

22104278D

SENATE BILL NO. 610

Offered January 12, 2022

Prefiled January 12, 2022

A BILL to amend and reenact §§ 2.2-106, 2.2-2905, 24.2-102, 24.2-404, as it is currently effective and as it shall become effective, 24.2-408, 24.2-411.3, 24.2-427, 24.2-643, 24.2-653, 24.2-653.01, 24.2-671.1, 24.2-701, 24.2-701.1, 24.2-707.1, 24.2-709, and 24.2-709.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-707.2, relating to elections.

Patron—Vogel

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-106, 2.2-2905, 24.2-102, 24.2-404, as it is currently effective and as it shall become effective, 24.2-408, 24.2-411.3, 24.2-427, 24.2-643, 24.2-653, 24.2-653.01, 24.2-671.1, 24.2-701, 24.2-701.1, 24.2-707.1, 24.2-709, and 24.2-709.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-707.2 as follows:

§ 2.2-106. Appointment of agency heads; disclosure of resumes; severance.

A. Notwithstanding any provision of law to the contrary, the Governor shall appoint the administrative head of each agency of the executive branch of state government except the:

1. Executive Director of the Virginia Port Authority;
2. Director of the State Council of Higher Education for Virginia;
3. Executive Director of the Department of Wildlife Resources;
4. Executive Director of the Jamestown-Yorktown Foundation;
5. Executive Director of the Motor Vehicle Dealer Board;
6. Librarian of Virginia;
7. Administrator of the Commonwealth's Attorneys' Services Council;
8. Executive Director of the Virginia Housing Development Authority; and
9. Executive Director of the Board of Accountancy; and
10. Commissioner of Elections of the Department of Elections.

However, the manner of selection of those heads of agencies chosen as set forth in the Constitution of Virginia shall continue without change. Each administrative head and Secretary appointed by the Governor pursuant to this section shall (i) be subject to confirmation by the General Assembly, (ii) have the professional qualifications prescribed by law, and (iii) serve at the pleasure of the Governor.

B. As part of the confirmation process for each administrative head and Secretary, the Secretary of the Commonwealth shall provide copies of the resumes and statements of economic interests filed pursuant to § 2.2-3117 to the chairs of the House of Delegates and Senate Committees on Privileges and Elections. For appointments made before January 1, copies shall be provided to the chairs within 30 days of the appointment or by January 7 whichever time is earlier; and for appointments made after January 1 through the regular session of that year, copies shall be provided to the chairs within seven days of the appointment. Each appointee shall be available for interviews by the Committees on Privileges and Elections or other applicable standing committee. For the purposes of this section and § 2.2-107, there shall be a joint subcommittee of the House of Delegates and Senate Committees on Privileges and Elections consisting of five members of the House Committee and three members of the Senate Committee appointed by the respective chairs of the committees to review the resumes and statements of economic interests of gubernatorial appointees. The members of the House of Delegates shall be appointed in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. No appointment confirmed by the General Assembly shall be subject to challenge by reason of a failure to comply with the provisions of this subsection pertaining to the confirmation process.

C. For the purpose of this section, "agency" includes all administrative units established by law or by executive order that are not (i) arms of the legislative or judicial branches of government; (ii) institutions of higher education as classified under §§ 22.1-346, 23.1-1100, 23.1-3210, and 23.1-3216; (iii) regional planning districts, regional transportation authorities or districts, or regional sanitation districts; and (iv) assigned by law to other departments or agencies, not including assignments to secretaries under Article 7 (§ 2.2-215 et seq.) of Chapter 2 of this title.

D. The resumes and applications for appointment submitted by persons who are appointed by the Governor pursuant to this section shall be available to the public upon request.

E. Severance benefits provided to any departing agency head, whether or not appointed by the

INTRODUCED

SB610

59 Governor, shall be publicly announced by the appointing authority prior to such departure.

60 **§ 2.2-2905. Certain officers and employees exempt from chapter.**

61 The provisions of this chapter shall not apply to:

62 1. Officers and employees for whom the Constitution specifically directs the manner of selection;

63 2. Officers and employees of the Supreme Court and the Court of Appeals;

64 3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either
65 house thereof is required or not;

66 4. Officers elected by popular vote or by the General Assembly or either house thereof;

67 5. Members of boards and commissions however selected;

68 6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of
69 accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and
70 notaries public;

71 7. Officers and employees of the General Assembly and persons employed to conduct temporary or
72 special inquiries, investigations, or examinations on its behalf;

73 8. The presidents and teaching and research staffs of state educational institutions;

74 9. Commissioned officers and enlisted personnel of the National Guard;

75 10. Student employees at institutions of higher education and patient or inmate help in other state
76 institutions;

77 11. Upon general or special authorization of the Governor, laborers, temporary employees, and
78 employees compensated on an hourly or daily basis;

79 12. County, city, town, and district officers, deputies, assistants, and employees;

80 13. The employees of the Virginia Workers' Compensation Commission;

81 14. The officers and employees of the Virginia Retirement System;

82 15. Employees whose positions are identified by the State Council of Higher Education and the
83 boards of the Virginia Museum of Fine Arts, The Science Museum of Virginia, the
84 Jamestown-Yorktown Foundation, the Frontier Culture Museum of Virginia, the Virginia Museum of
85 Natural History, the New College Institute, the Southern Virginia Higher Education Center, and The
86 Library of Virginia, and approved by the Director of the Department of Human Resource Management
87 as requiring specialized and professional training;

88 16. Employees of the Virginia Lottery;

89 17. Employees of the Department for the Blind and Vision Impaired's rehabilitative manufacturing
90 and service industries who have a human resources classification of industry worker;

