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## HOUSE BILL NO. 1684

Offered January 12, 2011

Prefiled January 10, 2011

*A BILL to amend and reenact §§ 24.2-416.1 and 24.2-612 of the Code of Virginia, relating to elections; voter registration by mail; ballots.*

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Patron—Toscano

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Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:****1. That §§ 24.2-416.1 and 24.2-612 of the Code of Virginia are amended and reenacted as follows:**

§ 24.2-416.1. Voter registration by mail.

A. A person may apply to register to vote by mail by completing and returning a mail voter registration application form in the manner and time provided by law.

B. Any person, who applies to register to vote by mail pursuant to this article and who has not previously voted in the county or city in which he registers to vote, shall be required to vote in person, either at the polls on election day or in-person absentee. However, this requirement to vote in person shall not apply to a person so long as he (i) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff-1 et seq.); (ii) is provided the right to vote otherwise than in person under § 3 (b) (2) (B) (ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee-1 (b) (2) (B) (ii)), including any disabled voter and any voter age 65 or older who is otherwise qualified to vote absentee under § 24.2-700; (iii) is entitled to vote otherwise than in person under other federal law; (iv) is a full-time student in an institution of higher learning; or (v) requests to vote an absentee ballot by mail for presidential and vice-presidential elections only, for any reason, as entitled by federal law to provide (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. Such individual who desires to vote by mailed absentee ballot but who does not provide a copy of one of the forms of identification specified in this subsection by the time his absentee ballot is submitted shall have his vote rejected by the officers of election responsible for the counting of absentee ballots. Nothing in this subsection shall require the provision of identification from any person who is exempted from this requirement under applicable state or federal law.

§ 24.2-612. List of offices and candidates filed with State Board 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 electoral board shall forward to the State Board 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 electoral board shall forward the name of any candidate who failed to qualify with the reason for his disqualification. The State Board shall promptly advise the electoral board of the accuracy of the list. The failure of any electoral board to send the list to the State Board for verification shall not invalidate any election.

Each electoral board shall have printed the number of ballots it determines will be sufficient to conduct the election.

Notwithstanding any other provisions of this title, the State Board may print or otherwise provide (i) 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 clause (iii) or (v) of subsection B of § 24.2-416.1, by persons entitled to vote otherwise than in person under federal law, and by persons requesting to vote an absentee ballot by mail for presidential and vice-presidential elections only for any reason, (ii) one statewide paper ballot style for each paper ballot style in use for Governor, Lieutenant Governor or Attorney General only for use as the early absentee ballot specified in § 24.2-702, and (iii) single paper ballot styles for each ballot style in use for each congressional district for federal offices for use only by overseas voters eligible to vote in federal elections only pursuant to Article 7 (§ 24.2-440 et seq.) of Chapter 4 of this title. The State Board 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 State Board shall execute the statement required by

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HB1684

59 § 24.2-616. The State Board shall designate a representative to be present at the printing of such ballots  
60 and deliver them to the appropriate electoral boards pursuant to § 24.2-617. Upon receipt of such paper  
61 ballots, the electoral board shall affix its seal. Thereafter, such ballots shall be handled and accounted  
62 for, and the votes counted as the State Board shall specifically direct.

63 The electoral board shall make printed ballots available for absentee voting not later than 45 days  
64 prior to any election. In the case of a special election, excluding for federal offices, if time is  
65 insufficient to meet the applicable deadline established herein, then the electoral board shall make  
66 printed ballots available as soon after the deadline as possible. For the purposes of this chapter, making  
67 printed ballots available includes mailing of such ballots or electronic transmission of such ballots  
68 pursuant to § 24.2-706 to a qualified absentee voter who is eligible for an absentee ballot under  
69 subdivision 2 of § 24.2-700. Not later than five days after absentee ballots are made available, each  
70 electoral board shall report to the State Board, in writing on a form approved by the State Board,  
71 whether it has complied with the applicable deadline.

72 Only the names of candidates for offices to be voted on in a particular election district shall be  
73 printed on the ballots for that election district.

74 The electoral boards shall send to the State Board a statement of the number of paper ballots ordered  
75 to be printed, proofs of each paper and voting equipment ballot for verification, and copies of each final  
76 ballot. If the State Board finds that, in its opinion, the number of ballots ordered to be printed by any  
77 local electoral board is not sufficient, it may direct the local board to order the printing of a reasonable  
78 number of additional ballots.