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HOUSE BILL NO. 1961

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Miller, K.G.
on February 18, 1999)

(Patron Prior to Substitute—Delegate Devolites)

A *BILL to amend and reenact §§ 24.2-643 and 24.2-708 of the Code of Virginia, relating to voting procedures at the polls; voter identification; absentee ballots; return of unused ballots; replacement ballots.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-643 and 24.2-708 of the Code of Virginia are amended and reenacted as follows:

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

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 repeat, in a voice audible to party and candidate representatives present, the full name and address stated by the voter. The officer shall ask any voter, who is subject to the requirement to vote in person pursuant to subsection B of § 24.2-416.1, *or as authorized by subsection E below*, to present any one of the following forms of identification: his Commonwealth of Virginia voter registration card, his social security card, any preprinted form of identification which shows his name and address, any preprinted form of identification which shows his name and signature, or any preprinted form of identification which shows his name and photograph.

If the voter's name is found on the registered voter list, if he is qualified to vote in the election, and if no objection is made, an officer shall mark the voter's name on the registered voter list, an officer shall enter, opposite the voter's preprinted name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, an officer shall provide the voter with the official ballot, and another officer shall admit him to the voting booth.

If a voter, who is subject to the requirement to vote in person pursuant to subsection B of § 24.2-416.1, is entitled to vote except that he is unable to present one of the forms of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter who he claims to be.

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

C. If the current residence address stated by the voter is different from the address shown on the registered voter list, 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.) of this title.

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 an identification number other than a social security number is recorded on the registered voter list if he presently has a social security number and note that number on the list if the voter is able to provide it. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

E. The Board is authorized to conduct a pilot project requiring mandatory voter identification at the polling place, in up to ten jurisdictions, if agreed to by the jurisdiction's local electoral board. Proper voter identification includes a Virginia voter identification card, social security card, or any preprinted form of identification with the voter's name and address, preprinted form of identification with name and signature, or preprinted form of identification with name and photo. Additionally, if a voter is entitled to vote, except that he fails to present one of the forms of identification listed above, he shall be allowed to vote, by 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.

§ 24.2-708. Return of unused ballots; voting by applicant who did not receive or lost ballot; defaced ballots.

If for any reason a person, who has applied for and received a ballot, decides not to vote absentee, he shall return the ballot unopened, in the sealed envelope in which it was sent to him, to the electoral board, on or before the day of the election in which the ballot was intended to be used.

The electoral board shall note on the absentee voter applicant list, opposite the name of the person returning the ballot, the fact that the ballot was returned unused and the date of the return. The electoral

60 board shall carefully preserve all ballots returned unused and deliver them, together with other returned
61 ballots, to the officers of election on election day. A voter, who has returned his unused ballot as
62 provided herein, shall be entitled to cast his vote in person on election day at his precinct.

63 If for any reason a person who has applied for and has been sent an absentee ballot does not receive
64 the ballot *or loses the ballot*, he shall be entitled to cast another ballot after presenting to the electoral
65 board, registrar or officer of election a statement signed by him that he did not receive the ballot *or has*
66 *lost the ballot*, subject to felony penalties for making false statements as pursuant to § 24.2-1016.

67 *If a person who has applied for and has been sent an absentee ballot has unintentionally or*
68 *accidentally defaced and rendered the ballot unfit for voting, he shall be entitled to cast another ballot*
69 *after presenting the defaced ballot to the electoral board, registrar or officer of election. The returned*
70 *ballot shall be marked spoiled by the electoral board, registrar or officer of election and placed in a*
71 *spoiled-ballot envelope to be retained with the ballots for the election.*