

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 24.2-643 and 24.2-701 of the Code of Virginia, relating to elections; polling place procedures; voter identification requirements.

[H 1337]

Approved

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-643 and 24.2-701 of the Code of Virginia are amended and reenacted as follows:  
 § 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 repeat, in a voice audible to party and candidate representatives present, the full name and address stated by the voter. The officer shall ask the voter to present any one of the following forms of identification: his Commonwealth of Virginia voter registration card; his ~~social security card~~; his valid Virginia driver's license; his concealed handgun permit issued pursuant to § 18.2-308; ~~or~~; any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States; any ~~valid~~ student identification card issued by any institution of higher education located in the Commonwealth of Virginia; ~~or 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 a copy of a current utility bill, bank statement, government check, or paycheck that shows the name and address of the voter.~~ All forms of identification permitted in this subsection are required to (i) be current and valid and (ii) contain a photograph or the name and address of the voter.

Any voter 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. 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's name is found on the pollbook, if he presents one of the forms of identification listed above, if he is qualified to vote in the election, and if no objection is made, 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; an officer shall provide the voter with the official ballot; and 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 stated 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. For federal elections held after January 1, 2004, this subsection shall apply in the case of any voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state. At such

57 election, such voter shall present (i) a current and valid photo identification or (ii) a copy of a current  
58 utility bill, bank statement, government check, paycheck or other government document that shows the  
59 name and address of the voter. Such individual who desires to vote in person but who does not show  
60 one of the forms of identification specified in this subsection shall be offered a provisional ballot under  
61 the provisions of § 24.2-653. Neither the identification requirements of subsection B, nor the  
62 identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election. The  
63 State Board of Elections shall provide instructions to the electoral boards for the handling and counting  
64 of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

65 **§ 24.2-701. Application for absentee ballot.**

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

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

71 Except as provided in § 24.2-703, a separate application shall be completed for each election in  
72 which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i)  
73 12 months before an election or (ii) the day following any election held in the twelfth month prior to  
74 the election in which the applicant is applying to vote.

75 An application that is completed in person at the same time that the applicant registers to vote shall  
76 be held and processed no sooner than the fifth day after the date that the applicant registered to vote;  
77 however, this requirement shall not be applicable to any person who is qualified to vote absentee under  
78 subdivision 2 of § 24.2-700.

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

81 For the purposes of this chapter, the general registrar's office shall be open a minimum of eight  
82 hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately  
83 preceding all general elections, except May general elections held in towns, and on the Saturday  
84 immediately preceding any primary election, May general election held in a town, or special election.

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

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

92 1. An application completed in person shall be made not less than three days prior to the election in  
93 which the applicant offers to vote and completed only in the office of the general registrar. The  
94 applicant shall sign the application in the presence of a registrar or a member of the electoral board. The  
95 applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any  
96 applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643  
97 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections  
98 shall provide instructions to the electoral boards for the handling and counting of such provisional  
99 ballots pursuant to subsection B of § 24.2-653 and this section.

100 For federal elections held after January 1, 2004, this paragraph shall apply in the case of any voter  
101 who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to  
102 show identification the first time that voter votes in a federal election in the state. After completing an  
103 application for an absentee ballot in person, such voter shall present (i) a current and valid photo  
104 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or  
105 other government document that shows the name and address of the voter. Such individual who desires  
106 to vote in person but who does not show one of the forms of identification specified in this subdivision  
107 shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification  
108 requirements of subsection B of § 24.2-643, nor the identification requirements of subsection A of §  
109 24.2-653, shall apply to such voter at that election. The State Board of Elections shall provide  
110 instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to  
111 subsection B of § 24.2-653 and this section.

112 2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile  
113 device if one is available to the office of the general registrar or the office of the State Board if a  
114 device is not available locally, or other means. The application shall be on a form furnished by the  
115 registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application  
116 prescribed pursuant to 42 U.S.C. § 1973ff(b)(2). The federal postcard application may be accepted the  
117 later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month

118 prior to the election in which the applicant is applying to vote. The application shall be made to the  
119 appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the  
120 applicant offers to vote.

121 C. Applications for absentee ballots shall contain the following information:

122 1. The applicant's printed name, the last four digits of the applicant's social security number, and the  
123 reason the applicant will be absent or cannot vote at his polling place on the day of the election;

124 2. A statement that he is registered in the county or city in which he offers to vote and his residence  
125 address in such county or city. Any person temporarily residing outside the United States shall provide  
126 the last date of residency at his Virginia residence address, if that residence is no longer available to  
127 him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter  
128 may file the applications to register and for a ballot simultaneously;

129 3. The complete address to which the ballot is to be sent directly to the applicant, unless the  
130 application is made in person at a time when the printed ballots for the election are available and the  
131 applicant chooses to vote in person at the time of completing his application. The address given shall be  
132 (i) the address of the applicant on file in the registration records; (ii) the address at which he will be  
133 located while absent from his county or city; or (iii) the address at which he will be located while  
134 temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other  
135 person; and

136 4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a  
137 member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the  
138 spouse belongs, and his or the spouse's rank, grade, or rate, and service identification number; or

139 5. In the case of a student, or the spouse of a student, who is attending a school or institution of  
140 learning, the name and address of the school or institution of learning; or

141 6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable  
142 to go in person to the polls on the day of the election because of his disability, illness, or pregnancy,  
143 the nature of the disability, illness, or pregnancy; or

144 7. In the case of a person who is confined awaiting trial or for having been convicted of a  
145 misdemeanor, the name and address of the institution of confinement; or

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

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

150 10. In the case of a person who is unable to go to the polls on the day of election because he is  
151 primarily and personally responsible for the care of an ill or disabled family member who is confined at  
152 home, the name of the family member and the nature of his illness or disability; or

153 11. In the case of a person who is unable to go to the polls on the day of election because of an  
154 obligation occasioned by his religion, his religion and the nature of the obligation; or

155 12. In the case of a person who, in the regular and orderly course of his business, profession, or  
156 occupation, will be at his place of work and commuting to and from his home to his place of work for  
157 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his  
158 business or employer, address of his place of work, and hours he will be at the workplace and  
159 commuting on election day; or

160 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in  
161 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in  
162 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first  
163 responder; or

164 14. In the case of a person who has been designated by a political party, independent candidate, or  
165 candidate in a primary election to be a representative of the party or candidate inside a polling place on  
166 the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so  
167 designated and the name of the party chairman or candidate who designated him.

168 **2. That the provisions of this act shall become effective on July 1, 2014, provided an**  
169 **appropriation providing for a voter outreach or public information program and otherwise**  
170 **effectuating the purposes of this act is included in a general appropriation act passed during the**  
171 **2014 Regular Session of the General Assembly that becomes law.**