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SENATE BILL NO. 884

Offered January 11, 2023

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A BILL to amend and reenact §§ 24.2-101, 24.2-115.2, 24.2-124.1, 24.2-402, 24.2-404, 24.2-406, 24.2-411.3, 24.2-420.1, 24.2-427, 24.2-452, 24.2-518, 24.2-603.1, 24.2-604.3, 24.2-609, 24.2-611, 24.2-612, 24.2-613, 24.2-625 through 24.2-630, 24.2-632 through 24.2-646, 24.2-647, 24.2-649, 24.2-649.1, 24.2-651, 24.2-652, 24.2-653, 24.2-653.01, 24.2-654, 24.2-661 through 24.2-668, 24.2-671.2, 24.2-700, 24.2-701, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-706, 24.2-707, 24.2-709, 24.2-709.1, 24.2-710, 24.2-712, 24.2-802, 24.2-802.1, 24.2-802.2, 24.2-814, 24.2-1004, 24.2-1009, and 24.2-1010 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 24.2-709.2; and to repeal §§ 24.2-631, 24.2-646.1, 24.2-648, 24.2-657, 24.2-658, 24.2-659, 24.2-701.1, and 24.2-701.2 of the Code of Virginia, relating to elections; registration, absentee voting, and conduct of election.

Patron—Chase

Referred to Committee on Privileges and Elections

1. That §§ 24.2-101, 24.2-115.2, 24.2-124.1, 24.2-402, 24.2-404, 24.2-406, 24.2-411.3, 24.2-420.1, 24.2-427, 24.2-452, 24.2-518, 24.2-603.1, 24.2-604.3, 24.2-609, 24.2-611, 24.2-612, 24.2-613, 24.2-625 through 24.2-630, 24.2-632 through 24.2-646, 24.2-647, 24.2-649, 24.2-649.1, 24.2-651, 24.2-652, 24.2-653, 24.2-653.01, 24.2-654, 24.2-661 through 24.2-668, 24.2-671.2, 24.2-700, 24.2-701, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-706, 24.2-707, 24.2-709, 24.2-709.1, 24.2-710, 24.2-712, 24.2-802, 24.2-802.1, 24.2-802.2, 24.2-814, 24.2-1004, 24.2-1009, and 24.2-1010 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-709.2 as follows:

§ 24.2-101. Definitions.

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

"Ballot" means a tangible ballot that is printed on paper and includes both ballots that can only be manually counted and printed ballots designed to be used with a ballot system and that can be tabulated by a ballot scanner machine.

"Ballot marking device" means a machine that provides individuals with disabilities a means of accessing and marking the ballot, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot ballots are inserted to be scanned and the results tabulated.

"Ballot system" means electronic equipment used for elections, including ballot scanner machines and on-demand ballot printing systems and ballot marking devices used to manufacture or mark ballots to be cast by voters and capable of being counted by ballot scanner machines.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, § 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

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59 "Department of Elections" or "Department" means the state agency headed by the Commissioner of
60 Elections.

61 "Direct recording electronic machine" or "DRE" means the electronic voting machine on which a
62 voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is
63 recorded electronically.

64 "Election" means a general, primary, or special election.

65 "Election district" means the territory designated by proper authority or by law which is represented
66 by an official elected by the people, including the Commonwealth, a congressional district, a General
67 Assembly district, or a district for the election of an official of a county, city, town, or other
68 governmental unit.

69 "Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to
70 administer elections for a county or city. The electoral board of the county in which a town or the
71 greater part of a town is located shall administer the town's elections.

72 "Entrance of polling place" or "entrance to polling place" means an opening in the wall used for
73 ingress to a structure.

74 "General election" means an election held in the Commonwealth on the Tuesday after the first
75 Monday in November or on the first Tuesday in May for the purpose of filling offices regularly
76 scheduled by law to be filled at those times.

77 "General registrar" means the person appointed by the electoral board of a county or city pursuant to
78 § 24.2-110 to be responsible for all aspects of voter registration, in addition to other duties prescribed by
79 this title. When performing duties related to the administration of elections, the general registrar is acting
80 in his capacity as the director of elections for the locality in which he serves.

81 "Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device
82 operated by a voter, is available for verification by the voter at the time the ballot is cast, and is then
83 fed into and scanned by a separate counting machine capable of reading ballots and tabulating results.

84 "Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve
85 at a polling place for any election.

86 "Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

87 "Party" or "political party" means an organization of citizens of the Commonwealth which, at either
88 of the two preceding statewide general elections, received at least 10 percent of the total vote cast for
89 any statewide office filled in that election. The organization shall have a state central committee and an
90 office of elected state chairman which have been continually in existence for the six months preceding
91 the filing of a nominee for any office.

92 "Person with a disability" means a person with a disability as defined by the Virginians with
93 Disabilities Act (§ 51.5-1 et seq.).

94 "Polling place" means the structure that contains the one place provided for each precinct at which
95 the qualified voters who are residents of the precinct may vote.

96 "Precinct" means the territory designated by the governing body of a county, city, or town to be
97 served by one polling place.

98 "Primary" or "primary election" means an election held for the purpose of selecting a candidate to be
99 the nominee of a political party for election to office.

100 "Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable
101 ballots and paper ballots.

102 "Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and
103 who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or
104 subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers
105 to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified
106 voter unless his civil rights have been restored by the Governor or other appropriate authority. No
107 person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as
108 provided by law. Whether a signature should be counted towards satisfying the signature requirement of
109 any petition shall be determined based on the signer of the petition's qualification to vote. For purposes
110 of determining if a signature on a petition shall be included in the count toward meeting the signature
111 requirements of any petition, "qualified voter" shall include only persons maintained on the Virginia
112 voter registration system (a) with active status and (b) with inactive status who are qualified to vote for
113 the office for which the petition was circulated.

114 "Qualified voter in a town" means a person who is a resident within the corporate boundaries of the
115 town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified
116 voter.

117 "Referendum" means any election held pursuant to law to submit a question to the voters for
118 approval or rejection.

119 "Registered voter" means any person who is maintained on the Virginia voter registration system. All
120 registered voters shall be maintained on the Virginia voter registration system with active status unless

assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For purposes of applying the precinct size requirements of § 24.2-307, calculating election machine equipment requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306, and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "registered voter" shall include only persons maintained on the Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to vote for the office for which the petition was circulated.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, applications, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.

"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections, including direct recording electronic machines (DRE), ballot scanner machines, and on-demand ballot printing systems and ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and counting machines.

§ 24.2-115.2. Officers of election; required training.

A. Each officer of election shall receive training consistent with the standards set by the State Board pursuant to § 24.2-103. This training shall be conducted by the electoral boards and general registrars, using the standardized training programs and materials developed by the State Board for this purpose. However, any electoral board and general registrar may instead require that the officers of election complete the online training course provided by the State Board pursuant to subsection D of § 24.2-103. Each officer of election shall receive such training, or complete the online training course, before the first election in which he will be serving as an officer of election. Such requirement shall apply to each term for which the officer of election is appointed.

B. Notwithstanding the provisions of subsection A, each officer of election shall receive additional training or instruction whenever a change to election procedures is made to this title or to regulations that alters the duties or conduct of the officers of election. Such changes shall include changes to voting systems, electronic pollbook equipment or programming ballot marking devices, voter identification requirements, and provisional ballot requirements. Such additional training shall be conducted or instruction given to all relevant individuals promptly after the law or regulation has taken effect, but not less than three days prior to the first election occurring in the locality after the law or regulation has taken effect.

C. Following any training conducted pursuant to this section, the electoral boards shall certify to the State Board that the officers of election in its jurisdiction have received the required training. Such certification shall include the dates of each completed training.

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

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

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

§ 24.2-402. Persons moving from Commonwealth fewer than thirty days before presidential election.

A person who is qualified to vote except for having moved his residence from the Commonwealth after the thirtieth day preceding a presidential election may vote in the precinct from which he has moved only in that election and only for electors of President and Vice President of the United States.

182 The officers of election shall deliver to any person who asks to vote under this section the paper
183 ballot for electors of President and Vice President of the United States and no other ballot. The ballot
184 shall be voted, handled, and counted with other like ballots in accordance with the provisions of this
185 title.

186 **§ 24.2-404. Duties of Department of Elections.**

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

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

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

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

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

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

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

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

223 7. Provide to each general registrar, at least 16 days prior to a general or primary election and three
224 days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of
225 a precinct in which the election is being held in the county, city, or town. These precinct lists shall be
226 used as the official lists of qualified voters and shall constitute the pollbooks. The Department shall
227 provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the
228 efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the
229 Department shall provide any general registrar, upon his request, with a separate electronic list of all
230 registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or
231 electronic voter registration inquiry devices are used in precincts in the locality, the Department shall
232 provide a regional or statewide list of registered voters to the general registrar of the locality. The
233 Department shall determine whether regional or statewide data is provided. Neither the pollbook nor the
234 regional or statewide list of registered voters shall include the day and month of birth of the voter, but
235 shall include the voter's year of birth.

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

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

243 10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history,

and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and to determine eligibility of individuals to vote in Virginia.

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

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

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

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

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

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

§ 24.2-406. Lists of persons voting at elections.

A. The Department of Elections shall furnish, at a reasonable price, lists of persons who voted at any primary, special, or general election held in the four preceding years to (i) candidates for election or political party nomination to further their candidacy, (ii) political party committees or officials thereof for political purposes only, (iii) political action committees that have filed a current statement of organization with the Department of Elections pursuant to § 24.2-949.2 or with the Federal Elections Commission pursuant to federal law, for political purposes only, (iv) incumbent officeholders to report to their constituents, and (v) members of the public or a nonprofit organization seeking to promote voter participation and registration by means of a communication or mailing without intimidation or pressure exerted on the recipient, for that purpose only. Such lists shall be furnished to no one else and shall be used only for campaign and political purposes and for reporting to constituents. Unless such lists are not available due to a pending recount or election contest, the general registrar shall submit the list of persons who voted to the Department of Elections within 14 days after each election. The general registrars of localities using nonelectronic pollbooks shall submit the list of persons who voted to the Department of Elections within seven days after the pollbooks are released from the possession of the clerk of court. The Department of Elections shall make available such lists no later than seven days after receiving them from the general registrar.

B. The Department of Elections shall furnish to the Chief Election Officer of another state, on request and at a reasonable price, lists of persons who voted at any primary, special, or general election held for the four preceding years. Such lists shall be used only for the purpose of maintenance of voter registration systems and shall be transmitted in accordance with security policies approved by the State Board of Elections.

C. In no event shall any list furnished under this section contain the social security number, or any part thereof, of any registered voter, except for a list furnished to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems.

D. Any list furnished 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.

§ 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.*

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

§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or disqualified to vote.

A. Any registered voter may cancel his registration and have his name removed from the central registration records by signing an authorization for cancellation and mailing or otherwise submitting the signed authorization to the general registrar. When submitted by any means other than when notarized or in person, such cancellation must be made at least 22 days prior to an election in order to be valid in that election. The general registrar shall acknowledge receipt of the authorization and advise the voter in person or by first-class mail that his registration has been canceled within 10 days of receipt of such authorization.

B. The general registrar shall promptly cancel the registration of (i) all persons known by him to be deceased; (ii) all persons known by him to be disqualified to vote by reason of a felony conviction or adjudication of incapacity; (iii) all persons known by him not to be United States citizens by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 and in accordance with the requirements of subsection C; (iv) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has moved from the Commonwealth; and (v) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in clauses (iv) and (v) shall be considered as a written request from the voter to have his registration cancelled. A voter's registration may be cancelled at any time during the year in which the general registrar discovers that the person is no longer entitled to be registered. The general registrar shall provide notice of any cancellation to the person whose registration is cancelled, by mail to the address listed in the voter's registration record and by email to the email address provided on the voter's registration application, if one was provided.

