

# 2020 SESSION

INTRODUCED

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**SENATE BILL NO. 879**

Offered January 8, 2020

Prefiled January 8, 2020

A *BILL to amend and reenact §§ 24.2-416.1, 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-705.1, 24.2-705.2, 24.2-706, 24.2-709, and 24.2-1004 of the Code of Virginia, relating to absentee voting; no excuse required.*

Patron—Locke

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-416.1, 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-705.1, 24.2-705.2, 24.2-706, 24.2-709, and 24.2-1004 of the Code of Virginia are amended and reenacted as follows:

**§ 24.2-416.1. Voter registration by mail.**

A. A person may apply to register to vote by mail by completing and returning a mail voter registration application form in the manner and time provided by law.

B. Any person, who applies to register to vote by mail pursuant to this article and who has not previously voted in the county or city in which he registers to vote, shall be required to vote in person, either at the polls on election day or in-person absentee. However, this requirement to vote in person shall not apply to a person so long as he (i) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Voting Act (52 U.S.C. § 20302 et seq.); (ii) is provided the right to vote otherwise than in person under § 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20102(b)(2)(B)(ii)), including any disabled voter and any voter age 65 or older who is otherwise qualified to vote absentee under § 24.2-700; (iii) is entitled to vote otherwise than in person under other federal law; (iv) is a full-time student in an institution of higher education; or (v) requests to vote an absentee ballot by mail for presidential and vice-presidential elections only, for any reason, as entitled by federal law.

**§ 24.2-452. Definitions.**

As used in this chapter, unless the context requires a different meaning:

1. "Covered voter" means:

a. A uniformed-service voter or an overseas voter who is registered to vote in this state;  
b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements, including subdivision A 2 of § 24.2-700;

c. An overseas voter who, before leaving the United States, was last eligible to vote in this state and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements;

d. An overseas voter who, before leaving the United States, would have been last eligible to vote in this state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements; or

e. An overseas voter who was born outside the United States, is not described in subdivision c or d, and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements, if:

(1) The last place where a parent or legal guardian of the voter was, or under this chapter would have been, eligible to vote before leaving the United States is within this state; and

(2) The voter has not previously registered to vote in any other state.

2. "Dependent" means an individual recognized as a dependent by a uniformed service.

3. "Federal postcard application" means the application prescribed under § 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2).

4. "Federal write-in absentee ballot" means the ballot described in § 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, that may be used in all elections in which the voter is eligible to vote as provided in § 24.2-702.1.

5. "Military-overseas ballot" means:

a. A federal write-in absentee ballot;  
b. A ballot specifically prepared or distributed for use by a covered voter in accordance with this title; or

c. A ballot cast by a covered voter in accordance with this title.

6. "Overseas voter" means a United States citizen who is outside the United States.

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59     7. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States  
60 Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

61     8. "Uniformed service" means:

62       a. Active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of  
63 the United States;

64       b. The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned  
65 corps of the National Oceanic and Atmospheric Administration of the United States; or

66       c. The Virginia National Guard.

67     9. "Uniformed-service voter" means an individual who is qualified to vote and is:

68       a. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or  
69 Coast Guard of the United States who is on active duty;

70       b. A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the  
71 commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

72       c. A member on activated status of the National Guard; or

73       d. A spouse or dependent of a member referred to in this definition.

74     10. "United States," used in the territorial sense, means the several states, the District of Columbia,  
75 Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the  
76 jurisdiction of the United States.

77     **§ 24.2-612. List of offices and candidates filed with Department of Elections and checked for  
78 accuracy; when ballots printed; number required.**

79     Immediately after the expiration of the time provided by law for a candidate for any office to qualify  
80 to have his name printed on the official ballot and prior to printing the ballots for an election, each  
81 general registrar shall forward to the Department of Elections a list of the county, city, or town offices  
82 to be filled at the election and the names of all candidates who have filed for each office. In addition,  
83 each general registrar shall forward the name of any candidate who failed to qualify with the reason for  
84 his disqualification. On that same day, the general registrar shall also provide a copy of the notice to  
85 each disqualified candidate. The notice shall be sent by email or regular mail to the address on the  
86 candidate's certificate of candidate qualification, and such notice shall be deemed sufficient. The  
87 Department of Elections shall promptly advise the general registrar of the accuracy of the list. The  
88 failure of any general registrar to send the list to the Department of Elections for verification shall not  
89 invalidate any election.

