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HOUSE BILL NO. 1725

Offered January 9, 2013

Prefiled January 8, 2013

A BILL to amend and reenact § 24.2-1012 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-701.1, relating to absentee ballot applications; handling of applications by third parties; penalty.

Patron—Rust

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-1012 of the Code of Virginia is amended and reenacted and the Code of Virginia is amended by adding a section numbered 24.2-701.1 as follows:

§ 24.2-701.1. Instructions for handling absentee ballot applications on behalf of voters.

No person shall offer to mail or deliver 25 or more absentee ballot applications on behalf of voters for any election without first registering with the State Board of Elections. Persons registering under this section shall complete training provided by the State Board of Elections at least biennially. Instructions provided by the Board shall require that absentee ballot applications be sent no less than 30 days before an election with a conspicuous notice stating: "If you want a ballot mailed to you, your application must be received by your general registrar no later than 5:00 p.m. on the seventh day before the election for which you are applying. You may mail or deliver this application to the general registrar yourself. Absentee voting in person is available locally through the Saturday before the election. Contact your general registrar for locations and times." In the case of a special election, other than for a federal office, if the time is insufficient the instructions shall require sending applications as soon after 30 days as possible. The instructions shall require persons who register to mail or deliver absentee ballot applications under this section to (i) date stamp applications upon receipt; (ii) use the most efficient and expeditious method available for delivering completed applications that is reasonably calculated to result in timely receipt of the application by the appropriate general registrar; (iii) upon learning that timely receipt cannot be effected, provide immediate notification reasonably calculated to inform the applicant that in-person absentee voting may still be available; and (iv) surrender all completed applications received to the general registrar regardless whether the absentee ballot application deadline has passed.

§ 24.2-1012. Offenses as to absent voters.

A. Any person who (i) agrees to mail or deliver more than 25 absentee applications for an election without registering, (ii) fails to complete training required by § 24.2-701.1, (iii) provides absentee ballot application forms without their complete instructions, or (iv) otherwise fails to comply with instructions issued by the State Board of Elections under § 24.2-701.1 shall be guilty of a Class 4 misdemeanor.

B. Any person who (i) agrees to mail or deliver a signed absentee ballot application and (ii) intentionally interferes with the applicant's effort to apply either by destroying the application or by failing to mail or deliver the application in a timely manner shall be guilty of a Class 1 misdemeanor. The mailing or delivery of a completed application shall be deemed timely for the purposes of this section if it is mailed or delivered no later than three days after receipt of the signed application or by the deadline in § 24.2-701 for applying to receive an absentee ballot other than in person, whichever comes first. This section shall not apply to any state or local government employee acting in his official capacity.

C. Any person who knowingly aids or abets or attempts to aid or abet a violation of the absentee voting procedures prescribed in Chapter 4.1 (§ 24.2-451 et seq.), § 24.2-649, and Chapter 7 (§ 24.2-700 et seq.) shall be guilty of a Class 5 felony.

Any person attempting to vote by fraudulently signing the name of a qualified voter shall be guilty of forgery and shall be guilty of a Class 4 felony.

Any public official who knowingly violates any of the provisions of the law concerning absent voters and thereby aids in any way the illegal casting, or attempting to cast a vote, or who connives to nullify any provisions of this chapter in order that fraud may be perpetrated, shall forever be disqualified from holding office in the Commonwealth and shall forever be disqualified from exercising the right of franchise.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter

INTRODUCED

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59 3 of the Acts of Assembly of 2012, Special Session I, requires the Virginia Criminal Sentencing
60 Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated
61 amount of the necessary appropriation cannot be determined for periods of commitment to the
62 custody of the Department of Juvenile Justice.