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HOUSE BILL NO. 2049

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend and reenact § 24.2-649.1 of the Code of Virginia, relating to assistance for certain voters outside of the polling place; definition of disability.

Patrons—Bennett-Parker and Maldonado

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That § 24.2-649.1 of the Code of Virginia is amended and reenacted as follows:****§ 24.2-649.1. Assistance for certain voters outside of the polling place.**

A. Any voter with a disability *that prevents them from entering the polling place* or who is age 65 or older shall be entitled to vote outside of the polling place in accordance with the provisions of this section. However, during a declared state of emergency related to a communicable disease of public health threat, any voter, regardless of age or disability, shall be entitled to vote outside of the polling place in accordance with the provisions of this section. For purposes of this section, a disability shall include a permanent ~~physical disability~~, a *or* temporary ~~physical~~ disability, or an injury.

B. The area designated for voting outside of the polling place shall be within 150 feet of the entrance to the polling place. This area shall be clearly marked, and instructions on how to notify an officer of election of the voter's request to vote outside of the polling place shall be prominently displayed. The Department shall prescribe the form and content of such instructions, but in no case shall the voter be required to enter the polling place to provide such notice.

C. A voter eligible pursuant to subsection A shall be handed a printed ballot by an officer of election. He shall mark the ballot in the officer's presence but in a secret manner and, obscuring his vote, shall return the ballot to the officer. The officer shall immediately return to the polling place and shall deposit a paper ballot in the ballot container in accordance with § 24.2-646 or a machine-readable ballot in the ballot scanner machine in accordance with the instructions of the State Board.

D. Any county or city that has acquired an electronic voting machine that is so constructed as to be easily portable may use the voting machine in lieu of a printed ballot for voting outside of the polling place, so long as: (i) the voting machine remains in the plain view of two officers of election representing two political parties, or in a primary election, two officers of election representing the party conducting the primary, provided that if the use of two officers for this purpose would result in too few officers remaining in the polling place to meet legal requirements, the voting machine shall remain in plain view of one officer who shall be either the chief officer or the assistant chief officer and (ii) the voter casts his ballot in a secret manner unless the voter requests assistance pursuant to § 24.2-649.

After the voter has completed voting his ballot, the officer or officers shall immediately return the voting machine to its assigned location inside the polling place, and shall record (a) the machine number, (b) the time that the machine was removed and the time that it was returned, (c) the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, and (d) the name or names of the officer or officers who accompanied the machine on the statement of results. The names of the voters who used the machine while it was removed shall also be recorded provided that secrecy of the ballot is maintained in accordance with guidance from the State Board. If a polling place fails to record the information required in clause (a), (b), (c), or (d), or it is later proven that the information recorded was intentionally falsified, the local electoral board or general registrar shall dismiss at a minimum the chief officer or the assistant chief officer, or both, as appropriate, and shall dismiss any other officer of election who is shown to have caused the failure to record the required information intentionally or by gross negligence or to have intentionally falsified the information. The dismissed officers shall not be allowed thereafter to serve as an officer or other election official anywhere in the Commonwealth.

INTRODUCED

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