90     Each general registrar shall have printed the number of ballots he determines will be sufficient to  
91 conduct the election. Such determination shall be based on the number of active registered voters and  
92 historical election data, including voter turnout, and shall be subject to the approval by the electoral  
93 board.

94     Notwithstanding any other provisions of this title, the Department of Elections may print or otherwise  
95 provide one statewide paper ballot style for each paper ballot style in use for presidential and  
96 vice-presidential electors for use only by persons eligible to vote for those offices only under § 24.2-402  
97 or only for federal elections under § 24.2-453. The Department of Elections may apportion or authorize  
98 the printer or vendor to apportion the costs for these ballots among the localities based on the number of  
99 ballots ordered. Any printer employed by the Department of Elections shall execute the statement  
100 required by § 24.2-616. The Department of Elections shall designate a representative to be present at the  
101 printing of such ballots and deliver them to the appropriate general registrars pursuant to § 24.2-617.  
102 Upon receipt of such paper ballots, the electoral board or the general registrar shall affix the seal of the  
103 electoral board. Thereafter, such ballots shall be handled and accounted for, and the votes counted as the  
104 Department of Elections shall specifically direct.

105     The general registrar shall make printed ballots available for absentee voting not later than 45 days  
106 prior to any election or within three business days of the receipt of a properly completed absentee ballot  
107 application, whichever is later. In the case of a special election, excluding for federal offices, if time is  
108 insufficient to meet the applicable deadline established herein, then the general registrar shall make  
109 printed ballots available as soon after the deadline as possible. For the purposes of this chapter, making  
110 printed ballots available includes mailing of such ballots or electronic transmission of such ballots  
111 pursuant to § 24.2-706 to a ~~qualified absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452, who has applied for absentee ballot pursuant to § 24.2-701~~. Not later than five days after absentee ballots are made available, each  
112 general registrar shall report to the Department of Elections, in writing on a form approved by the  
113 Department of Elections, whether he has complied with the applicable deadline.

114     Only the names of candidates for offices to be voted on in a particular election district shall be  
115 printed on the ballots for that election district.

116     The general registrar shall send to the Department of Elections a statement of the number of ballots  
117 ordered to be printed, proofs of each printed ballot for verification, and copies of each final ballot. If the  
118 Department of Elections finds that, in its opinion, the number of ballots ordered to be printed by any

121 general registrar is not sufficient, it may direct the general registrar to order the printing of a reasonable  
122 number of additional ballots.

123 **§ 24.2-700. Persons entitled to vote by absentee ballot.**

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

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

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

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

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

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

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

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

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

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

152 10. Any person who is a law enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in  
153 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in  
154 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;

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

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

160 B. Any registered voter may vote by absentee ballot in person beginning on the second Saturday  
161 immediately preceding in accordance with the provisions of this chapter in any election in which he is  
162 qualified to vote.

163 **§ 24.2-701. Application for absentee ballot.**

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

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

170 Except as provided in § 24.2-703 or 24.2-703.1, a separate application shall be completed for each  
171 election in which the applicant offers to vote. An application for an absentee ballot may be accepted the  
172 later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month  
173 prior to the election in which the applicant is applying to vote.

174 An application that is completed in person at the same time that the applicant registers to vote shall  
175 be held and processed no sooner than the fifth day after the date that the applicant registered to vote;  
176 however, this requirement shall not be applicable to any person who is qualified to vote absentee under  
177 subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452.

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

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

182 preceding all elections.