C. The general registrar shall mail notice promptly to all persons known by him not to be United States citizens by reason of a report from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 prior to cancelling their registrations. The notice shall inform the person of the report from the Department of Motor Vehicles or from the Department of Elections and allow the person to submit his sworn statement that he is a United States citizen within 14 days of the date that the notice was mailed. The general registrar shall cancel the registrations of such persons who do not respond within 14 days to the notice that they have been reported not to be United States citizens.

D. The general registrar shall (i) process the Department's most recent list of persons convicted of felonies within 21 to 14 days before any primary or general election, (ii) cancel the registration of any registered voter shown to have been convicted of a felony who has not provided evidence that his right to vote has been restored, and (iii) send prompt notice to the person of the cancellation of his registration. If it appears that any registered voter has made a false statement on his registration application with respect to his having been convicted of a felony, the general registrar shall report the fact to the attorney for the Commonwealth for prosecution under § 24.2-1016 for a false statement made on his registration application.

E. The general registrar may cancel the registration of any person for whom a notice has been submitted to the Department of Motor Vehicles in accordance with the Driver License Compact set out in Article 18 (§ 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that the voter has moved from the Commonwealth; provided that the registrar shall mail notice of such cancellation to the person at both his new address, as reported to the Department of Motor Vehicles, and the address at which he had most recently been registered in Virginia. No general registrar may cancel registrations under this authority while the registration records are closed pursuant to § 24.2-416. No registrar may cancel the registration under this authority of any person entitled to register under the provisions of subsection A or B of § 24.2-420.1, and shall reinstate the registration of any otherwise qualified voter covered by subsection A or B of § 24.2-420.1 who applies to vote within four years of the date of cancellation.

§ 24.2-452. Definitions.

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

1. "Covered voter" means:
 - a. A uniformed-service voter or an overseas voter who is registered to vote in this state;
 - b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements, *including subdivision A 2 of § 24.2-700*;
 - c. An overseas voter who, before leaving the United States, was last eligible to vote in this state and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements;
 - d. An overseas voter who, before leaving the United States, would have been last eligible to vote in

this state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements; or

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

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

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

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

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

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

5. "Military-overseas ballot" means:

a. A federal write-in absentee ballot;

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

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

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

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

8. "Uniformed service" means:

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

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

c. The Virginia National Guard.

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

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

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

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

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

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

§ 24.2-518. County and city treasurers to pay primary expenses; certain uses of ballot systems by party.

The treasurer of the county or city in which the elections are held shall pay the costs of primary elections.

A political party may hold an election to select the members of its party committee at the same time and in the same places as a primary election without fee or charge for making use of the ~~electoral machinery~~ *ballot systems*, provided that a primary to nominate the party's candidate for an office is in fact conducted on that primary date. ~~Such elections for party committee members may be conducted by paper ballots or by voting machines in the discretion of the local electoral board.~~

The proper political party committee shall pay the costs of using the ~~election machinery~~ *ballot system* at any other time for the purpose of conducting other nominating procedures adopted pursuant to the rules of that party, if such use is authorized by the officials having custody of the ~~machinery~~.

§ 24.2-603.1. Postponement of certain elections; state of emergency.

For purposes of this section, "election" means (i) any local or state referendum, (ii) any primary, special, or general election for local or state office except a general election for Governor, Lieutenant Governor, Attorney General and the General Assembly, (iii) any primary for federal office including any primary for the nomination of candidates for the office of President of the United States, or (iv) any federal special election to fill a vacancy in the United States Senate or the United States House of Representatives. In the event of a state of emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order, the Governor may postpone an election by executive order in areas affected by the emergency to a date, notwithstanding the provisions of § 24.2-682, not to exceed 14 days from the original date of the election.

If a local governing body determines that a longer postponement is required, it may petition a

three-judge panel of the Virginia Supreme Court, to include the Chief Justice as the presiding Justice, for an extension. The Chief Justice shall choose the other two Justices by lot. The Court may postpone the election to a date it deems appropriate, notwithstanding the provisions of § 24.2-682, not to exceed 30 days from the original date of the election.

Only those persons duly registered to vote as of the original date of the election shall be entitled to vote in the rescheduled election.

If, as a direct result of the emergency, any ballots already cast at the polling places ~~or equipment on which ballots have been cast~~, or any voted absentee ballots already received by the appropriate election officials ~~or any equipment on which absentee ballots have already been cast~~ have been destroyed or otherwise damaged so that such ballots cannot be counted ~~manually or by a voting system~~, the Governor (i) shall specify that such ballots or votes previously cast ~~by machinery or paper~~ need to be recast on or by the rescheduled election date so that they may be counted and (ii) shall direct the appropriate election officials to immediately send replacement absentee ballots to all absentee voters whose voted ballots are known to have been so destroyed or damaged. Such instructions may be issued by executive order separately from the executive order postponing the election. Any absentee ballots duly cast and received by the rescheduled election date and able to be counted shall be valid and counted when determining the results of the rescheduled election; however, if more than one absentee ballot is received from any voter, only the first absentee ballot received and able to be counted shall be counted. Any person who was duly registered to vote as of the original date of the election, and who has not voted, or who is permitted to recast their ballot due to the emergency, may vote by absentee ballot in accordance with the provisions of Chapter 7 (§ 24.2-700 et seq.) in the rescheduled election. Official ballots shall not be invalidated on the basis that they contain the original election date.

If the postponement of the election is ordered after voting at the polls on the original election date has already commenced, all qualified voters in a precinct in which any voted ballots, ~~voting equipment containing voted ballots~~ or pollbooks recording who has already voted in that precinct have been destroyed or damaged as a direct result of the emergency, so that the votes cannot be counted or it cannot be determined who has already voted, shall be allowed to vote in the rescheduled election, and no votes cast at the polls on the original election date shall be counted. If the postponement of the election is ordered after voting at the polls on the original election date has already commenced and no ballots cast at the polls, ~~voting equipment containing voted ballots~~, or pollbooks recording who has already voted in that election in that precinct have been destroyed or damaged as a direct result of the emergency, only qualified voters who had not yet voted shall be eligible to vote on the rescheduled election day and all votes cast on the original and postponed election dates shall be counted at the close of the polls on the rescheduled election day.

The provisions of § 24.2-663 requiring the voiding of all ballots received from any voter who votes more than once in the same election shall not apply to ballots otherwise lawfully cast or recast pursuant to this section; however, no more than one ballot may be counted from any voter in the same election. If one ballot has already been counted, any additional ballots from the same voter shall be void and shall not be counted. The provisions of § 24.2-1004 or any other law prohibiting any voter from voting more than once in the same election, or any oath attesting to the same, shall not apply to ballots otherwise lawfully cast or recast pursuant to this section.

No results shall be tallied or votes counted in any postponed election before the closing of the polls on the rescheduled election date. Officers of election in unaffected areas shall count and report the results for the postponed election after the close of the polls on the rescheduled election date. The counting may take place at the precinct or another location determined by the local electoral board.

The State Board shall prescribe appropriate procedures to implement this section.

§ 24.2-604.3. Election day page program; high school students.

A. The local electoral board, or its general registrar, may conduct a special election day page program for high school students in one or more polling places designated by the electoral board or the general registrar, which may include a central absentee voter precinct. Students shall be selected for the election day page program by the electoral board or the general registrar in cooperation with high school authorities. The program shall be designed to stimulate the pages' interest in elections and registering to vote, provide assistance to the officers of election, and ensure the safe entry and exit of elderly and disabled voters from the polling place.

B. Each page shall receive, from a person designated by the electoral board, training on the duties, responsibilities, and prohibited conduct of election pages. Each page shall take and sign an oath as an election page, serve under the direct supervision of the chief officer of election of his assigned polling place, and observe strict impartiality at all times.

C. Election pages may observe the electoral process and seek information from the chief officer of election and may assist in the arrangement of the ~~voting equipment~~ *ballot scanner devices*, furniture, and other materials for the conduct of the election but shall not enter any voting booth. Election pages may,

at the direction and under the direct supervision of the chief officer of election, assist in the counting of unmarked ballots but shall not handle or touch ballots in any other circumstance.

§ 24.2-609. Voting booths.

Each electoral board or general registrar shall provide at each polling place in the county or city one or more voting booths. At least one booth shall be an enclosure which permits the voter to ~~vote by printed mark his~~ ballot in secret and is equipped with a writing surface, operative writing implements, and adequate lighting. Enclosures for ~~voting equipment~~ *ballot marking devices* shall provide for voting in secret and be adequately lighted. "Voting booth" includes enclosures for ~~voting printed ballots and for voting equipment~~ *the use of ballot marking devices*.

§ 24.2-611. Form and signing of pollbooks; records of persons voting.

A. The following oath shall be on a form prescribed by the State Board, administered to all officers of election, and kept by the officers of election with the pollbook:

"I do solemnly swear (or affirm) that I will perform the duties for this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting this election."

The oath shall be administered to each officer of election by the general registrar, a member of the electoral board, or an officer of election designated by the general registrar and secretary of the electoral board, who shall be so identified on the form. The oath shall be signed by each officer of election and the person administering the oath. The pollbook shall be marked to identify the election for which it is used.

B. The Department shall provide the pollbook pursuant to subdivision A 7 of § 24.2-404. The pollbook shall (i) provide a space for the officer of election to record the name and consecutive number of the voter at the time he offers to vote and (ii) be retained in accordance with the provisions governing pollbooks in this title. The Department shall make available a numerical check sheet required to be used with pollbooks in printed form to determine the consecutive number to be recorded with the name of the voter by the officer of election. ~~In electronic pollbooks, the consecutive number shall be entered automatically when the officer of election records that the voter has voted.~~ When the name and number of the last qualified voter have been entered on the pollbook, the officer of election responsible for that pollbook shall sign a statement on the check sheet, ~~or on a separate form if an electronic pollbook is used~~, certifying the number of qualified registrants who have voted. The Department shall provide instructions to the local electoral boards, general registrars, and officers of election for the conduct of the election and for procedures for entering a voting record for each voter and recording each voter's name, including voters unable to enter the polling place, and for verifying the accurate entry of the voting record for each registrant on the Virginia Voter Registration System. Notwithstanding any other provision of this title, for any election held on or after November 1, 2020, all pollbooks provided by the Department shall be in electronic form only.

C. The Department shall incorporate safeguards to assure that the records of the election, including the pollbook, voter count sheets, or other alternative records, will provide promptly an accurate and secure record of those who have voted.

D. Any locality may expend its own funds to purchase electronic pollbooks that have been approved for use in elections by the State Board.

E. The general registrar shall produce a paper copy of the pollbook specified in subsection B for each precinct in any ~~primary or general~~ election. *No locality shall use any electronic version of the pollbook to check in voters in any election.*

F. ~~In the event that the electronic pollbooks for a precinct fail to operate properly and no alternative voter list or pollbook is available, the officers of election, in accordance with the instructions and materials approved by the State Board, shall (i) maintain a written list of the persons voting and (ii) provide to each person voting a provisional ballot to be cast as provided in § 24.2-653.~~

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

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

Each general registrar shall have printed the number of ballots he determines will be sufficient to

conduct the election. Such determination shall be based on the number of active registered voters and historical election data, including voter turnout, and shall be subject to the approval by the electoral board.

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

The general registrar shall make ~~printed~~ ballots available for absentee voting not later than 45 days prior to any election or within three business days of the receipt of a properly completed absentee ballot application, whichever is later. In the case of a special election, excluding for federal offices, if time is insufficient to meet the applicable deadline established herein, then the general registrar shall make ~~printed~~ ballots available as soon after the deadline as possible. For the purposes of this chapter, making ~~printed~~ ballots available includes mailing of such ballots or electronic transmission of such ballots pursuant to § 24.2-706 to a ~~covered voter, as defined in § 24.2-452, who has applied for an absentee ballot pursuant to § 24.2-704~~ 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.

