

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 633

An Act to amend and reenact § 24.2-706 of the Code of Virginia, relating to absentee ballot applications and procedures; statement of voter.

[H 336]

Approved April 10, 1994

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-706 of the Code of Virginia is amended and reenacted as follows:

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

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 which shall be maintained in the office of the general registrar with a file of the applications of the listed applicants. The list and the applications shall be available for inspection and copying by any registered voter during regular office hours.

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 and notify the secretary of the electoral board. If the application has been properly completed, signed, and witnessed and the applicant is a registered voter of the precinct in which he offers to vote, the electoral board shall immediately send to the applicant by mail, obtaining a certificate of mailing, or deliver to him in person in the office of the secretary or 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."

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; that I am a citizen of the United States, a qualified voter of the Commonwealth of Virginia, and duly registered in the county or city of (or my application for absentee registration accompanies this ballot envelope); that I am now or have been at some time since the last November general election an actual resident of (address of residence where registered to vote); that I am at least eighteen years of age (or will be on the day of); that the enclosed ballot was received by me upon my application to the registrar of such county or city; that the envelope marked 'ballot within' was opened by me in the presence of the witness whose signature appears below; that I marked the ballot while in ~~his~~ *the presence of the witness*, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the ballot with the form required to report how I was assisted); that I then sealed the ballot in this envelope; and that I have not voted in this election at any other time or place and will not vote in this election elsewhere.

Signature of Voter

Date

Signature of witness"

3. A properly addressed envelope for the return of the ballot to the electoral board by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

The envelopes and instructions shall be in the form prescribed by the State Board.

If the applicant makes his application to vote in person under § 24.2-701 at a time when the printed ballots for the election are available, the general registrar or the secretary of the electoral board, on the determination of the qualifications of the applicant to vote, shall provide to the applicant the items set forth in subdivisions 1 through 4 above and no item shall be removed by the applicant from the office of the general registrar or the secretary of the electoral board.

If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision 2 of § 24.2-700, the electoral board shall mail or deliver in person to the applicant in the office of the secretary or general registrar, the items as set forth in subdivisions 1 through 4 above and, if necessary, an application for registration pursuant to § 24.2-419. A certificate of mailing shall not be required.

When the statement prescribed in subdivision 2 above has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.