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

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

190 1. An application completed in person shall be completed only in the office of the general registrar  
191 and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms  
192 of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the  
193 forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot  
194 under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the  
195 general registrar for the handling and counting of such provisional ballots pursuant to subsection B of  
196 § 24.2-653 and this section.

197 2. Any other application may be made by mail, by electronic or telephonic transmission to a  
198 facsimile device if one is available to the office of the general registrar or to the office of the State  
199 Board Department if a device is not available locally, or by other means. The application shall be on a  
200 form furnished by the registrar or, if made under subdivision A 2 of § 24.2-700, may be on a federal  
201 postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application  
202 may be accepted the later of (i) 12 months before an election or (ii) the day following any election held  
203 in the twelfth month prior to the election in which the applicant is applying to vote. The application  
204 shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election  
205 in which the applicant offers to vote as specified in subdivision 3.

206 3. The application of any covered voter, as defined in § 24.2-452, may be on a federal postcard  
207 application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be  
208 accepted the later of (i) 12 months before an election or (ii) the day following any election held in the  
209 twelfth month prior to the election in which the applicant is applying to vote. The application shall be  
210 made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in  
211 which the applicant offers to vote.

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

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

217 2. A statement that he is registered in the county or city in which he offers to vote and his residence  
218 address in such county or city. Any person temporarily residing outside the United States shall provide  
219 the last date of residency at his Virginia residence address, if that residence is no longer available to  
220 him. Any person who makes application under subdivision A 2 of § 24.2-700 covered voter, as defined  
221 in § 24.2-452, who is not a registered voter may file the applications to register and for a ballot  
222 simultaneously; and

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

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

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

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

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

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

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

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

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

249     12. In the case of a person who, in the regular and orderly course of his business, profession, or  
250 occupation, will be at his place of work and commuting to and from his home to his place of work for  
251 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his  
252 business or employer and hours he will be at the workplace and commuting on election day; or

253     13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in  
254 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in  
255 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first  
256 responder; or

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

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

264     D. An application shall not be required for any registered voter appearing in person to cast an  
265 absentee ballot during the period beginning on the second Saturday immediately preceding the election  
266 in which he is offering to vote pursuant to § 24.2-701.1.

267     **§ 24.2-701.1. Absentee voting in person.**

268         A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall  
269 continue until 5:00 p.m. on the Saturday immediately preceding the election. *In the case of a special  
270 election, excluding for federal offices, if time is insufficient between the issuance of the writ calling for  
271 the special election and the date of the special election, absentee voting in person shall be available as  
272 soon as possible after the issuance of the writ.*

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

278         2. Any registered voter may offering to vote absentee in person on or after the second Saturday  
279 immediately preceding the election in which he is offering to vote. He shall provide his name and his  
280 residence address in the county or city in which he is offering to vote. After verifying that the voter is a  
281 registered voter of that county or city, the general registrar shall enroll the voter's name and address on  
282 the absentee voter applicant list maintained pursuant to § 24.2-706.

283         A registered voter voting by absentee ballot in person shall provide one of the forms of identification  
284 specified in subsection B of § 24.2-643. If he does not show one of the forms of identification specified  
285 in subsection B of § 24.2-643, he shall be offered a provisional ballot under the provisions of  
286 § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and  
287 counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

288         B. Absentee voting in person shall be available during regular business hours. The electoral board of  
289 each county and city shall provide for absentee voting in person in the office of the general registrar.  
290 For purposes of this chapter, such office shall be open a minimum of eight hours between the hours of  
291 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. Any  
292 applicant who is in line to cast his ballot when the office of the general registrar or location being used  
293 for in-person absentee voting closes shall be permitted to cast his absentee ballot that day.

