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## HOUSE BILL NO. 1197

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on Privileges and Elections  
on January 31, 2014)

(Patron Prior to Substitute—Delegate Brink)

A BILL to amend and reenact § 24.2-708 of the Code of Virginia, relating to absentee voting; return of unused and defaced absentee ballots.

Be it enacted by the General Assembly of Virginia:

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

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

A. 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 or the general registrar, ~~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 board shall carefully preserve all ballots returned unused and deliver them, together with other returned ballots, to the officers of election on election day. A voter who has returned his unused ballot *before the day of the election* as provided herein shall be entitled to ~~cast a provisional ballot pursuant to § 24.2-653.1~~ vote a regular ballot in person on election day at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where the person is registered to vote, *upon confirmation by the electoral board, the general registrar, or an officer of election of the return of the unused ballot.* ~~However, a~~ If the electoral board, the general registrar, or an officer of election is unable to confirm the return of the unused ballot, the voter shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1. Notwithstanding the provisions of this subsection, a voter ~~who returns~~ may return his unused ballot to his proper polling place or central absentee voter precinct on election day and shall be entitled to vote a regular ballot, and his unused ballot shall be preserved with other unused ballots.

B. If for any reason a person who has applied for and has been sent an absentee ballot does not receive the ballot or loses the ballot, he shall be entitled to cast another ballot after presenting to the electoral board, registrar or officer of election a statement signed by him that he did not receive the ballot or has lost the ballot, subject to felony penalties for making false statements as pursuant to § 24.2-1016. If such person offers to vote at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where he is registered to vote on the day of the elections, he shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1.

C. If a person who has applied for and has been sent an absentee ballot has unintentionally or accidentally defaced and rendered the ballot unfit for voting, he shall be entitled to cast a ballot after presenting the defaced ballot to the electoral board, the general registrar, or an officer of election. The returned ballot shall be marked spoiled by the electoral board, the general registrar, or an officer of election and placed in a spoiled-ballot envelope to be retained with the ballots for the election. A voter who has returned his defaced ballot *before the day of the election* as provided herein shall be entitled to ~~cast a provisional ballot pursuant to § 24.2-653.1~~ vote a regular ballot in person on election day at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where he is registered to vote, *upon confirmation by the electoral board, the general registrar, or an officer of election of the return of the defaced ballot.* ~~If the electoral board, the general registrar, or an officer of election is unable to confirm the return of the defaced ballot, the voter shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1.~~ ~~However, a~~ A voter who returns his defaced or unfit ballot to his proper polling place or central absentee voter precinct on election day shall be entitled to vote a regular ballot, and his defaced or unfit ballot shall be preserved with other spoiled ballots.