§ 24.2-613. Form of ballot.

A. The ballots shall comply with the requirements of this title and the standards prescribed by the State Board. The names of all candidates to appear on the ballots shall be in the same font, size, and style.

B. For elections for federal, statewide, and General Assembly offices only, each candidate who has been nominated by a political party or in a primary election shall be identified by the name of his political party. Independent candidates shall be identified by the term "Independent." For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties. For the purpose of this section, a "recognized political party" is defined as an organization that, for at least six months preceding the filing of its nominee for the office, has had in continual existence a state central committee composed of registered voters residing in each congressional district of the Commonwealth, a party plan and bylaws, and a duly elected state chairman and secretary. A letter from the state chairman of a recognized political party certifying that a candidate is the nominee of that party and also signed by such candidate accepting that nomination shall constitute sufficient and appropriate evidence of nomination by a recognized political party. The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.

C. Except as provided for primary elections, the State Board shall determine by lot the order of the political parties, and the names of all candidates for a particular office shall appear together in the order determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section, except as provided for presidential elections in § 24.2-614, "recognized political parties" shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board; and the class shall follow the political parties as defined by § 24.2-101 and precede the independent class. Independent candidates shall be treated as a class under "Independent", and their names shall be placed on the ballot after the political parties and

674 recognized political parties. Where there is more than one independent candidate for an office, their
675 names shall appear on the ballot in an order determined by the priority of time of filing for the office.
676 In the event two or more candidates file simultaneously, the order of filing shall then be determined by
677 lot by the electoral board as in the case of a tie vote for the office.

678 For the purposes of this subsection, "time of filing for the office" means the time at which an
679 independent candidate has filed his petition signature pages with a number of signatures at least equal to
680 the number required for the office pursuant to § 24.2-506. In the case of an office for which no petition
681 is required, "time of filing for the office" means the time at which the candidate has filed his completed
682 statement of qualification pursuant to § 24.2-501.

683 No individual's name shall appear on the ballot more than once for the same office.

684 D. On any ballot, all offices to be elected shall appear before any questions presented to the voters.

685 E. In preparing the ~~printed~~ ballots for general, special, and primary elections, the State Board and
686 general registrars shall cause to be printed in not less than 10-point type, immediately below the title of
687 any office, a statement of the number of candidates for whom votes may be cast for that office. For any
688 office to which only one candidate can be elected, the following language shall be used: "Vote for only
689 one." For any office to which more than one candidate can be elected, the following language shall be
690 used: "Vote for not more than ____."

691 F. Any locality that ~~uses machine-readable ballots at one or more precincts, including any central~~
692 ~~absentee precinct,~~ may, with the approval of the State Board, use a printed reproduction of the
693 ~~machine-readable~~ ballot in lieu of the official ~~machine-readable~~ ballot. Such reproductions shall be
694 printed and otherwise handled in accordance with all laws and procedures that apply to official ~~paper~~
695 ballots.

696 **§ 24.2-625. Application of Title 24.2 and general law.**

697 All of the provisions of this title and general law not inconsistent with the provisions of this article
698 shall apply to elections in counties, cities, and towns adopting and using ~~electronic voting or counting~~
699 ~~machines~~ *ballot systems*.

700 **§ 24.2-625.1. Ballot and ballot system security.**

701 A. Records of the State Board of Elections or of a local electoral board, to the extent such records
702 describe protocols for maintaining the security of ballots or ~~voting and counting equipment~~ *ballot*
703 *systems*, or reveal the results of risk assessments of specific local electoral procedures, the release of
704 which would compromise the security of any election, shall be confidential and excluded from
705 inspection and copying under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

706 B. The State Board of Elections or a local electoral board may hold a closed meeting pursuant to the
707 provisions of the Virginia Freedom of Information Act for the purpose of discussing protocols for
708 maintaining the security of ballots or ~~voting and counting equipment~~ *ballot systems*, or risk assessments
709 of specific local electoral procedures, where discussion of such matters in open meeting would
710 compromise the security of any election. Nothing in this subsection shall be construed to authorize a
711 closed meeting to discuss any breach of security in the conduct of an election.

712 C. Two members of any local electoral board may conduct site visits for the sole purpose of
713 investigating compliance with security policies and procedures. No such visit shall be deemed a meeting
714 under the provisions of the Virginia Freedom of Information Act. However, prior to conducting such site
715 visits, the board shall hold an open meeting, as defined in the Virginia Freedom of Information Act, and
716 shall identify at that meeting its intention to conduct such site visits, the dates on which such visits will
717 occur, and all polling places or other locations at which such visits will occur, withholding only
718 information identifying secure sites at which ~~voting and counting equipment or~~ *ballots or ballot systems*
719 are stored. No later than 30 days after any site visit has been conducted pursuant to this paragraph, the
720 board shall hold an open meeting, as defined in the Virginia Freedom of Information Act, at which it
721 shall identify each location visited and the date on which each such location was visited, withholding
722 only information identifying secure sites at which ~~voting and counting equipment or~~ *ballots or ballot*
723 *systems* are stored.

724 D. The electoral board of each county and city that utilizes ~~electronic voting~~ *ballot systems* shall
725 develop and annually update written plans and procedures to ensure the security and integrity of its
726 ~~electronic voting~~ *ballot systems*. The general registrar and the State Board shall provide the electoral
727 board assistance, upon request.

728 E. Nothing in this section shall be construed to prohibit the release of information concerning any
729 breach of security in the conduct of an election.

730 **§ 24.2-625.2. Wireless communications at polling places.**

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

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

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

§ 24.2-626. Governing bodies shall acquire ballot systems.

A. The governing body of each county and city shall provide for the use of ~~electronic voting ballot marking devices in accordance with § 24.2-626.1 and may provide for the use of additional ballot~~ systems, of a kind approved by the State Board, at every precinct and for all elections held in the county, the city, or any part of the county or city.

Each county and city governing body shall purchase, lease, lease purchase, or otherwise acquire ~~such systems ballot marking devices and may acquire additional ballot systems~~ and may provide for the payment therefor in the manner it deems proper. ~~Systems~~ Ballot marking devices of different kinds may be adopted for use and be used in different precincts of the same county or city, or within a precinct or precincts in a county or city, subject to the approval of the State Board.

B. ~~On and after July 1, 2020, no county or city~~ No locality shall use any direct recording electronic machine ~~(DRE) or any other electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically in elections in the county or city locality.~~

§ 24.2-626.1. Acquisition and use of accessible ballot marking devices.

The governing body of any county or city shall provide for the use of a voting or counting system in all elections that shall:

1. Provide for (i) at least one voting system equipped ballot marking device for individuals with disabilities at each polling place, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

2. Provide (ii) alternative language accessibility on such device when alternative language accessibility is required by § 203 of the Voting Rights Act of 1965 (52 U.S.C. § 10503).

§ 24.2-627. Ballot marking devices; number required.

A. The governing body of any county or city that adopts for use at elections ballot scanner machines shall provide for each precinct at least one voting booth with a ballot marking device for each 425 registered voters or portion thereof and shall provide for each precinct at least one scanner. However, each precinct having more than 4,000 registered voters shall be provided with not less than two scanners at a presidential election, unless the governing body, in consultation with the general registrar and the electoral board, determines that a second scanner is not necessary at any such precinct on the basis of voter turnout and the average wait time for voters in previous presidential elections.

B. The local electoral board of any county or city shall be authorized to conduct any May general election, primary election, or special election held on a date other than a November general election with the number of voting systems determined by the board and the general registrar to be appropriate for each precinct, notwithstanding the provisions of subsection A.

C. For purposes of applying this section, a general registrar may exclude persons voting absentee in his calculations, and if he does so shall send to the Department a statement of the number of ~~voting systems ballot marking devices~~ to be used in each precinct. If the State Board finds that the number of ~~voting systems ballot marking devices~~ is not sufficient, it may direct the general registrar to use more ~~voting systems ballot marking devices~~.

§ 24.2-629. State Board approval process of ballot systems.

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

797 B. The Board may approve any kind of ~~electronic voting~~ *ballot* system that meets the following
798 requirements:

799 1. It shall provide clear instructions for voters on how to mark or select their choice ~~and east that~~
800 ~~vote.~~

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

803 3. It shall be capable of processing ballots for all parties holding a primary election on the same day,
804 but programmable in such a way that an individual ballot ~~east marked~~ by a voter is limited to the party
805 primary election in which the voter chooses to participate.

806 4. It shall require votes for presidential and vice presidential electors to be ~~east marked~~ for the
807 presidential and vice presidential electors of one party by one operation. The ballot shall contain the
808 words "Electors for" preceded by the name of the party or other authorized designation and followed by
809 the names of the candidates for the offices of President and Vice President.

810 5. It shall enable the voter to ~~east mark~~ votes for as many persons for an office as lawfully
811 permitted, but no more. It shall prevent the voter from ~~east marking~~ a vote for the same person more
812 than once for the same office. ~~However, ballot scanner machines shall not be required to prevent a voter~~
813 ~~from voting for a greater number of candidates than he is lawfully entitled to.~~

814 6. It shall enable the voter to ~~east mark~~ a vote on any question on which he is lawfully permitted to
815 vote, but no other.

816 7. It shall provide the voter with an opportunity to correct any error before a ballot is ~~east printed~~.

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

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

821 10. It shall be provided with a counter that at all times during an election shall show how many
822 ~~persons have voted~~ *ballots have been marked, printed, or scanned.*

823 11. It shall ensure ~~voting in absolute seerecy.~~ *Ballot scanner machines shall provide for the secrecy*
824 *of the ballot and a method to conceal the voted ballot.*

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

826 13. It shall retain each ~~printed~~ ballot ~~east scanned~~.

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

829 C. After its examination of the equipment, ballots, and other materials submitted by the vendors, the
830 Board shall prepare and file in its office a report of its finding as to (i) the apparent capability of such
831 equipment to accurately count, register, and report votes; (ii) whether the system can be conveniently
832 used without undue confusion to the voter; (iii) its accessibility to voters with disabilities; (iv) whether
833 the system can be safely used without undue potential for fraud; (v) the ease of its operation and
834 transportation by ~~voting equipment~~ *ballot system* custodians and officers of election; (vi) the financial
835 stability of the vendor and manufacturer; (vii) whether the system meets the requirements of this title;
836 (viii) whether the system meets federal requirements; (ix) whether issues of reliability and security
837 identified with the system by other state governments have been adequately addressed by the vendor;
838 and (x) whether, in the opinion of the Board, the potential for approval of such system is such as to
839 justify further examination and testing.

840 D. If the Board determines that there is such potential and prior to its final determination as to
841 approval or disapproval of such system, the Board shall obtain a report by an independent electronics or
842 engineering consultant as to (i) whether the system accurately counts, registers, and reports votes; (ii)
843 whether it is capable of storing and retaining existing votes in a permanent memory in the event of
844 power failure during and after the election; (iii) the number of separate memory capabilities for the
845 storage of recorded votes; (iv) its mechanical and electronic perfections and imperfections; (v) the audit
846 trail provided by the system; (vi) the anticipated frequency of repair; (vii) the ease of repair; (viii) the
847 anticipated life of the equipment; (ix) its potential for fraudulent use; (x) its accessibility to voters with
848 disabilities; (xi) the ease of its programming, transportation, and operation by ~~voting equipment~~ *ballot*
849 *system* custodians and officers of election; and (xii) any other matters deemed necessary by the Board.
850 Failure by an applicant to cooperate with the consultant by furnishing information and production
851 equipment and ballots requested shall be deemed a withdrawal of the application, but nothing in this
852 section shall require the disclosure of trade secrets by the applicant. If such trade secrets are essential to
853 the proper analysis of the system and are provided for that reason, the consultant shall subscribe to an
854 oath subject to the penalty for perjury that he will neither disclose nor make use of such information
855 except as necessary for the system analysis. The report of the consultant shall be filed in the office of
856 the Board.