294         C. Additional locations in the county or city approved by the electoral boards may be available for  
295 absentee voting in person. Any such location shall be in a public building owned or leased by the  
296 county, city, or town within the county and may be in a facility that is owned or leased by the  
297 Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the  
298 general registrar. *Such location shall be deemed the equivalent of the office of the general registrar for  
299 the purposes of completing the application for an absentee ballot in person pursuant to §§ 24.2-701  
300 and 24.2-706.* Any such location shall have adequate facilities for the protection of all elections  
301 materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots,  
302 and any voting systems in use at the location.

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

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

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

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

315 **§ 24.2-702.1. Federal write-in absentee ballots.**

316 A. Notwithstanding any other provision of this title, a ~~qualified absentee voter who is eligible for an~~  
317 ~~absentee ballot under subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452,~~ may use a  
318 federal write-in absentee ballot in any election. Such ballot shall be submitted and processed in the  
319 manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et  
320 seq.) and this article.

321 B. Notwithstanding any other provision of this title, a federal write-in absentee ballot submitted  
322 pursuant to subsection A shall be considered valid for purposes of simultaneously satisfying both an  
323 absentee ballot application and a completed absentee ballot, provided that the ballot is received no later  
324 than the deadline for the return of absentee ballots as provided in § 24.2-709 for the election in which  
325 the voter offers to vote, and the application contains the following information: (i) the voter's signature;  
326 however, if the voter is unable to sign, the person assisting the voter will note this fact in the voter  
327 signature box; (ii) the voter's printed name; (iii) the county or city in which he is registered and offers  
328 to vote; (iv) the residence address at which he is registered to vote; (v) his current military or overseas  
329 address; and (vi) the signature of a witness who shall sign the same application.

330 C. This section shall not be construed to require that an absentee ballot be sent to the absentee voter  
331 on receipt of a federal write-in absentee ballot unless the voter has also submitted an absentee ballot  
332 application pursuant to § 24.2-701 or 24.2-703.

333 **§ 24.2-703.1. Special annual applications for absentee ballots for certain ill or disabled voters.**

334 Any person who is eligible for an absentee ballot under subdivision A 4 of § 24.2-700 because of a  
335 disability or illness and who is likely to remain so eligible with a disability or illness whose disability or  
336 illness is likely to continue for the remainder of the calendar year shall be eligible to file a special  
337 annual application to receive ballots for all elections in which he is eligible to vote in a calendar year.  
338 His first such application shall be accompanied by a statement, on a form prescribed by the State Board  
339 and signed by the voter and his physician, provider as defined in § 37.2-403, or accredited religious  
340 practitioner, that the voter is eligible for an absentee ballot under subdivision A 4 of § 24.2-700 and  
341 likely to remain so eligible is a person with a disability or illness whose disability or illness is likely to  
342 continue for the remainder of the calendar year.

343 In accordance with procedures established by the State Board, the general registrar shall retain the  
344 application and form, enroll the applicant on a special absentee voter applicant list, and process the  
345 applicant's request for an absentee ballot for each succeeding election in the calendar year. The applicant  
346 shall specify by party designation the primary ballots he is requesting.

347 The general registrar shall send each such enrolled applicant a blank application by December 15 for  
348 each ensuing calendar year, and upon completion thereof, the applicant shall be eligible to receive  
349 ballots for all elections in which he is eligible to vote in that calendar year.

350 If an official reply to the application or an absentee ballot sent to the applicant is returned as  
351 undeliverable, or the general registrar knows that the applicant is no longer a qualified voter, no ballot  
352 for any subsequent election shall be sent to the voter until a new application is filed and accepted.

353 **§ 24.2-703.2. Replacement absentee ballots for certain disabled or ill voters; penalty.**

