24.2-800 et seq.). Nothing in this section shall be construed to limit the rights of a candidate under Chapter 8.

J. The State Board shall include in the permissible processes and methods for conducting a risk-limiting audit a batch comparison method where (i) the sums of the subtotals of batched ballots are compared to the results of a contested race and (ii) hand counts of randomly selected ballot batches are compared with corresponding machine counts.

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

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

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

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

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

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

5. Any person who is confined while awaiting trial or for having been convicted of a misdemeanor, provided that the trial or release date is scheduled on or after the third day preceding the election. Any person who is awaiting trial and is a resident of the county or city where he is confined shall, on his request, be taken to the polls to vote on 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;

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

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

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

559 10. Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in
560 § 65.2-102; volunteer fire fighter, as defined in § 27-42; search and rescue personnel, as defined in
561 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;

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

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

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

569 **§ 24.2-701. Application for mailed absentee ballot.**

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

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

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

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

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

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

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

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

595 1. An application completed in person shall be completed only in the office of the general registrar
596 and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms
597 of identification specified in subsection B of § 24.2-643; or if he is unable to present one of the
598 specified forms of identification listed in that subsection, he shall sign a statement, subject to felony
599 penalties for making false statements pursuant to § 24.2-1016, that he is the named registered voter he
600 claims to be. An applicant who requires assistance in voting by reason of a physical disability or an
601 inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in
602 preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding
603 voters who are unable to sign shall be followed when assisting a voter in completing this statement. Any
604 applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643
605 or does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653.
606 The State Board of Elections shall provide instructions to the general registrar for the handling and
607 counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

608 This paragraph shall apply in the case of any individual who is required by subparagraph (b) of 52
609 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a
610 federal election in the state. At such election, such individual shall present (i) a current and valid photo
611 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or
612 other government document that shows the name and address of the voter. Such individual who desires

to vote in person but does not show one of the forms of identification specified in this paragraph shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

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

3. ~~The application of any covered voter, as defined in § 24.2-452,~~ *An application made under subdivision A 2 of § 24.2-700* may be on a federal postcard application, as defined in § 24.2-452. The federal postcard application 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.

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

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

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

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

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

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

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

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

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

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

10. *In the case of a person who is unable to go 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, his relationship to the family member;*

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

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

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;*

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; and

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

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

§ 24.2-701.1. Absentee voting in person.

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

Absentee voting in person shall be available to registered voters as follows:

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

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

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

B. Absentee voting in person shall be available during regular business hours. The electoral board of each county and city shall provide for absentee voting in person in the office of the general registrar or a voter satellite office established pursuant to § 24.2-701.2. For purposes of this chapter, such offices shall be open to the public a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. The electoral board or general registrar may provide for absentee voting in person in such offices on Sundays. Any applicant who is in line to cast his ballot when the office of the general registrar or voter satellite office closes shall be permitted to cast his absentee ballot that day.

C. The general registrar may provide for the casting of absentee ballots in person pursuant to this section on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures shall provide for absentee voting in person on voting systems that have been certified and are currently approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to all localities using comparable voting systems.

D. At least two officers of election shall be present during all hours that absentee voting in person is available and shall represent the two major political parties, except in the case of a party primary, when they may represent the party conducting the primary. However, such requirement shall not apply when (i) voting systems that are being used pursuant to subsection C are located in the office of the general registrar or voter satellite office and (ii) the general registrar or a deputy registrar is present.

E. The Department shall include absentee ballots voted in person in its instructions for the preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.

F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck,

or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

816 Signature of Voter _____

817 Date _____

818 Signature of witness _____ "

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

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

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

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

833 For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of
834 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter
835 votes in a federal election in the state, the printed instructions shall direct the voter to submit with his
836 ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank
837 statement, government check, paycheck or other government document that shows the name and address
838 of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of
839 identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as
840 a provisional ballot under the provisions of § 24.2-653.01. The Department of Elections shall provide
841 instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to
842 § 24.2-653.01 and this section.

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

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

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

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

F. E. 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 A 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. F. 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.

§ 24.2-707. How ballots marked and returned.