857 E. In preparing the reports cited in subsections C and D, the Board shall require, as a condition of
858 certification, that the system is comprehensively examined by individuals including at least one expert in

election management and one in computer system security. The Board shall develop, in conjunction with the above listed individuals, a specific set of items to be examined and tested as part of the certification process to further elaborate on the requirements identified in this section.

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

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

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

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

§ 24.2-630. Experimental use of approved ballot marking devices.

With the approval of the State Board, the governing body of any county, city, or town may provide for the experimental use at an election in one or more election districts or precincts of a ~~voting or counting system~~ *ballot marking device* which it might legally adopt without a formal adoption thereof, and its use at such election shall be valid for all purposes.

§ 24.2-632. Ballot system custodians.

A. For the purpose of programming and preparing ~~voting and counting equipment~~ *a ballot system*, including the programming of any electronic activation devices or data storage media used to program or operate the equipment, and maintaining, testing, calibrating, and delivering it, the electoral board and general registrar shall employ one or more persons, to be known as *ballot system* custodians of ~~voting equipment~~. The custodians shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least 30 days before each election. With the approval of the State Board, the electoral board or general registrar may contract with the ~~voting equipment~~ *ballot system* vendor or another contractor for the purpose of programming, preparing and maintaining the ~~voting equipment~~ *ballot system*. The ~~voting equipment~~ *ballot system* custodians shall instruct and supervise the vendor or contractor technicians and oversee the programming, testing, calibrating and delivering of the equipment. The vendor or contractor technicians shall be sworn to perform their duties honestly and faithfully and be informed of and subject to the misdemeanor and felony penalties provided in §§ 24.2-1009 and 24.2-1010.

The final testing of the equipment prior to each election shall be done in the presence of an electoral board member, a representative of the electoral board, or the general registrar. The electoral board or general registrar may authorize a representative to be present at the final testing only if it is impracticable for a board member or general registrar to attend, and such representative shall in no case be the custodian or a vendor or contractor technician who was responsible for programming the ballot software, electronic activation devices, or electronic data storage media.

B. Notwithstanding the provisions of subsection A, the local electoral board or general registrar may assign a board member or a deputy registrar to serve as a custodian without pay for such service. The board member or deputy registrar serving as custodian shall be fully competent, thoroughly instructed, and sworn to perform his duties honestly and faithfully, and for such purpose shall be appointed and instructed at least 30 days before each election. Whenever the presence of an electoral board member or general registrar and custodian is required by the provisions of this title, the same person shall not serve in both capacities.

§ 24.2-633. Notice of final testing of ballot system; sealing equipment.

Before the final testing of ~~voting or counting machines~~ *a ballot system* for any election, the general registrar shall mail written notice (i) to the chairman of the local committee of each political party, or (ii) in a primary election, to the chairman of the local committee of the political party holding the primary, or (iii) in a city or town council election in which no candidate is a party nominee and which is held when no other election having party nominees is being conducted, to the candidates.

The notice shall state the time and place where the machine will be tested and state that the political

920 party or candidate receiving the notice may have one representative present while the equipment is
 921 tested.

922 At the time stated in the notice, the representatives, if present, shall be afforded an opportunity to see
 923 that the equipment is in proper condition for use at the election. When a machine has been so examined
 924 by the representatives, it shall be sealed with a numbered seal in their presence, or if the machine
 925 cannot be sealed with a numbered seal, it shall be locked with a key. The representatives shall certify
 926 for each machine the number registered on the protective counter and the number on the seal. When no
 927 party or candidate representative is present, the custodian shall seal the machine as prescribed in this
 928 section in the presence of a member of the electoral board, the general registrar, or a designee of the
 929 electoral board or general registrar.

930 **§ 24.2-634. Locking and securing after preparation.**

931 When ~~voting~~ *ballot system* equipment has been properly prepared for an election, it shall be locked
 932 against ~~voting~~ *use* and sealed, or if a ~~voting or counting machine~~ *it* cannot be sealed with a numbered
 933 seal, it shall be locked with a key. The equipment keys and any electronic activation devices shall be
 934 retained in the custody of the general registrar and delivered to the officers of election as provided in
 935 § 24.2-639. After the ~~voting equipment~~ *has ballot marking devices* have been delivered to the polling
 936 places, the general registrar shall provide ample protection against tampering with or damage to the
 937 equipment.

938 **§ 24.2-635. Demonstration of equipment.**

939 In each county, city, or town in which ~~voting or counting equipment~~ *is to be used*, the electoral
 940 board or general registrar may designate times and places for the exhibition of ~~equipment containing~~
 941 *ballot marking devices using* sample ballots, showing the title of offices to be filled, and, so far as
 942 practicable, the names of the candidates to be voted for at the next election for the purpose of informing
 943 voters who request instruction on the use of the equipment. No equipment shall be used for such
 944 instruction after being prepared and sealed for use in any election. During exhibitions, the counting
 945 mechanism, if any, of the equipment may be concealed from view.

946 **§ 24.2-636. Instruction as to use of equipment.**

947 No fewer than three nor more than 30 days before each election, the electoral board or general
 948 registrar shall instruct, or cause to be instructed, on the use of ~~the equipment~~ *ballot marking devices* and
 949 his duties in connection therewith, each officer of election appointed to serve in the election who has
 950 not previously been so instructed. The board or the general registrar shall not permit any person to serve
 951 as an officer who is not fully trained to conduct an election properly with the equipment. This section
 952 shall not be construed to prevent the appointment of a person as an officer of election to fill a vacancy
 953 in an emergency.

954 **§ 24.2-637. Furniture and equipment to be at polling places; exclusion of ballot scanner**
 955 **machines.**

956 Before the time to open the polls, each electoral board shall ensure that the general registrar has the
 957 ~~voting and counting equipment~~ *ballot marking devices* and all necessary furniture and materials at the
 958 polling places, with counters on the ~~voting or counting devices~~ *any ballot system* set at zero (000), and
 959 otherwise in good and proper order for use at the election.

960 The general registrar shall have the custody of such equipment, furniture, and materials when not in
 961 use at an election and shall maintain the equipment in accurate working order and in proper repair.

962 **§ 24.2-638. Ballot marking devices to be in plain view; officers and others not permitted to see**
 963 **actual voting; unlocking counter compartment of equipment, etc.**

964 During the election, the exterior of the ~~voting equipment~~ *ballot marking device* and every part of the
 965 polling place shall be in plain view of the officers of election.

966 No ~~voting or counting machines~~ *ballot marking device* shall be removed from the plain view of the
 967 officers of election or from the polling place at any time during the election and through the
 968 determination of the vote as provided in § 24.2-657 24.2-665, except as provided in subsection D of
 969 § 24.2-649.1. In the case of an emergency that makes a polling place unusable or inaccessible, ~~voting or~~
 970 ~~counting machines~~ *ballot marking devices* may be removed to an alternative polling place pursuant to
 971 the provisions of subsection D of § 24.2-310.

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

976 One of the officers shall inspect the face of the ~~voting machine~~ *ballot marking device* after each
 977 voter has cast his ~~vote marked his ballot~~ and verify that the ~~ballots on the face of the machine are in~~
 978 ~~their proper places and that the machine device~~ *has not been damaged*. During an election, the door or
 979 other covering of the counter compartment of the ~~voting or counting machine~~ *ballot marking device*
 980 shall not be unlocked or open or the counters exposed except for good and sufficient reasons, a
 981 statement of which shall be made and signed by the officers of election and attached to the statement of

results. No person shall be permitted in or about the polling place except the ~~voting equipment~~ *ballot system* custodian, vendor, or contractor technicians and other persons authorized by this title.

§ 24.2-639. Duties of officers of election.

The officers of election of each precinct at which ~~voting systems~~ are used shall meet at the polling place by 5:15 a.m. on the day of the election and arrange the equipment, furniture, and other materials for the conduct of the election. The officers of election shall verify that all required equipment, ballots, and other materials have been delivered to them for the election. ~~The officers shall post at least two instruction cards for direct recording electronic machines conspicuously within the polling place.~~

The keys to the equipment and any electronic activation devices that are required for the operation of ~~electronic voting equipment~~ *ballot systems* shall be delivered, prior to the opening of the polls, to the officer of election designated by the electoral board or general registrar in a sealed envelope on which has been written or printed the name of the precinct for which it is intended. The envelope containing the keys and any electronic activation devices shall not be opened until all of the officers of election for the precinct are present at the polling place and have examined the envelope to see that it has not been opened. The ~~equipment~~ *ballot marking device* shall remain locked against ~~voting~~ use until the polls are formally opened and shall not be operated except by voters in ~~voting~~ *marking their ballots*. Any *ballot scanning machine in the precinct shall remain locked against use until the polls are formally closed and all ballots have been manually tabulated.*

Before opening the polls, each officer shall examine the ~~equipment~~ *ballot systems* and see that no ~~vote~~ *ballot* has been ~~cast~~ *marked, printed, or scanned* and that the counters register zero. The officers shall conduct their examination in the presence of the following party and candidate representatives: 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, if such representatives are available. 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 officers of election 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.

If any counter, other than a protective or private counter, on a ~~any ballot scanner~~ *system* is found not to register zero, the officers of election shall immediately notify the general registrar, who shall, if possible, substitute a ~~machine~~ *device* in good working order, that has been prepared and tested pursuant to § 24.2-634. No ~~ballot scanner~~ *system* shall be used if any counter, other than a protective or private counter, is found not to register zero.

§ 24.2-641. Sample ballot.

The electoral board or general registrar shall provide for each precinct in which ~~any voting or counting machines~~ are used two sample ballots for each ballot style in use at that precinct. Such sample ballots shall be posted for public inspection at each polling place during the day of election.

§ 24.2-642. Inoperative equipment.

A. When any ~~voting or counting machine~~ *ballot marking device* becomes inoperative in whole or in part while the polls are open, the officers of election shall immediately notify the electoral board or general registrar. If possible, the electoral board or general registrar shall dispatch a qualified technician to the polling place to repair the inoperative ~~machine~~ *device*. All repairs shall be made in the presence of two officers of election representing the two political parties or, in the case of a primary election for only one party, two officers representing that party. If the ~~machine~~ *device* cannot be repaired on site, the general registrar shall, if possible, substitute a ~~machine~~ *device that is* in good order for the inoperative machine and at the close of the polls the record of both machines shall be taken and the votes shown on their counters shall be added together in ascertaining the results of the election ~~device~~.

No ~~voting or counting machines~~, including inoperative machines, shall be removed from the plain view of the officers of election or from the polling place at any time during the election and through the determination of the vote as provided in ~~§ 24.2-657~~ except as explicitly provided pursuant to the provisions of this title.

No ~~voting or counting machine~~ that has become inoperative and contains votes may be removed from the polling place while the polls are open and votes are being ascertained. If the officers of election are unable to ascertain the results from the inoperative machine after the polls close in order to add its results to the results from the other machines in that precinct, the officers of election shall lock and seal the machine without removing the memory card, cartridge, or data storage medium and deliver

the machine to either the clerk of court or registrar's office as provided for in § 24.2-659. On the day following the election, the electoral board shall meet and ascertain the results from the inoperative machine in accordance with the procedures prescribed by the machine's manufacturer and add the results to the results for the precinct to which the machine was assigned.

Nothing in this subsection *section* shall prohibit the removal of an inoperative *machine ballot marking device* from a precinct prior to the opening of the polls or the first *vote ballot* being cast *marked* on that *machine device*. Any *machine device* so removed shall be placed in the custody of an authorized custodian, technician, general registrar, or electoral board representative. If the inoperative *machine device* can be repaired, it shall be retested and resealed pursuant to § 24.2-634 and may be returned to the precinct by an authorized custodian, technician, general registrar, or electoral board representative. The officers of election shall then open the *machine device* pursuant to § 24.2-639.