354 A voter seeking to cast an absentee ballot may obtain a replacement absentee ballot subject to the  
355 following conditions: (i) the voter applied for an absentee ballot under subdivision A 4 of § 24.2-700  
356 because of a disability or illness; (ii) the application was approved and an absentee ballot mailed to the  
357 voter; and (iii) the voter A person with a disability or illness who has applied for and has been sent an  
358 absentee ballot who did not receive or has lost the absentee ballot on or before the Saturday before the  
359 election may obtain a replacement absentee ballot. In such case, the voter may request a replacement  
360 absentee ballot by the close of business for the local elections office on the Saturday before election day  
361 and designate, in writing, a representative to obtain a replacement absentee ballot on his behalf from the  
362 general registrar and to return the properly completed ballot as directed by the general registrar no later  
363 than the close of polls on the day of election for which the absentee ballot is valid. The representative  
364 shall be age eighteen 18 or older and shall not be an elected official, a candidate for elected office, or  
365 the deputy, spouse, parent, or child of an elected official or candidate. The voter and representative shall  
366 complete the form prescribed by the State Board to implement the provisions of this section. The form

367 shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot.  
368 Statements on the form shall be subject to felony penalties for making false statements pursuant to  
369 § 24.2-1016.

370 **§ 24.2-705.1. Late applications and in-person absentee voting for business and medical  
371 emergencies.**

372 Any person registered and otherwise qualified to vote who becomes obligated after 12:00 noon on  
373 the Saturday before an election to be absent from his county or city on election day for a purpose  
374 pertaining to (i) his business, profession, or occupation, (ii) the hospitalization of the applicant or a  
375 member of his immediate family, or (iii) the death of a member of his immediate family, may apply for  
376 an absentee ballot and vote absentee in person pursuant to this section and subject to the following  
377 conditions:

378 1. The applicant applies in person for an absentee ballot *offers to vote absentee in person* on the  
379 Monday immediately preceding the election, before 2:00 p.m., at the principal office of the registrar; and

380 2. The applicant signs a statement, which shall be deemed part of his absentee ballot application and  
381 subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is required to  
382 leave the county or city before the opening of the polls on election day for a purpose pertaining to (i)  
383 his business, profession or occupation, (ii) the hospitalization of the applicant or a member of his  
384 immediate family, or (iii) the death of a member of his immediate family, and that he did not have  
385 notice or knowledge of such required travel prior to 12:00 noon on the immediately preceding Saturday.  
386 "Immediate family" means the children including adopted children, grandchildren, grandparents, parents,  
387 legal guardian, siblings, whether of the whole or half blood, and spouse of the applicant.

388 "Hospitalization" refers to confinement in a hospital as defined in § 32.1-123 or 37.2-100 and any  
389 comparable hospital in the District of Columbia or any state contiguous to Virginia.

390 **§ 24.2-705.2. Late applications and in-person absentee voting for certain officers of election.**

391 Any officer of election, registered and otherwise qualified to vote, who is assigned after 12:00 noon  
392 on the Saturday before an election to be absent from his precinct and to serve as an officer of election  
393 in another precinct on election day, may apply for an absentee ballot and vote absentee in person  
394 pursuant to this section and subject to the following conditions:

395 1. The officer of election applies in person for an absentee ballot *offers to vote absentee in person* on  
396 the Monday immediately preceding the election, before 2:00 p.m., at the principal office of the registrar;  
397 and

398 2. The officer signs a statement, which shall be deemed part of his absentee ballot application and  
399 subject to felony penalties for making false statements pursuant to § 24.2-1016, that he has been  
400 assigned to serve in a precinct other than the precinct where he votes and that he did not have notice or  
401 knowledge of such assignment prior to 12:00 noon on the immediately preceding Saturday.

402 **§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.**

403 A. On receipt of an application for an absentee ballot, the general registrar shall enroll the name and  
404 address of each registered applicant on an absentee voter applicant list that shall be maintained in the  
405 office of the general registrar with a file of the applications received. The list shall be available for  
406 inspection and copying and the applications shall be available for inspection only by any registered voter  
407 during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall  
408 provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such  
409 list shall be used only for campaign and political purposes. Any list made available for inspection and  
410 copying under this section shall contain the post office box address in lieu of the residence street  
411 address for any individual who has furnished at the time of registration or subsequently, in addition to  
412 his street address, a post office box address pursuant to subsection B of § 24.2-418.