A. On receipt of a mailed absentee ballot, the voter shall, in the presence of a witness, (i) open the sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644 and 24.2-646 without assistance and without making known how he marked the ballot, except as provided by § 24.2-704.

After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the back of the envelope in the presence of a witness, who shall sign the same envelope, (d) enclose the ballot envelope and any required assistance form within the envelope directed to the general registrar, and (e) seal that envelope. A voter's failure to provide in the statement on the back of the envelope his full middle name or his middle initial shall not be a material omission, rendering his ballot void, unless the voter failed to provide in the statement on the back of the envelope his full first and last name. A voter's failure to provide the date, or any part of the date, including the year, on which he signed the statement printed on the back of the envelope shall not be considered a material omission and shall not render his ballot void. A voter's failure to have a witness sign the absentee ballot return envelope for any election held during a declared state of emergency related to a communicable disease of public health threat shall not be considered a material omission and shall not render his ballot void.

B. A mailed absentee ballot shall be returned (i) by ~~mail~~ the United States Postal Service to the office of the general registrar, (ii) by the voter, a member of the voter's immediate family, or the voter's caretaker in person to the general registrar, or (iii) to a drop-off location established pursuant to ~~§ 24.2-707.1. For purposes of this subsection, "mail" includes a delivery by a commercial delivery service but does not include delivery by a personal courier service or other individual except as provided by §§ 24.2-703.2 and 24.2-705.~~

C. Failure to follow the procedures set forth in this section shall render the applicant's ballot void.

§ 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

920 other postal or delivery service.

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

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

935 **§ 24.2-709.1. Processing returned absentee ballots before election day; cure process.**

936 A. On receipt of an absentee ballot returned in person or by mail to the office of the general registrar
937 ~~or to a drop-off location~~ before election day, the general registrar shall mark the date of receipt in the
938 voter's record and shall examine the ballot envelope to verify completion of the required voter
939 affirmation. A voter affirmation statement shall not be deemed to be incomplete on the sole basis of the
940 voter's failure to provide (i) his full name or his middle initial, as long as the voter provided his full
941 first and last name, or (ii) the date, or any part of the date, including the year, on which he signed the
942 statement.

943 B. If the voter affirmation has been completed as required, the general registrar may open the sealed
944 ballot envelope and insert the ballot in optical scan counting equipment or other secure ballot container
945 without initiating any ballot count totals. If a general registrar does not choose to do so, the sealed
946 ballot envelope shall be deposited into a secure container provided for such purpose, in which it shall
947 remain until the general registrar initiates the process of opening the sealed ballot envelopes deposited
948 into the secure container and inserting such ballots into optical scan counting equipment without
949 initiating any ballot count totals. Such process shall be at the general registrar's discretion at any time
950 prior to the seventh day immediately preceding the election but shall be mandatory beginning on the
951 seventh day immediately preceding the election.

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

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

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

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

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

975 **§ 24.2-1004. Illegal voting and registrations.**

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

978 B. Any person who intentionally (i) votes more than once in the same election, whether those votes
979 are cast in Virginia or in Virginia and any other state or territory of the United States, (ii) procures,
980 assists, or induces another to vote more than once in the same election, whether those votes are cast in
981 Virginia or in Virginia and any other state or territory of the United States, (iii) votes knowing that he is

not qualified to vote where and when the vote is to be given, or (iv) procures, assists, or induces another to vote knowing that such person is not qualified to vote where and when the vote is to be given is guilty of a Class 6 felony.

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

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

2. That §§ 24.2-403.1, 24.2-703.1, and 24.2-707.1 of the Code of Virginia are repealed.

3. That the second enactment of Chapter 103 of the Acts of Assembly of 2021, Special Session I, is repealed.

4. That, notwithstanding any other provision of law, general or special, any city or town that (i) between July 1, 2021, and July 1, 2023, provided by ordinance for the transition of the election of its mayor, governing body, or school board from being held at the May general election to the November general election or (ii) had the same transition affected by a charter change enacted by the 2022 or 2023 Session of the General Assembly may provide by ordinance for the return of such election to the May general election.