B. In any precinct that uses a ballot that can be read without the use of the ballot scanner machine, if the ballot scanner machine becomes inoperative and there is no other available scanner, the uncounted ballots shall be placed in a ballot container or compartment that is used exclusively for uncounted ballots. If an operative scanner is available in the polling place after the polls have closed, such uncounted ballots shall be removed from the container and fed into the scanner, one at a time, by an officer of election in the presence of all persons who may be lawfully present at that time but before the votes are determined pursuant to § 24.2-657. If such a scanner is not available, the ballots may be counted manually or as directed by the electoral board.

C. An officer of election may have copies of the official paper ballot reprinted or reproduced by photographic, electronic, or mechanical processes for use at the election if (i) the inoperative machine cannot be repaired in time to continue using it at the election, (ii) a substitute machine is needed to conduct the election but is not available for use, (iii) the supply of official printed ballots that can be cast without use of the inoperative machine is not adequate, and (iv) the local electoral board approves the reprinting or reproducing of the official paper ballot. The voted ballot copies may be received by the officers of election and placed in the ballot container and counted with the votes registered on the voting or counting machines, and the result shall be declared the same as though no machine has been inoperative. The voted ballot copies shall be deemed official ballots for the purpose of § 24.2-665 and preserved and returned with the statement of results and with a certificate setting forth how and why the same were voted. The officer of election who had the ballot copies made shall provide a written statement of the number of copies made, signed by him and subject to felony penalties for making false statements pursuant to § 24.2-1016, to be preserved with the unused ballot copies.

§ 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 not show one of the forms of identification specified in this subsection and does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections

shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.

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

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

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

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

E. ~~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 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 this section 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 subsection B of § 24.2-653 and this section.~~

§ 24.2-644. Voting by ballot; voting for presidential electors; write-in votes.

A. The qualified voter shall take the ~~official paper~~ ballot and enter the voting booth. After entering the voting booth, the qualified voter shall mark the ballot in accordance with the instructions for the type of ballot, for each candidate for whom he wishes to vote, leaving unmarked the name of each candidate for whom he does not wish to vote. Any ballot marked so that the intent of the voter is clear shall be counted.

B. The qualified voter at a presidential election shall mark the ballot in accordance with the instructions for the type of ballot, for his choice of candidates for President and Vice President. His ballot so marked shall be counted as if he had marked the ballot in accordance with the instructions for the type of ballot preceding the names of the individual electors affiliated with his choice for President and Vice President. The qualified voter at a presidential election may cast a write-in vote for President and Vice President as provided in subsections C and D.

C. At all elections except primary elections it is lawful for any voter to vote for any person other than the listed candidates for the office by writing or hand printing the person's name on the official ballot. No check or other mark shall be required to cast a valid write-in vote. Write-in votes for President and Vice President shall be counted only for candidates who have filed a joint declaration of intent to be write-in candidates for the offices with the Commissioner of Elections not less than 10 days before the date of the presidential election. The declaration of intent shall be on a form prescribed by the State Board and shall include a list of presidential electors pledged to those candidates which equals the whole number of senators and representatives to which the Commonwealth at that time is entitled in

the Congress of the United States. A write-in vote cast for candidates for President and Vice President, or for a candidate for President only, shall be counted for the individual electors listed on the declaration of intent as pledged to those candidates.

D. No write-in vote shall be counted unless the name is entered on the ballot in conformance with this section. No write-in vote shall be counted when it is apparent to the officers of election that a voter has voted for the same person for the same office more than one time. No write-in vote shall be counted for an office for any person whose name appears on the ballot as a candidate for that office. If two or more persons are to be elected to the same office, a voter may vote for one or more persons whose names do appear on the ballot and one or more persons whose names do not appear on the ballot, provided that the total number of votes cast by him for that office does not exceed the number of persons to be elected to that office.

§ 24.2-645. Defaced ballots.

If any ~~printed~~ ballot is unintentionally or accidentally defaced and rendered unfit for voting, the voter may deliver the defaced ballot to the officer of election and receive another. The returned ballot shall be marked spoiled by the officer of election and placed in the spoiled ballot envelope.

§ 24.2-646. Voter folds ballot and hands same to officer who deposits it unopened in ballot container.

The qualified voter shall fold each ~~paper~~ ballot with the names of the candidates and questions on the inside and hand the folded ballot to the appropriate officer of election. The officer shall place the ballot in the ballot container without any inspection except to assure himself that only a single ballot has been tendered and that the ballot is a genuine ballot. Without looking at the printed inside of the ballot, the officer may inspect the official seal on the back of the ballot to determine if it is genuine.

§ 24.2-647. Voting; demonstration on election day.

The general registrar shall provide at each polling place on election day, for the ~~voting system equipment~~ in use, a model of or materials displaying a ~~portion of its ballot face~~ *such equipment and their use*. The model or materials shall be located on the table of one of the officers or in some other place accessible to the voters. An officer of election shall instruct any voter who requests instruction before voting on the proper manner of voting. The officer may direct the voter's attention to sample ballots so that the voter may become familiar with the location of questions and names of offices and candidates.

~~For ballot scanner machines, an officer of election, using a demonstration ballot and machine, shall show each voter who requests, immediately on entry to the polling place, the manner in which the ballot is to be voted.~~

If any voter, after entering the voting booth, asks for further instructions concerning the manner of voting, two of the officers from different political parties shall give such instructions to him, but no officer shall in any manner request or seek to persuade or induce any such voter to vote for or against any particular ticket, candidate, or question. After giving such instructions and before the voter votes, the officers shall leave the voting booth, and the voter shall cast his ballot in secret.

§ 24.2-649. Assistance for certain voters inside the polling place; penalties.

A. Any qualified voter who requires assistance to vote by reason of physical disability or inability to read or write may, if he so requests, be assisted in voting. If he is blind, he may designate an officer of election or any other person to assist him. If he is unable to read and write or disabled for any cause other than blindness, he may designate an officer of election or some other person to assist him other than the voter's employer or agent of that employer, or officer or agent of the voter's union.

The officer of election or other person so designated shall not enter the booth with the voter unless (i) the voter signs a request stating that he requires assistance by reason of physical disability or inability to read or write and (ii) the officer of election or other person signs a statement that he is not the voter's employer or an agent of that employer, or an officer or agent of the voter's union, and that he will act in accordance with the requirements of this section. The request and statement shall be on a single form furnished by the State Board. If the voter is unable to sign the request, his own mark acknowledged by him before an officer of election shall be sufficient signature, provided no mark shall be required of a voter who is blind. An officer of election shall advise the voter and person assisting the voter of the requirements of this section and record the name of the voter and the name and address of the person assisting him.

The officer of election or other person so designated shall assist the qualified voter in the preparation of his ballot in accordance with his instructions and without soliciting his vote or in any manner attempting to influence his vote and shall not in any manner divulge or indicate, by signs or otherwise, how the voter voted on any office or question. ~~If a printed ballot is used, the~~ The officer or other person so designated shall deposit the ballot in the ballot container in accordance with § 24.2-646 ~~or in the ballot scanner machine in accordance with the instructions of the State Board.~~

B. If the voter requires assistance in a language other than English and has not designated a person to assist him, an officer of election may assist as an interpreter, but shall first inquire of the

representatives authorized to be present pursuant to § 24.2-604.4 whether they have a volunteer available who can interpret for the voter. One representative interpreter for each party or candidate, insofar as available, shall be permitted to observe the officer of election communicate with the voter. In any locality designated as a covered locality pursuant to § 24.2-128, the local electoral board shall ensure that interpretation services in the language of the applicable minority group are available and easily accessible to voters needing assistance pursuant to this subsection. The voter may designate one of the volunteer party or candidate interpreters to provide assistance. A person so designated by the voter shall meet all the requirements of this section for a person providing assistance.

C. A person who willfully violates subsection A or B is guilty of a Class 1 misdemeanor. In addition, the provisions of § 24.2-1016 and its felony penalties for false statements shall be applicable to any request or statement signed pursuant to this section, and the provisions of §§ 24.2-704 and 24.2-1012 and the felony penalties for violations of the law related to providing assistance to absentee voters shall be applicable in such cases.

D. In any precinct in which ~~an electronic voting machine~~ *a ballot marking device* is available that provides an audio ballot, the officers of election shall notify a voter requiring assistance pursuant to this section that such ~~machine device~~ *device* is available for him to use to vote in privacy without assistance and the officers of election shall instruct the voter on the use of the ~~voting machine device~~ *device*. Nothing in this section shall be construed to require a voter to use the ~~machine device~~ *device* unassisted.

§ 24.2-649.1. Assistance for certain voters outside of the polling place.

A. Any voter with a disability 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 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~~ *the* 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~~ *a ballot marking device* that is so constructed as to be easily portable may use the ~~voting machine in lieu of a printed ballot device~~ for voting outside of the polling place, so long as: (i) the ~~voting machine ballot marking device~~ 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 ballot marking device~~ 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 marks~~ his ballot in a secret manner unless the voter requests assistance pursuant to § 24.2-649.

After the voter has completed ~~voting marking~~ his ballot, the officer or officers shall immediately return the ~~voting machine ballot marking device~~ to its assigned location inside the polling place, and shall record (a) the ~~machine device~~ number, (b) the time that the ~~machine device~~ was removed and the time that it was returned, (c) the number on the ~~machine's device's~~ public counter before the ~~machine device~~ 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 device~~ on the statement of results. The names of the voters who used the ~~machine device~~ 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.

§ 24.2-651. Voter who is challenged; how challenge tried.

Any qualified voter may, and the officers of election shall, challenge the vote of any person who is listed on the pollbook but is known or suspected not to be a qualified voter.

The individual making the challenge shall complete and sign the following statement on a form provided by the State Board:

"I do hereby state, subject to penalties for hindering, intimidating, or interfering with a qualified voter pursuant to § 24.2-607, that I am a qualified voter of this Commonwealth or an officer of election and that, to the best of my knowledge, information, and belief, _____ is not a qualified voter of this precinct by reason of (please check each of the following reasons that is applicable):

1. The named person is not a citizen of the United States;

2. The named person is not now 18 years of age or, in the case of a primary election or a special election held on a date other than a general election date, will not reach the age of 18 before the next general election;

3. The named person is not a resident of the Commonwealth (or, if he has not been a resident of the Commonwealth within the preceding 30 days, he is attempting to vote for an office or issue other than electors of President and Vice President of the United States);

4. The named person is not a resident of this precinct (or he has not been a resident of this precinct since the second preceding general federal election and has not continued to be a resident of this county or city and this congressional district);

5. The named person is not a resident of the town in the case of a town election;

6. The named person has been disqualified from voting by the Constitution and laws of the Commonwealth and this disqualification has not been removed by proper authority;

7. The named person is not the identical person he represents himself to be; or

8. The named person has voted in this election at this or another voting place (state when and where the named person previously voted in this election: _____)."

Upon receipt of a signed challenge from a qualified voter or officer of election, an officer of election shall explain to the challenged voter the qualifications of a voter and may examine him concerning his qualifications.

The officers of election are hereby authorized to administer the necessary oath or affirmation to any witness brought before them to testify as to the qualifications of any person offering to vote.

If the person being challenged insists that he is qualified and the challenge is not withdrawn, one of the officers shall give him a form containing the following statement:

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that I am a citizen of the United States, that I am at least 18 years of age (or will be on the _____ day of _____, _____) that I am a resident of the Commonwealth of Virginia (or that I have been a resident of this Commonwealth within the preceding 30 days and am voting only for electors of President and Vice President of the United States), and that, according to the best of my knowledge, information and belief, I am not disqualified from voting by the Constitution and laws of this Commonwealth; that my full name is _____; that in such name I was duly registered as a voter of this precinct; that I am now or at some time since the last November general election have been an actual resident of this precinct or that I have been an actual resident of this precinct at some time since the second preceding general federal election and have been and continue to be a resident of this county or city and this congressional district; if I am voting in a town election today, that I am currently a resident of that town; that I am the identical person I represent myself to be; and that I have not voted in this election at this or any voting place and will not vote in this election at any other voting place."