413 No list or application containing an individual's social security number, or any part thereof, or the  
414 individual's day and month of birth, shall be made available for inspection or copying by anyone. The  
415 Department of Elections shall prescribe procedures for general registrars to make the information in the  
416 lists and applications available in a manner that does not reveal social security numbers or parts thereof,  
417 or an individual's day and month of birth.

418 B. The completion and timely delivery of an application for an absentee ballot shall be construed to  
419 be an offer by the applicant to vote in the election.

420 The general registrar shall note on each application received whether the applicant is or is not a  
421 registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject  
422 the application of any individual because of an error or omission on any record or paper relating to the  
423 application, if such error or omission is not material in determining whether such individual is qualified  
424 to vote absentee.

425 If the application has been properly completed and signed and the applicant is a registered voter of  
426 the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots  
427 for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other

428 evidence of either first-class or expedited mailing or delivery from the United States Postal Service or  
429 other commercial delivery provider, or deliver to him in person in the office of the registrar, the  
430 following items and nothing else:

431 1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except  
432 in presence of a witness."

433 2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which  
434 envelope is printed the following:

435 "Statement of Voter."

436 "I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016,  
437 that my FULL NAME is \_\_\_\_\_ (last, first, middle); that I am now or have been at some time since  
438 last November's general election a legal resident of \_\_\_\_\_ (STATE YOUR LEGAL RESIDENCE IN  
439 VIRGINIA including the house number, street name or rural route address, city, zip code); that I  
440 received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the  
441 envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without  
442 assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning  
443 the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that  
444 I have not voted and will not vote in this election at any other time or place.

445 Signature of Voter \_\_\_\_\_

446 Date \_\_\_\_\_

447 Signature of witness \_\_\_\_\_ "

448 For elections held after January 1, 2004, instead of the envelope containing the above oath, an  
449 envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the  
450 Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to  
451 voters who are qualified to vote absentee under that Act.

452 When this statement has been properly completed and signed by the registered voter and witnessed,  
453 his ballot shall not be subject to challenge pursuant to § 24.2-651.

454 3. A properly addressed envelope for the return of the ballot to the general registrar by mail or by  
455 the applicant in person.

456 4. Printed instructions for completing the ballot and statement on the envelope and returning the  
457 ballot.

458 For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of  
459 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter  
460 votes in a federal election in the state, the printed instructions shall direct the voter to submit with his  
461 ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank  
462 statement, government check, paycheck or other government document that shows the name and address  
463 of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of  
464 identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as  
465 a provisional ballot under the provisions of § 24.2-653. The Department of Elections shall provide  
466 instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to  
467 subsection B of § 24.2-653 and this section.

468 5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee  
469 Voting Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to  
470 the voting rights and responsibilities for such citizens, or information provided by the registrar specific  
471 to the status of the voter registration and absentee ballot application of such voter, may be included.

472 The envelopes and instructions shall be in the form prescribed by the Department of Elections.

473 C. If the applicant completes his application in person under § 24.2-701 at a time when the printed  
474 ballots for the election are available, he may request that the general registrar send to him by mail the  
475 items set forth in subdivisions B 1 through 4, instead of casting the ballot in person. Such request shall  
476 be made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to  
477 vote, and the general registrar shall send those items to the applicant by mail, obtaining a certificate or  
478 other evidence of mailing.

479 D. If the applicant states as the reason for his absence on election day any of the reasons set forth in  
480 subdivision A 2 of § 24.2-700 is a covered voter, as defined in § 24.2-452, the general registrar, at the  
481 time when the printed ballots for the election are available, shall mail by the deadline set forth in  
482 § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set  
483 forth in subdivisions B 1 through 4 and, if necessary, an application for registration. A certificate or  
484 other evidence of mailing shall not be required. If the applicant requests that such items be sent by  
485 electronic transmission, the general registrar, at the time when the printed ballots for the election are  
486 available but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the  
487 blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter.  
488 Such materials shall be sent using the official email address or fax number of the office of the general  
489 registrar published on the Department of Elections website. The State Board of Elections may prescribe

490 by regulation the format of the email address used for transmitting ballots to eligible voters. A general  
491 registrar may also use electronic transmission facilities provided by the Federal Voting Assistance  
492 Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

493 E. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this  
494 section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole  
495 or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur,  
496 or (iii) the campaign committee or the appropriate district political party chairman of such candidate.  
497 Any person who fails to discharge his duty as provided in this section through willful neglect of duty  
498 and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of  
499 § 24.2-1001.

