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**SENATE BILL NO. 137**

Offered January 8, 2020

Prefiled December 18, 2019

*A BILL to amend and reenact §§ 24.2-700, 24.2-701, and 24.2-701.1 of the Code of Virginia and to amend the second enactments of Chapters 668 and 669 of the Acts of Assembly of 2019, relating to absentee voting; early voting in person without an excuse.*

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 Patron—Stuart
 

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Referred to Committee on Privileges and Elections

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

**1. That §§ 24.2-700, 24.2-701, and 24.2-701.1 of the Code of Virginia are amended and reenacted as follows:**

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

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

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

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

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

4. 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 election because of his disability, illness, or pregnancy;

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

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

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

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

9. Any 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 13 hours that the polls are open pursuant to § 24.2-603;

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

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

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

B. Any registered voter may vote by absentee ballot in person beginning on the ~~second Saturday immediately preceding~~ *thirtieth day prior to* any election in which he is qualified to vote.

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

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

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

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59 Except as provided in § 24.2-703, a separate application shall be completed for each election in  
60 which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i)  
61 12 months before an election or (ii) the day following any election held in the twelfth month prior to  
62 the election in which the applicant is applying to vote.

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

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

69 For the purposes of this chapter, the general registrar's office shall be open a minimum of eight  
70 hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately  
71 preceding all elections.

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

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

79 1. An application completed in person shall be completed only in the office of the general registrar  
80 and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms  
81 of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the  
82 forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot  
83 under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the  
84 general registrar for the handling and counting of such provisional ballots pursuant to subsection B of  
85 § 24.2-653 and this section.

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

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

96 1. The applicant's printed name, the last four digits of the applicant's social security number, and the  
97 reason the applicant will be absent or cannot vote at his polling place on the day of the election.  
98 However, an applicant completing the application in person shall not be required to provide the last four  
99 digits of his social security number;

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

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

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

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

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

120 7. In the case of a person who is confined awaiting trial or for having been convicted of a

121 misdemeanor, the name of the institution of confinement; or

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

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

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

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

131 12. In the case of a person who, in the regular and orderly course of his business, profession, or  
132 occupation, will be at his place of work and commuting to and from his home to his place of work for  
133 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his  
134 business or employer and hours he will be at the workplace and commuting on election day; or

135 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in  
136 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in  
137 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first  
138 responder; or

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

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

146 D. An application shall not be required for any registered voter appearing in person to cast an  
147 absentee ballot during the period beginning on the ~~second Saturday immediately preceding thirtieth day~~  
148 *prior to the election in which he is offering to vote.*

149 **§ 24.2-701.1. Absentee voting in person; early voting.**

150 A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall  
151 continue until 5:00 p.m. on the Saturday immediately preceding the election.

152 1. Any registered voter eligible to vote absentee pursuant to subsection A of § 24.2-700 may vote  
153 absentee in person beginning on the forty-fifth day prior to the election in which he is offering to vote  
154 and continuing until the ~~second Friday immediately preceding thirty-first day prior to~~ such election. He  
155 shall complete the application for an absentee ballot required by § 24.2-701, and the general registrar  
156 shall process that application in accordance with the provisions of § 24.2-706.

157 2. Any registered voter may vote absentee in person on or after the ~~second Saturday immediately~~  
158 ~~preceding thirtieth day prior to~~ the election in which he is offering to vote. He shall provide his name  
159 and his residence address in the county or city in which he is offering to vote. After verifying that the  
160 voter is a registered voter of that county or city, the general registrar shall enroll the voter's name and  
161 address on the absentee voter applicant list maintained pursuant to § 24.2-706.

162 A registered voter voting by absentee ballot in person shall provide one of the forms of identification  
163 specified in subsection B of § 24.2-643. If he does not show one of the forms of identification specified  
164 in subsection B of § 24.2-643, he shall be offered a provisional ballot under the provisions of  
165 § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and  
166 counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

167 B. Absentee voting in person shall be available during regular business hours. The electoral board of  
168 each county and city shall provide for absentee voting in person in the office of the general registrar.  
169 For purposes of this chapter, such office shall be open a minimum of eight hours between the hours of  
170 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. Any  
171 applicant who is in line to cast his ballot when the office of the general registrar or location being used  
172 for in-person absentee voting closes shall be permitted to cast his absentee ballot that day.

173 C. Additional locations in the county or city approved by the electoral boards may be available for  
174 absentee voting in person. Any such location shall be in a public building owned or leased by the  
175 county, city, or town within the county and may be in a facility that is owned or leased by the  
176 Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the  
177 general registrar. Any such location shall have adequate facilities for the protection of all elections  
178 materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots,  
179 and any voting systems in use at the location.

180 D. The general registrar may provide for the casting of absentee ballots in person pursuant to this  
181 section on voting systems. The Department shall prescribe the procedures for use of voting systems. The

182 procedures shall provide for absentee voting in person on voting systems that have been certified and  
183 are currently approved by the State Board. The procedures shall be applicable and uniformly applied by  
184 the Department to all localities using comparable voting systems.

185 E. At least two officers of election shall be present during all hours that absentee voting in person is  
186 available and shall represent the two major political parties, except in the case of a party primary, when  
187 they may represent the party conducting the primary. However, such requirement shall not apply when  
188 (i) voting systems that are being used pursuant to subsection D are located in the office of the general  
189 registrar and (ii) the general registrar or an assistant registrar is present.

190 F. The Department shall include absentee ballots voted in person in its instructions for the  
191 preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.

192 **2. That the second enactments of Chapters 668 and 669 of the Acts of Assembly of 2019 are**  
193 **amended and reenacted as follows:**

194 **2. That the provisions of this act amending §§ 24.2-452, 24.2-612, 24.2-702.1, 24.2-703.1,**  
195 **24.2-703.2, 24.2-706, 24.2-707, 24.2-709, and 24.2-1004 shall apply to elections beginning with the**  
196 **general election on November 3 become effective on July 1, 2020.**