If the person challenged refuses to sign the statement, he shall not be permitted to vote. If, however, he signs the statement, he shall be permitted to vote ~~on the voting system in use at the precinct~~, unless he is required to cast a provisional ballot pursuant to § 24.2-651.1.

When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the first or next consecutive number from the voter count form; ~~or shall enter that the voter has voted if the pollbook is in electronic form~~; and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.

If the envelope containing a voted absentee ballot has been properly signed by the voter, such ballot shall not be subject to challenge pursuant to this section.

§ 24.2-652. Voter whose name erroneously omitted from pollbook; provisional ballots.

A. When a person offers to vote and his name does not appear on the pollbook, the officers of election shall permit him to vote only if all of the following conditions are met:

1. An officer of election is informed by the general registrar that the voter is registered to vote, that his registration has not been cancelled, and that his name is erroneously omitted from the pollbook.

2. The voter signs a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is a qualified and registered voter of that precinct, a resident of that precinct, and his registration is not subject to cancellation pursuant to §§ 24.2-430, 24.2-431, and 24.2-432; and he

provides, subject to such penalties, all the information required to identify himself including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, birthdate, and complete address.

3. The officer of election enters the identifying information for the voter on the pollbook.

When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the next consecutive number from the voter count form; ~~or shall enter that the voter has voted if the pollbook is in electronic form~~, and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.

B. If the general registrar is not available or cannot state that the person is registered to vote, such person shall be allowed to vote by provisional ballot pursuant to § 24.2-653. The officers of election shall provide to him an application for registration. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots.

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

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

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

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

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

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

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

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

B. The electoral board shall permit one authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate

1412 in a primary election to remain in the room in which the determination is being made as an observer so
 1413 long as he does not participate in the proceedings and does not impede the orderly conduct of the
 1414 determination. Each authorized representative shall be a qualified voter of any jurisdiction of the
 1415 Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to
 1416 the electoral board a written statement designating him to be a representative of the party or candidate
 1417 and signed by the county or city chairman of his political party, the independent candidate, or the
 1418 primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written
 1419 designation, such a designation may be made by the state or district chairman of the political party.
 1420 However, no written designation made by a state or district chairman shall take precedence over a
 1421 written designation made by the county or city chairman. Such statement, bearing the chairman's or
 1422 candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy
 1423 had been signed.

1424 Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.),
 1425 attendance at meetings of the electoral board to determine the validity of provisional ballots shall be
 1426 permitted only for the authorized representatives provided for in this subsection, for the persons whose
 1427 provisional votes are being considered and their representative or legal counsel, and for appropriate staff
 1428 and legal counsel for the electoral board.

1429 C. If the electoral board determines that such person was not entitled to vote as a qualified voter in
 1430 the precinct or district in which he offered the provisional vote, is unable to determine his right to vote,
 1431 or has not been provided one of the forms of identification specified in subsection B of § 24.2-643, ~~or~~
 1432 ~~the signed statement that the voter is the named registered voter he claims to be,~~ the envelope
 1433 containing his ballot shall not be opened and his vote shall not be counted. The general registrar shall
 1434 notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose
 1435 provisional vote was not counted.

1436 The provisional vote shall be counted if (i) such person is entitled to vote in the precinct pursuant to
 1437 § 24.2-401 or (ii) the Department of Elections or the voter presents proof that indicates the voter
 1438 submitted an application for registration to a state-designated voter registration agency or the voter's
 1439 information was transmitted by the Department of Motor Vehicles to the Department of Elections
 1440 pursuant to § 24.2-411.3 prior to the close of registration pursuant to § 24.2-416 and the registrar
 1441 determines that the person was qualified for registration based upon the application for registration
 1442 submitted by the person pursuant to subsection B of § 24.2-652.

1443 If the electoral board determines that such person was entitled to vote, the name of the voter shall be
 1444 entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and
 1445 the ballot shall be placed in a ballot container without any inspection further than that provided for in
 1446 § 24.2-646.

1447 D. On completion of its determination, the electoral board shall proceed to count such ballots and
 1448 certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671.
 1449 No adjustment shall be made to the statement of results for the precinct in which the person offered to
 1450 vote. However, any voter who cast a provisional ballot and is determined by the electoral board to have
 1451 been entitled to vote shall have his name included on the list of persons who voted that is submitted to
 1452 the Department of Elections pursuant to § 24.2-406.

1453 E. The certification of the results of the count together with all ballots and envelopes, whether open
 1454 or unopened, and other related material shall be delivered by the electoral board to the clerk of the
 1455 circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

1456 **§ 24.2-654. Officers to seal equipment and ascertain vote after polls closed; statement of results.**

1457 As soon as the polls are closed, the officers of election shall ~~look each voting and counting machine~~
 1458 ~~against further voting. They shall then~~ proceed to ascertain the vote given at the election and continue
 1459 without adjournment until they declare the results of the election. They shall seal the ~~machines any~~
 1460 ~~ballot marking devices.~~

1461 In ascertaining the vote, the officers of election shall complete a statement of results in duplicate on
 1462 the form and in the manner prescribed by the State Board.

1463 **§ 24.2-661. Detection and setting aside of double ballots.**

1464 After the votes on all voting and counting equipment have been determined and recorded, the
 1465 officers of election shall proceed to examine and count the paper ballots to ascertain if any double
 1466 ballots have been cast, and whether the number of ballots corresponds with the number of names on the
 1467 pollbooks of persons who voted on paper ballots. If two or more separate ballots are found so folded
 1468 together as to represent the appearance of a single ballot they shall be laid aside until the count of the
 1469 ballots is completed. If, upon a comparison of the count and the number of names of such qualified
 1470 voters on the pollbooks, it appears that the two or more ballots thus folded together were cast by the
 1471 same qualified voter, they shall be set aside and not counted.

1472 **§ 24.2-662. Procedure when ballots exceed names on pollbooks.**

1473 If the ballots in the container exceed the number of names on the pollbooks of persons who voted on

paper ballots, all ballots shall be replaced in the ballot container. Then, after the container is well shaken, an officer of election, being blindfolded, shall withdraw a sufficient number of ballots to reduce the number of ballots left in the container to the number of such names on the pollbooks. The drawn ballots shall be set aside and not counted.

§ 24.2-663. When ballot void.

If a printed ballot is found to have been voted for a greater number of names for any one office than the number of persons required to fill the office, or if the title of the office is erased, the ballot shall be considered void as to all the names designated to fill such office, but no further, and the ballot shall be counted for the other offices on the ballot. In the case of a ballot scanner machine, an election official is authorized to cause the ballot scanner to receive the ballot and count it in accordance with this section. No ballot shall be void for having been voted for fewer names than authorized.

If any person votes, either in person or absentee, more than one time in an election, all ballots received from such person shall be void and, if possible, not counted. If one such ballot has already been cast, any additional ballots received from such person shall be void and not counted.

§ 24.2-664. Reduction in number of ballots.

Whenever the number of ballots is reduced by fraudulent or void ballots below the number of names of qualified voters on the pollbooks who are marked as having voted on paper ballots, the cause of such reduction shall be stated in the space provided on the statement of results.

§ 24.2-665. How ballots counted.

A. When the number of paper ballots to be counted has been verified, the officers shall proceed to ascertain the number of votes cast by paper ballots for each person and for and against each question. The votes on all ballots for all offices and questions shall be counted. As soon as all ballots are counted, they shall be placed in an envelope or container labeled "counted ballots." No person other than the officers of the election shall handle the ballots. Only an official ballot prepared as provided for in this title shall be counted. If any unofficial ballot is found among the official ballots, the unofficial ballot shall be put aside, not counted, and appropriately noted on the statement of results.

B. Only an official ballot prepared as provided for in this title shall be counted. If any unofficial ballot is found among the official ballots, the unofficial ballot shall be put aside, not counted and appropriately noted on the statement of results. In the presence of all persons who may be present lawfully at the time, giving full view of the ballots being counted, the officers of election shall determine the results of the election by means of a full manual tabulation of votes on all ballots for all offices and questions.

C. In a locality that has adopted the use of ballot scanner machines, only once all ballots have been manually tabulated and the initial results recorded, the officers may proceed to use such machines to confirm the results of the manual tabulation. Prior to placing any ballots in the ballot scanner machine, the seal on the ballot scanner machine shall be recorded and removed and each officer shall examine the machine and see that no ballot has been scanned and that the counters register zero. The officers shall conduct their examination in the presence of all persons who may be present lawfully at the time. The officers may then insert the counted ballots into the ballot scanner machine and proceed to ascertain the results of the machine count. If there is a discrepancy between the official manual tabulation and the machine count, the officers may, by a vote of a majority of officers present, proceed to conduct the manual tabulation again. The results of the last completed manual tabulation shall be accepted as correct and recorded as the final results. The results of a machine count shall not be recorded or used as the final results.

D. As soon as all ballots are counted to the satisfaction of the officers, the officers of election shall (i) announce the final results, including the write-in votes recorded for each office and the vote on every referendum, and (ii) place all the counted ballots in an envelope or container labeled "counted ballots."

The final results shall be entered on the statement of results. A statement of explanation for any discrepancy between the number of ballots counted and the number of voters marked in the pollbook as having voted shall be entered by the officers of election in the space provided on the statement of results.

§ 24.2-666. Procedures to account for ballots.

The State Board shall prescribe appropriate forms and procedures for use by the local electoral boards, general registrars, and officers of election to account for all paper ballots, used and unused.

§ 24.2-667. Completion of statement of results.

At the conclusion of determining the votes cast on voting devices and paper ballots, the officers of election shall verify that all required data has been accurately entered, sign both copies of the statement of results, and affirm that the statement is complete and the information thereon is true and correct.

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

The general registrar shall report to the Department for each precinct in his locality the number and results of absentee ballots cast by voters assigned to such precinct. Results from absentee voting and

voting at the precinct on election day shall be reported separately. The general registrar shall also report to the Department of Elections the number and results of absentee ballots cast early in person pursuant to § 24.2-701.1 separately from the number and results of all other absentee ballots. The Department shall establish standards for ascertaining and reporting such information.

§ 24.2-668. Pollbooks, statements of results, and ballots to be sealed and delivered to clerk or general registrar.

A. After ascertaining the results and before adjourning, the officers shall put the pollbooks, ~~and the duplicate statements of results; and any printed inspection and return sheets~~ in the envelopes provided by the State Board. The officers shall seal the envelopes and direct them to the clerk of the circuit court for the county or city. The pollbooks, ~~and statements; and sheets~~ thus sealed and directed, the sealed counted ballots envelope or container, and the unused, defaced, spoiled and set aside ballots properly accounted for, packaged and sealed, shall be conveyed by one of the officers to be determined by lot, if they cannot otherwise agree, to the clerk of court by noon on the day following the election.

The clerk shall retain custody of the pollbooks, ~~printed~~ ballots, and other elections materials until the time has expired for initiating a recount, contest, or other proceeding in which the pollbooks, ~~printed~~ ballots, and other elections materials may be needed as evidence and there is no proceeding pending. The clerk shall (i) secure all pollbooks, ~~printed~~ ballots and other election materials in sealed boxes; (ii) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (iii) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (iv) upon the initiation of a recount, certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge.

After that time the clerk shall deliver the pollbooks to the general registrar who shall return the pollbooks or transfer a copy of the ~~electronic~~ data to the State Board as directed by § 24.2-114 for voting credit purposes. After the pollbooks are returned by the State Board, the general registrar shall retain the pollbooks in his principal office for two years from the date of the election. The clerk shall retain the statement of results ~~and any printed inspection and return sheets~~ for two years and may then destroy them.

