

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 24.2-707 of the Code of Virginia, relating to absentee voting; certain*
 3 *absentee voters permitted to vote after close of absentee voting location.*

[H 1790]

4 Approved

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

7 **1. That § 24.2-707 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 24.2-707. How ballots marked and returned by mail; cast in person; cast on voting**
 9 **equipment.**

10 A. On receipt of a mailed absentee ballot, the voter shall, in the presence of a witness, (i) open the
 11 sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644
 12 and 24.2-646, without assistance and without making known how he marked the ballot, except as
 13 provided by § 24.2-704.

14 After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope
 15 provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the back of
 16 the envelope in the presence of a witness, who shall sign the same envelope, (d) enclose the ballot
 17 envelope and any required assistance form within the envelope directed to the general registrar, and (e)
 18 seal that envelope and mail it to the office of the general registrar or deliver it personally to the general
 19 registrar. A voter's failure to provide in the statement on the back of the envelope his full middle name
 20 or his middle initial shall not be a material omission, rendering his ballot void, unless the voter failed to
 21 provide in the statement on the back of the envelope his full first and last name. A voter's failure to
 22 provide the date, or any part of the date, including the year, on which he signed the statement printed
 23 on the back of the envelope shall not be considered a material omission and shall not render his ballot
 24 void. For purposes of this chapter, "mail" shall include delivery by a commercial delivery service, but
 25 shall not include delivery by a personal courier service or another individual except as provided by
 26 §§ 24.2-703.2 and 24.2-705.

27 B. An applicant who makes his application to vote in person at a time when the printed ballots for
 28 the election are available shall follow the same procedure set forth ~~above~~ *in subsection A* except that he
 29 may complete the procedure in person in the office of the general registrar, or at another location or
 30 locations in the county or city approved by the electoral board, before a registrar, or, if a ballot is cast
 31 at that time, before the officers of election appointed by the electoral board. Any such location shall be
 32 in a public building owned or leased by the city, the county, or a town within the county, with adequate
 33 facilities for the protection of all records concerning the absentee voters, the absentee ballots, both voted
 34 and unvoted, and any voting equipment in use at the location. Such location may be in a facility owned
 35 or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities and
 36 for an office of the general registrar. Such location shall be deemed the equivalent of the office of the
 37 general registrar for the purpose of completing the application for an absentee ballot in person pursuant
 38 to §§ 24.2-701 and 24.2-706. *Any applicant who is in line to cast his ballot when the office of the*
 39 *general registrar or location being used for in-person absentee voting closes shall be permitted to cast*
 40 *his absentee ballot that day.*

41 On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election
 42 in which the applicant offers to vote, the general registrar may send the items set forth in subdivisions 1
 43 through 4 of § 24.2-706 to the applicant by mail, obtaining a certificate or other evidence of mailing.

44 C. Failure to follow the procedures set forth ~~above~~ *in subsection A or B* shall render the applicant's
 45 ballot void.

46 D. The general registrar of any county or city using a central absentee voting precinct may provide
 47 for the casting of absentee ballots on voting equipment prior to election day by applicants who are
 48 voting in person. The Department of Elections shall prescribe procedures for the use of voting
 49 equipment. The procedures shall provide for the casting of absentee ballots prior to election day by
 50 in-person applicants on voting equipment which has been certified, and is currently approved, by the
 51 Department of Elections. The procedures shall be applicable and uniformly applied by the Department of
 52 Elections to all jurisdictions using comparable voting equipment. At least two officers of election, one
 53 representing each political party, shall be present during all hours that absentee voting is available at any
 54 location at which absentee ballots are cast prior to election day.

55 E. The requirement that officers of election shall be present if ballots are cast on voting equipment
 56 prior to election day shall not be applicable when the voting equipment is located in the office of the

57 general registrar and the general registrar or an assistant registrar is present.