500 **§ 24.2-709. Ballot to be returned in manner prescribed by law.**

501 A. Any ballot returned to the office of the general registrar in any manner except as prescribed by  
502 law shall be void. Absentee ballots shall be returned to the general registrar before the closing of the  
503 polls. The registrar receiving the ballot shall (i) seal the ballot in an envelope with the statement or  
504 declaration of the voter, or both, attached to the outside and (ii) mark on each envelope the date, time,  
505 and manner of delivery. No returned absentee ballot shall be deemed void because the inner envelope  
506 containing the voted ballot is imperfectly sealed so long as the outside envelope containing the ballot  
507 envelope is sealed.

508 B. Notwithstanding the provisions of subsection A, *any absentee ballots ballot* (i) received after the  
509 close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before  
510 the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or  
511 before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast  
512 by ~~an absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700 a covered voter, as defined in § 24.2-452~~, shall be counted pursuant to the procedures set forth in this  
513 chapter ~~and~~, if the voter is found entitled to vote, ~~included in the election returns~~. The electoral board  
514 shall prepare an amended certified abstract, which shall include the results of such ballots, and shall  
515 deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title,  
516 and shall deliver a copy of such abstract to the general registrar to be available for inspection when his  
517 office is open for business.

518 C. Notwithstanding the provisions of clause (i) of subsection B of § 24.2-427, an absentee ballot  
519 returned by a voter in compliance with § 24.2-707 and this section who dies prior to the counting of  
520 absentee ballots on election day shall be counted pursuant to the procedures set forth in this chapter if  
521 the voter is found to have been entitled to vote at the time that he returned the ballot.

522 **§ 24.2-1004. Illegal voting and registrations.**

523 A. Any person who wrongfully deposits a ballot in the ballot container or casts a vote on any voting  
524 equipment, is guilty of a Class 1 misdemeanor.

525 B. Any person who intentionally (i) votes more than once in the same election, whether those votes  
526 are cast in Virginia or in Virginia and any other state or territory of the United States, (ii) procures,  
527 assists, or induces another to vote more than once in the same election, whether those votes are cast in  
528 Virginia or in Virginia and any other state or territory of the United States, (iii) votes knowing that he is  
529 not qualified to vote where and when the vote is to be given, or (iv) procures, assists, or induces  
530 another to vote knowing that such person is not qualified to vote where and when the vote is to be  
531 given is guilty of a Class 6 felony.

532 C. Any person who intentionally (i) registers to vote at more than one residence address at the same  
533 time, whether such registrations are in Virginia or in Virginia and any other state or territory of the  
534 United States, or (ii) procures, assists, or induces another to register to vote at more than one address at  
535 the same time, whether such registrations are in Virginia or in Virginia and any other state or territory  
536 of the United States, is guilty of a Class 6 felony. This subsection shall not apply to any person who,  
537 when registering to vote, changing the address at which he is registered, transferring his registration, or  
538 assisting another in registering, changing his address, or transferring his registration, provides the  
539 information required by § 24.2-418 on the applicant's place of last previous registration to vote.

540 D. Nothing in this section shall be construed to prohibit a ~~person entitled to vote absentee under~~  
541 ~~subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452~~, from casting in the same election  
542 both a state ballot and a write-in absentee ballot that is processed in the manner provided by the  
543 Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.). If both ballots are  
544 received prior to the close of the polls on election day, the state ballot shall be counted.