B. The local electoral board or general registrar may direct that the officers of election, in lieu of conveying the materials to the clerk of the circuit court as provided in subsection A, shall convey the materials to the principal office of the general registrar on the night of the election or the morning following the election as the board directs. The general registrar shall secure and retain the materials in his office and shall convey to the clerk of the court, by noon of the day following the ascertainment of the results of the election by the electoral board, all of the election materials. The general registrar shall retain for public inspection one copy of the statement of results.

C. If an electronic pollbook is used, the data disc or cartridge containing the electronic records of the election, or, alternately, a printed copy of the pollbook records of those who voted, shall be transmitted, sealed and retained as required by this section, and otherwise treated as the pollbook for that election for all purposes subsequent to the election. Nothing in this title shall be construed to require that the equipment or software used to produce the electronic pollbook be sealed or retained along with the pollbook, provided that the records for the election have been transferred or printed according to the instructions of the State Board.

§ 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~~ *the precinct-level hand count* 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. 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.

§ 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 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;

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

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

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

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

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

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

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

§ 24.2-701. Application for mailed absentee ballot.

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

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

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

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

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

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

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

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

1. An application completed in person shall be completed only in the office of the general registrar and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms

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

This paragraph shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a 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 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.

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; and*

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; or*

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; or*

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; or*

7. *In the case of a person who is confined awaiting trial or for having been convicted of a*

1781 *misdemeanor, the name of the institution of confinement; or*

1782 8. *In the case of a person who will be absent on election day for business reasons, the name of his*
 1783 *employer or business; or*

1784 9. *In the case of a person who will be absent on election day for personal business or vacation*
 1785 *reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or*

1786 10. *In the case of a person who is unable to go to the polls on the day of election because he is*
 1787 *primarily and personally responsible for the care of an ill or disabled family member who is confined at*
 1788 *home, his relationship to the family member; or*

1789 11. *In the case of a person who is unable to go to the polls on the day of election because of an*
 1790 *obligation occasioned by his religion, that he has an obligation occasioned by his religion; or*

1791 12. *In the case of a person who, in the regular and orderly course of his business, profession, or*
 1792 *occupation, will be at his place of work and commuting to and from his home to his place of work for*
 1793 *11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his*
 1794 *business or employer and the hours he will be at the workplace and commuting on election day; or*

1795 13. *In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in*
 1796 *§ 65.2-102; volunteer fire fighter, as defined in § 27-42; search and rescue personnel, as defined in*
 1797 *§ 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first*
 1798 *responder; or*

1799 14. *In the case of a person who has been designated by a political party, independent candidate, or*
 1800 *candidate in a primary election to be a representative of the party or candidate inside a polling place*
 1801 *on the day of the election pursuant to §§ 24.2-604.4 and 24.2-639, the fact that he is so designated; or*

1802 15. *In the case of a person who has been granted a protective order issued by or under the authority*
 1803 *of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the*
 1804 *issuing court.*

1805 **§ 24.2-702.1. Federal write-in absentee ballots.**

1806 A. ~~Notwithstanding any other provision of this title, a covered voter, as defined in § 24.2-452,~~
 1807 ~~qualified absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700 may~~
 1808 ~~use a federal write-in absentee ballot in any election. Such ballot shall be submitted and processed in the~~
 1809 ~~manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et~~
 1810 ~~seq.) and this article.~~

1811 B. Notwithstanding any other provision of this title, a federal write-in absentee ballot submitted
 1812 pursuant to subsection A shall be considered valid for purposes of simultaneously satisfying both an
 1813 absentee ballot application and a completed absentee ballot, provided that the ballot is received no later
 1814 than the deadline for the return of absentee ballots as provided in § 24.2-709 for the election in which
 1815 the voter offers to vote, and the application contains the following information: (i) the voter's signature;
 1816 however, if the voter is unable to sign, the person assisting the voter will note this fact in the voter
 1817 signature box; (ii) the voter's printed name; (iii) the county or city in which he is registered and offers
 1818 to vote; (iv) the residence address at which he is registered to vote; (v) his current military or overseas
 1819 address; and (vi) the signature of a witness or notary who shall sign the same application.

1820 C. This section shall not be construed to require that an absentee ballot be sent to the absentee voter
 1821 on receipt of a federal write-in absentee ballot unless the voter has also submitted an absentee ballot
 1822 application pursuant to § 24.2-701.

1823 **§ 24.2-703.1. Special annual absentee voter applications and list for certain voters with a**
 1824 **disability or illness.**

1825 A. ~~Any registered voter shall be eligible to file a special application to receive absentee ballots for~~
 1826 ~~all elections in which he is eligible to vote person who is eligible for an absentee ballot under~~
 1827 ~~subdivision A 4 of § 24.2-700 because of a disability or illness and who is likely to remain so eligible~~
 1828 ~~for the remainder of the calendar year shall be eligible to file a special annual application to receive~~
 1829 ~~ballots for all elections in which he is eligible to vote in a calendar year. Such His first such~~
 1830 ~~application shall be accompanied by a statement, on a form approved by the State Board and signed by~~
 1831 ~~the voter and his physician, provider as defined § 37.2-403, or accredited religious practitioner, that the~~
 1832 ~~voter is eligible for an absentee ballot under subdivision A 4 of § 24.2-700 and likely to remain so~~
 1833 ~~eligible for the remainder of the calendar year. The absentee ballots sent to a voter on the permanent~~
 1834 ~~absentee voter list shall be sent to the address in the voter's registration record, except as provided in~~
 1835 ~~subdivision C 1.~~

1836 B. In accordance with procedures established by the State Board, the general registrar shall retain the
 1837 application and form, enroll the applicant on a ~~permanent~~ special absentee voter applicant list, and
 1838 process the applicant's request for an absentee ballot for each succeeding election in the calendar year.
 1839 The applicant shall specify by party designation the primary ballots he is requesting.

1840 C. The State Board shall prescribe the process by which a voter on the permanent absentee voter list
 1841 may:

1842 1. Request that his absentee ballot for (i) a single election or (ii) a primary election and the

following general election be sent to an address other than the address on his voter registration record.

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

3. Change his political party selection for all succeeding primary elections *The general registrar shall send each such enrolled applicant a blank application by December 15 for each ensuing calendar year and, upon completion thereof, the applicant shall be eligible to receive ballots for all elections in which he is eligible to vote in that calendar year.*

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

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

A 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.

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

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

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

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

Signature of Voter _____

Date _____

Signature of witness *or notary* _____

Notary seal (if applicable) _____"

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

When this statement has been properly completed and signed by the registered voter and ~~witnessed~~ *either (i) signed by a witness and submitted with a copy of one of the forms of identification specified in subsection B of § 24.2-643 or (ii) signed and sealed by a notary*, his ballot shall not be subject to challenge pursuant to § 24.2-651.

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

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot. *The printed instructions shall direct the voter to either (i) have his statement witnessed and signed and submit with his ballot envelop a copy of one of the forms of identification specified in subsection B of § 24.2-643 or (ii) have his statement witnessed, signed, and sealed by a notary. The ballot shall not be counted if neither such requirement is fulfilled.* Such instructions shall include information on the sites of all drop-off locations in the county or city. Whenever there is a proposed constitutional amendment or a statewide referendum to be voted on by the voters, these instructions shall also include the website address where the explanation of the proposed amendment prepared pursuant to § 30-19.9 or the information about the referendum prepared pursuant to § 30-19.10 is posted on the Department's website.

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

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

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

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

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

F. If the applicant is a ~~covered voter~~, as defined in ~~§ 24.2-452~~ *states as the reason for his absence on election day any of the reasons set forth in subdivision 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. 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 *or notary*, (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 *or notary*, who shall sign the same envelope, (d) enclose the ballot envelope and any required *copy of one of the forms of identification specified in subsection B of § 24.2-643* or 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 to the office of the general registrar, (ii) by the voter in person to the general registrar, or (iii) *by the voter* 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 other postal or delivery service.~~

~~C. Notwithstanding the provisions of subsection A, any absentee ballot (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State~~

Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by a covered voter, as defined in § 24.2-452, an absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700 shall be counted pursuant to the procedures set forth in this chapter if the voter is found entitled to vote. The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.

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

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

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

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

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

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

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

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

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

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

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

A. A mailed absentee ballot that is missing the signature of the voter on the voter affirmation statement or that has a signature that does not match the signature on the application for the absentee

ballot submitted by the voter or on file in the voter's registration record shall be handled and processed as a provisional ballot, and the voter shall be entitled to complete and submit a cure affidavit, along with a copy of a form of identification containing his name, photograph, and signature, in order for his ballot to be counted.

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

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

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

§ 24.2-710. Absentee voter applicant lists.

A. The provisions of this subsection shall apply only to those localities not using an electronic pollbook. On the day before the election, the general registrar shall (i) make out in triplicate on a form prescribed by the State Board the absentee voter applicant list containing the names of all persons who applied for an absentee ballot through the third day before the election and (ii) by noon on the day before the election, deliver two copies of the list to the electoral board. The general registrar shall make out a supplementary list containing the names of all persons voting absentee in person or applying to vote absentee pursuant to § 24.2-705 for delivery by 5:00 p.m. on the day before the election. The supplementary list shall be deemed part of the absentee voter applicant list and shall be prepared and delivered in accordance with the instructions of the State Board. The general registrar shall maintain one copy of the list in his office for two years as a public record open for inspection upon request during regular office hours.

B. On the day before the election, the electoral board shall deliver one copy of the list provided to it by the general registrar to the chief officer of election for each precinct. The list shall be attested by the secretary of the electoral board who shall be responsible for the delivery of the attested lists to the chief officer of election for each precinct.

Absentee ballots shall be accepted only from voters whose names appear on the attested list.

C. Upon request, the State Board shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such lists shall be used only for campaign and political purposes. In no event shall any list furnished under this section contain (a) any voter's social security number or any part thereof, (b) any voter's day and month of birth, or (c) the residence address of any voter who has provided a post office box address to be used on public lists pursuant to § 24.2-418.

§ 24.2-712. Central absentee voter precincts; counting ballots.

A. Notwithstanding any other provision of law, the governing body of each county or city shall establish one or more central absentee voter precincts in the courthouse or other public buildings for the purpose of receiving, counting, and recording absentee ballots cast in the county or city. A central absentee voter precinct shall be made by the governing body by ordinance; the ordinance shall state for which elections the precinct shall be used. The decision to abolish any absentee voter precinct shall be made by the governing body by ordinance. Immediate notification of either decision shall be sent to the Department of Elections and the electoral board.

B. Each central absentee voter precinct shall have at least three officers of election as provided for other precincts. The number of officers shall be determined by the electoral board and general registrar.

C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day of the election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the general registrar on or before the day of the election, he shall be allowed to vote it, and his ballot shall be delivered to the absentee voter precinct.

D. Absentee ballots shall be processed as required by § 24.2-709.1 by the officers of election at the central absentee voter precinct prior to the closing of the polls. ~~In the case of machine-readable ballots, the ballot container shall be opened and the absentee ballots shall be inserted in the counting machines prior to the closing of the polls in accordance with procedures prescribed by the Department of Elections, including procedures to preserve ballot secrecy, but no ballot count totals by the machines shall be transmitted outside of the central absentee voter precinct until after the closing of the polls.~~

~~In the case of absentee ballots that are counted by hand, the~~ The officers of election shall begin tallying such manually tabulating ballots at any time after noon on the day of the election in accordance with the procedures prescribed by the Department of Elections, including procedures to preserve ballot

2150 secrecy. No counts of such tallies shall be determined or transmitted outside of the central absentee
2151 voter precinct until after the closing of the polls.

