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HOUSE BILL NO. 265

Offered January 10, 2018

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A BILL to amend and reenact §§ 24.2-503, 24.2-507, 24.2-510, 24.2-603, 24.2-700, and 24.2-701 of the Code of Virginia, relating to extending polling hours and adjusting related deadlines.

Patron—Turpin

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-503, 24.2-507, 24.2-510, 24.2-603, 24.2-700, and 24.2-701 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-503. Deadlines for filing required statements; extensions.

The written statements of qualification and economic interests shall be filed by (i) primary candidates not later than the filing deadline for the primary, (ii) all other candidates for city and town offices to be filled at a May general election by ~~7:00~~ 8:00 p.m. on the first Tuesday in March, (iii) candidates in special elections by the time of qualifying as a candidate, and (iv) all other candidates by ~~7:00~~ 8:00 p.m. on the second Tuesday in June.

A statement shall be deemed to be timely filed if it is mailed postage prepaid to the appropriate office by registered or certified mail and if the official receipt therefor, which shall be exhibited on demand, shows mailing within the prescribed time limits.

The State Board may grant an extension of any deadline for filing either or both written statements and shall notify all candidates who have not filed their statements of the extension. Any extension shall be granted for a fixed period of time of ten days from the date of the mailing of the notice of the extension.

§ 24.2-507. Deadlines for filing declarations and petitions of candidacy.

For any office, declarations of candidacy and the petitions therefor shall be filed according to the following schedule:

1. For a general election in November, by ~~7:00~~ 8:00 p.m. on the second Tuesday in June;
2. For a general election in May, by ~~7:00~~ 8:00 p.m. on the first Tuesday in March;
3. For a special election held at the same time as a November general election, either (i) at least 81 days before the election or (ii) if the special election is being held at the second November election after the vacancy occurred, by ~~7:00~~ 8:00 p.m. on the second Tuesday in June before that November election;
4. For a special election held at the same time as a May general election, by ~~7:00~~ 8:00 p.m. on the first Tuesday in March; or
5. For a special election held at a time other than a general election, (i) at least 60 days before the election or (ii) within five days of any writ of election or order calling a special election to be held less than 60 days after the issuance of the writ or order.

§ 24.2-510. Deadlines for parties to nominate by methods other than primary.

For any office, nominations by political parties by methods other than a primary shall be made and completed in the manner prescribed by law according to the following schedule:

1. For a general election in November, by ~~7:00~~ 8:00 p.m. on the second Tuesday in June;
2. For a general election in May, by ~~7:00~~ 8:00 p.m. on the first Tuesday in March;
3. For a special election held at the same time as a November general election, either (i) at least 81 days before the election or (ii) if the special election is held at the second November election after the vacancy occurred, by ~~7:00~~ 8:00 p.m. on the second Tuesday in June before that November election;
4. For a special election held at the same time as a May general election, by ~~7:00~~ 8:00 p.m. on the first Tuesday in March; or
5. For a special election held at a time other than a general election, (i) at least 60 days before the election or (ii) within five days of any writ of election or order calling a special election to be held less than 60 days after the issuance of the writ or order.

In the case of all general elections a party shall nominate its candidate for any office by a nonprimary method only within the 47 days immediately preceding the primary date established for nominating candidates for the office in question. This limitation shall have no effect, however, on nominations for special elections or pursuant to § 24.2-539.

§ 24.2-603. Hours polls to be open; closing the polls.

At all elections, the polls shall be open at each polling place at 6:00 a.m. on the day of the election and closed at ~~7:00~~ 8:00 p.m. on the same day except as provided for central absentee voter precincts

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59 pursuant to subsection F of § 24.2-712.

60 At ~~6:45~~ 7:45 p.m. an officer of election shall announce that the polls will close in fifteen minutes.
61 The officers of election shall list the names of all qualified voters in line before the polling place at ~~7:00~~
62 8:00 p.m. and permit those voters and no others to vote after ~~7:00~~ 8:00 p.m.

63 **§ 24.2-700. Persons entitled to vote by absentee ballot.**

64 The following registered voters may vote by absentee ballot in accordance with the provisions of this
65 chapter in any election in which they are qualified to vote:

66 1. Any person who, in the regular and orderly course of his business, profession, or occupation or
67 while on personal business or vacation, will be absent from the county or city in which he is entitled to
68 vote;

69 2. Any person who is (i) a member of a uniformed service, as defined in § 24.2-452, on active duty,
70 (ii) temporarily residing outside of the United States, or (iii) the spouse or dependent residing with any
71 person listed in clause (i) or (ii), and who will be absent on the day of the election from the county or
72 city in which he is entitled to vote;

73 3. Any student attending a school or institution of higher education, or his spouse, who will be
74 absent on the day of election from the county or city in which he is entitled to vote;

75 4. Any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in
76 person to the polls on the day of election because of his disability, illness, or pregnancy;

77 5. Any person who is confined while awaiting trial or for having been convicted of a misdemeanor,
78 provided that the trial or release date is scheduled on or after the third day preceding the election. Any
79 person who is awaiting trial and is a resident of the county or city where he is confined shall, on his
80 request, be taken to the polls to vote on election day if his trial date is postponed and he did not have
81 an opportunity to vote absentee;

82 6. Any person who is a member of an electoral board, registrar, officer of election, or custodian of
83 voting equipment;

84 7. Any duly registered person who is unable to go in person to the polls on the day of the election
85 because he is primarily and personally responsible for the care of an ill or disabled family member who
86 is confined at home;

87 8. Any duly registered person who is unable to go in person to the polls on the day of the election
88 because of an obligation occasioned by his religion;

89 9. Any person who, in the regular and orderly course of his business, profession, or occupation, will
90 be at his place of work and commuting to and from his home to his place of work for 11 or more hours
91 of the ~~13~~ 14 hours that the polls are open pursuant to § 24.2-603;

92 10. Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in
93 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in
94 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;

95 11. Any person who has been designated by a political party, independent candidate, or candidate in
96 a primary election to be a representative of the party or candidate inside a polling place on the day of
97 the election pursuant to subsection C of § 24.2-604 and § 24.2-639; or

98 12. Any person granted a protective order issued by or under the authority of any court of competent
99 jurisdiction.

100 **§ 24.2-701. Application for absentee ballot.**

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

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

106 Except as provided in § 24.2-703, a separate application shall be completed for each election in
107 which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i)
108 12 months before an election or (ii) the day following any election held in the twelfth month prior to
109 the election in which the applicant is applying to vote.

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

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

116 For the purposes of this chapter, the general registrar's office shall be open a minimum of eight
117 hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately
118 preceding all general elections, except May general elections, and on the Saturday immediately
119 preceding any primary election, May general election, or special election.

120 Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant

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

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

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

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

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

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

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

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

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or

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

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

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

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

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

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 14 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

182 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in
183 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in
184 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first
185 responder; or

186 14. In the case of a person who has been designated by a political party, independent candidate, or
187 candidate in a primary election to be a representative of the party or candidate inside a polling place on
188 the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so
189 designated; or

190 15. In the case of a person who has been granted a protective order issued by or under the authority
191 of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the
192 issuing court.