2152 The use of cellular telephones or other communication devices shall be prohibited in the central
2153 absentee voter precinct during such processing and tallying and until the closing of the polls. Any
2154 person present in the central absentee voter precinct shall sign a statement under oath that he will not
2155 transmit any counts prior to the closing of the polls. Any person who transmits any counts in violation
2156 of this section is guilty of a Class 1 misdemeanor.

2157 E. As soon as the polls are closed in the county or city, the officers of election at the central
2158 absentee voter precinct shall proceed promptly to ascertain and record the total vote given by all
2159 absentee ballots and report the results in the manner provided for counting and reporting ballots
2160 generally in Article 4 (§ 24.2-643 et seq.) of Chapter 6.

2161 F. The electoral board or general registrar may provide that the officers of election for a central
2162 absentee voter precinct may be assigned to work all or a portion of the time that the precinct is open on
2163 election day subject to the following conditions:

2164 1. The chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to represent the
2165 two political parties, are on duty at all times; and

2166 2. No officer, political party representative, or other candidate representative shall leave the precinct
2167 after any ballots have been counted until the polls are closed and the count for the precinct is completed
2168 and reported.

2169 G. The general registrar may provide that the central absentee voter precinct will open after 6:00
2170 a.m. on the day of the election provided that the office of the general registrar will be open for the
2171 receipt of absentee ballots until the central absentee voter precinct is open and that the officers of
2172 election for the central absentee voter precinct obtain the absentee ballots returned to the general
2173 registrar's office for the purpose of counting the absentee ballots at the central absentee voter precinct
2174 and provided further that the central absentee voter precinct is the same location as the office of the
2175 general registrar.

2176 **§ 24.2-802. Recount standards.**

2177 A. The State Board of Elections shall promulgate standards for (i) the proper handling and security
2178 of ~~voting systems~~, ballots, and other materials required for a recount, (ii) accurate counting of votes
2179 based upon objective evidence and taking into account the ~~voting system~~ and form of ballots approved
2180 for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate
2181 resolution of the recount.

2182 B. The State Board shall promulgate additional standards and instructions for the conduct of
2183 simultaneous recounts of two or more elections in a single election district.

2184 C. The chief judge of the circuit court or the full recount court may, consistent with State Board of
2185 Elections standards, resolve disputes over the application of the standards and direct all other appropriate
2186 measures to ensure the proper conduct of the recount.

2187 **§ 24.2-802.1. Preliminary hearing; court to fix procedure for recount, appoint officers, and**
2188 **supervise the recount.**

2189 A. Within seven calendar days of the filing of the petition for a recount of any election other than an
2190 election for presidential electors, or within five calendar days of the filing of a petition for a recount of
2191 an election for presidential electors, the chief judge of the circuit court shall call a preliminary hearing
2192 at which (i) motions may be disposed of and (ii) the rules of procedure may be fixed, both subject to
2193 review by the full court. The petitioner and his counsel and each other party and their counsel under
2194 supervision of the electoral board and its agents shall have access to pollbooks and other materials used
2195 in the election for examination purposes, provided that individual ballots cast in the election shall not be
2196 examined at the preliminary hearing. The chief judge during the preliminary hearing shall review all
2197 security measures taken for all ballots and ~~voting systems~~ and direct, as he deems necessary, all
2198 appropriate measures to ensure proper security to conduct the recount.

2199 The chief judge, subject to review by the full court, may set the place for the recount and may order
2200 the delivery of election materials to a central location ~~and the transportation of voting systems to a~~
2201 ~~central location~~ in each county or city under appropriate safeguards. These safeguards shall include
2202 prohibiting any person from knowingly possessing any firearm as defined in § 18.2-308.2:2 within 40
2203 feet of any building or part thereof used as the place for the recount, unless such person is (a) any
2204 law-enforcement officer or any retired law-enforcement officer qualified pursuant to subsection C of §
2205 18.2-308.016; (b) occupying his own private property that falls within 40 feet of a polling place; or (c)
2206 an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1,
2207 whose employment or performance of his duties occurs within 40 feet of any building, or part thereof,
2208 used as a place for the recount.

2209 B. After the full court is appointed under § 24.2-801 or 24.2-801.1, it shall call a hearing at which
2210 all motions shall be disposed of and the rules of procedure shall be fixed finally, and it shall issue a
2211 written order setting out such rules of procedure. The court shall call for the advice and cooperation of

the Department, the State Board, or any local electoral board, as appropriate, and such boards or agency shall have the duty and authority to assist the court. The court shall fix any additional procedures, that are not provided for in this chapter, that shall provide for the accurate counting of votes in the election. The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting systems in use in the election district.

C. The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count printed ballots. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. There shall be at least one team from each locality using ballot scanner machines to insert the ballots into one or more scanners to conduct the hand count. Each team shall be composed of one representative of each party.

The court may provide that if, at the time of the recount, any recount official fails to appear, the remaining recount officials present shall appoint substitute recount officials who shall possess the same qualifications as the recount officials for whom they substitute. The court may select pairs of recount coordinators to serve for each county or city in the election district who shall be members of the county or city electoral board and represent different political parties. The court shall have authority to summon such officials and coordinators. On the request of any party to the recount, the court shall allow that party to appoint one representative observer for each team of recount officials. The representative observers shall have an unobstructed view of the work of the recount officials. The expenses of its representatives shall be borne by each party.

D. The court (i) shall supervise the recount and (ii) may require delivery of any or all pollbooks used and any or all ballots cast at the election, or may assume supervision thereof through the recount coordinators and officials.

§ 24.2-802.2. General recount procedures.

A. For the purposes of this section:

"Overvote" means a ballot on which a voter casts a vote for a greater number of candidates or positions than the number for which he was lawfully entitled to vote and no vote shall be counted with respect to that office or issue.

"Undervote" means a ballot on which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

B. A. The recount of the votes shall be based on votes cast in the election and shall not take into account (i) any absentee ballots or provisional ballots sought to be cast but ruled invalid and not cast in the election, (ii) ballots cast only for administrative or test purposes and voided by the officers of election, or (iii) ballots spoiled by a voter and replaced with a new ballot.

C. B. The eligibility of any voter to have voted shall not be an issue in a recount. Commencing upon the filing of the recount, nothing shall prevent the discovery or disclosure of any evidence that could be used pursuant to § 24.2-803 in contesting the results of an election.

D. C. There shall be only one recount of the vote in each precinct. The recount of the vote shall be conducted as follows:

1. For paper ballots, the recount officials shall hand count the paper ballots using the standards promulgated by the State Board pursuant to § 24.2-802.

2. For ballot scanner machines, the recount officials shall rerun all the machine-readable ballots through a scanner programmed to count only the votes for the parties or issue in question in the recount and to set aside all ballots containing write-in votes, overvotes, and undervotes. The ballots that are set aside, any ballots not accepted by the scanner, and any ballots for which a scanner could not be programmed to meet the programming requirements of this subdivision, shall be hand counted using the standards promulgated by the State Board pursuant to § 24.2-802. If the total number of machine-readable ballots reported as counted by the scanner plus the total number of ballots set aside by the scanner do not equal the total number of ballots rerun through the scanner, then all ballots cast on ballot scanner machines for that precinct shall be set aside to be counted by hand using the standards promulgated by the State Board pursuant to § 24.2-802. Prior to running the machine-readable ballots through the ballot scanner machine, the recount officials shall ensure that logic and accuracy tests have been successfully performed on each scanner after the scanner has been programmed. The result calculated for ballots accepted by the ballot scanner machine during the recount shall be considered correct for those machine-readable ballots unless the court finds sufficient cause to rule otherwise.

3. Prior to the conclusion of the recount in each precinct, the recount officials shall segregate all ballots for which there is a question regarding the ballot's validity.

E. D. At the conclusion of the recount of each precinct, the recount officials shall write down the number of valid ballots cast, this number being obtained from the ballots cast in the precinct, or from the ballots cast as shown on the statement of results if the ballots cannot be found, for each of the two

candidates or for and against the question. They shall submit the ballots or the statement of results used, as to the validity of which questions exist, to the court. The written statement of any one recount official challenging a ballot shall be sufficient to require its submission to the court. ~~If, on all ballot scanners, the number of persons voting in the election, or the number of votes cast for the office or on the question, totals more than the number of names on the pollbooks of persons voting on the voting machines, the figures recorded by the machines shall be accepted as correct.~~

~~F. E.~~ At the conclusion of the recount of all precincts, after allowing the parties to inspect the questioned ballots, and after hearing arguments, the court shall rule on the validity of all questioned ballots and votes. The court may not consider the validity of any ballots not set aside prior to the conclusion of the recount in each precinct. After settling all matters pertaining to the recount of the vote as raised by the parties, the court shall certify to the State Board and the electoral board (i) the vote for each party to the recount and declare the person who received the higher number of votes to be nominated or elected, as appropriate, or (ii) the votes for and against the question and declare the outcome of the referendum. The Department shall post on the Internet any and all changes made during the recount to the results as previously certified by it pursuant to § 24.2-679.

~~G. F.~~ The recount proceeding shall be final and not subject to appeal.

~~H. G.~~ Except in the case of a recount of an election for Governor, Lieutenant Governor, or Attorney General, or for elector of President or Vice President of the United States, if the court finds that each party to the recount has received an equal number of votes, it shall issue a writ promptly ordering a special election be held to determine which candidate is elected to the office.

§ 24.2-814. Contest following recount.

A candidate in a primary or an election to office, who was originally declared a winner and subsequently loses as the result of a recount, may file either (i) notice of his intent to contest the result in accordance with § 24.2-803 or 24.2-804 or (ii) a written complaint pursuant to § 24.2-805 or 24.2-806. Such notice or complaint shall be filed within 10 days following the date of the entry of the order of the recount court pursuant to subsection ~~F~~ *E* of § 24.2-802.2.

In the case of a contest pursuant to § 24.2-803 or 24.2-804, the times for filing the answer, petition, and reply and for taking depositions and affidavits shall be set by the Committee on Privileges and Elections of the appropriate house. The Committee may consider the contestant's and contestee's recommendations for the procedural schedule.

This section shall not be applicable to a contest of an election for the President and Vice President of the United States.

§ 24.2-1004. Illegal voting and registrations.

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

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

§ 24.2-1009. Stealing or tampering with ballot containers, voting or registration equipment, software, records or documents.

Any person who (i) steals or willfully, fraudulently, or wrongfully tampers with any part of any ballot container, *ballot system*, voting or registration equipment, records, or documents, which are used in any way within the registration or election process, (ii) steals or willfully, fraudulently, or wrongfully tampers with the software used to prepare and operate ~~voting equipment or the software or hardware used to collect and disseminate election returns~~ *ballot systems*, (iii) steals or willfully, fraudulently, or

2335 wrongfully tampers with an electronic activation device or electronic data storage medium of the type
2336 used to prepare, operate or back-up ~~electronic voting equipment~~ *ballot systems*, (iv) willfully,
2337 fraudulently, or wrongfully intercepts, alters or disrupts the electronic transmission of election returns or
2338 the posting of returns on the Internet, (v) fraudulently makes any entry, deletion, or alteration to any
2339 item listed in (i), or (vi) aids, abets, or permits any other person to violate the provisions of clauses (i)
2340 through (v), shall be guilty of a Class 5 felony.

2341 **§ 24.2-1010. Unauthorized possession or duplication of ballot system equipment key or**
2342 **electronic activation device.**

2343 Any unauthorized person found in possession of any ~~voting~~ *ballot system* equipment key or
2344 electronic activation device of the type used to prepare or operate ~~voting~~ *ballot system* equipment or any
2345 unauthorized person who duplicates a ~~voting~~ *ballot system* equipment key or electronic activation device
2346 shall be guilty of a Class 1 misdemeanor.

2347 2. That §§ 24.2-631, 24.2-646.1, 24.2-648, 24.2-657, 24.2-658, 24.2-659, 24.2-701.1, and 24.2-701.2 of
2348 the Code of Virginia are repealed.