91 18. Employees of the Virginia Commonwealth University Health System Authority;

92 19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for
93 such employees shall be subject to the review and approval of the Board of Visitors of the University of
94 Virginia. The University of Virginia shall ensure that its procedures for hiring University of Virginia
95 Medical Center personnel are based on merit and fitness. Such employees shall remain subject to the
96 provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

97 20. In executive branch agencies, *except for the Department of Elections*, the employee who has
98 accepted serving in the capacity of chief deputy, or equivalent, and the employee who has accepted
99 serving in the capacity of a confidential assistant for policy or administration. An employee serving in
100 either one of these two positions shall be deemed to serve on an employment-at-will basis. An agency
101 may not exceed two employees who serve in this exempt capacity;

102 21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the
103 provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

104 22. Officers and employees of the Virginia Port Authority;

105 23. Employees of the Virginia College Savings Plan;

106 24. Directors of state facilities operated by the Department of Behavioral Health and Developmental
107 Services employed or reemployed by the Commissioner after July 1, 1999, under a contract pursuant to
108 § 37.2-707. Such employees shall remain subject to the provisions of the State Grievance Procedure
109 (§ 2.2-3000 et seq.);

110 25. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as
111 state employees for purposes of participation in the Virginia Retirement System, health insurance, and
112 all other employee benefits offered by the Commonwealth to its classified employees;

113 26. Employees of the Virginia Indigent Defense Commission;

114 27. Any chief of a campus police department that has been designated by the governing body of a
115 public institution of higher education as exempt, pursuant to § 23.1-809;

116 28. The Chief Executive Officer, agents, officers, and employees of the Virginia Alcoholic Beverage
117 Control Authority; and

118 29. Officers and employees of the Fort Monroe Authority.

119 **§ 24.2-102. Appointment; terms; Commissioner of Elections; prohibited activities.**

120 A. The State Board of Elections is continued and shall consist of ~~five~~ six members appointed by the

Governor from the qualified voters of the Commonwealth, subject to confirmation by the General Assembly. In the appointment of the Board, *equal* representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. ~~Three Board members shall be of the political party that east the highest number of votes for Governor at that election.~~ When the Governor was not elected as the candidate of a political party, *equal* representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of the appointment and three Board members shall be of the political party having the highest number of members in the General Assembly. Each political party entitled to an appointment may make and file recommendations with the Governor for the appointment. Its recommendations shall contain the names of at least three qualified voters of the Commonwealth. Appointments shall be made with due consideration of geographical representation, and no two Board members shall reside in the same congressional district.

After the initial staggering of terms, Board members shall serve terms of ~~four~~ six years, which shall begin on February 1 of the year of the appointment. Vacancies shall be filled for the unexpired terms. No member shall be eligible for more than two successive ~~four-year~~ six-year terms. A member appointed for an unexpired term may be appointed for the two succeeding ~~four-year~~ six-year terms.

Each year the Governor shall designate one Board member to be the chair of the Board and one Board member to be the vice-chair. The chair and vice-chair shall be members of opposite political parties.

No member of the Board shall be eligible to offer for or hold an office to be filled in whole or in part by qualified voters in the Commonwealth. If a member resigns to offer for or hold such office, the vacancy shall be filled as provided in this section.

No member of the Board shall serve as the chairman of a state, local, or district level political party committee or as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by qualified voters in the Commonwealth.

B. The ~~Governor~~ Board shall appoint a Commissioner of Elections, subject to confirmation by the General Assembly, to head the Department of Elections and to act as its principal administrative officer. The Commissioner shall be appointed to a term of four years, which shall begin on July 1 of the year following a gubernatorial election. The Commissioner shall be a qualified voter of the Commonwealth. *Such appointment shall require an affirmative vote of five of the six Board members. The Commissioner may be removed by the Board upon an affirmative vote of five of the six Board members.*

The Commissioner shall receive the salary fixed by law. He may employ the personnel required to carry out the duties required by law and imposed by the Board.

The Commissioner shall not be eligible to offer for or hold an office to be filled in whole or in part by qualified voters in the Commonwealth. His candidacy for or election to such office shall vacate his position as Commissioner, and the ~~Governor~~ Board shall fill the vacancy for the unexpired term.

The ~~Governor~~ Board shall not appoint as Commissioner (i) any person who is the spouse of a member of the Board or of a person seeking election to an office or holding an elective office that is filled in whole or in part by qualified voters in the Commonwealth; (ii) any person, or the spouse of any person, who is the grandparent, parent, sibling, child, or grandchild of a member of the Board; or (iii) any person, or the spouse of any person, who is the grandparent, parent, sibling, child, or grandchild of a person seeking election to an office or holding an elective office that is filled in whole or in part by qualified voters in the Commonwealth. The Commissioner shall submit his resignation to the ~~Governor~~ Board on the date that any such person files as a candidate for election to an office that is filled in whole or in part by qualified voters in the Commonwealth.

The Commissioner shall not serve as the chairman of a state, local, or district level political party committee or as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by qualified voters in the Commonwealth.

§ 24.2-404. (Effective until October 1, 2022) Duties of Department of Elections.

A. The Department of Elections shall provide for the continuing operation and maintenance of a central recordkeeping system, the Virginia voter registration system, for all voters registered in the Commonwealth.

In order to operate and maintain the system, the Department shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.
2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.

3. Provide to each general registrar (i) voter confirmation documents for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places and (ii) *voter photo identification cards containing the voter's photograph and signature for free for those voters who do not have one of the forms of identification specified in subsection B of*

§ 24.2-643. *The Department shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of identification specified in subsection B of § 24.2-643 for the purpose of providing such voter a voter photo identification card containing the voter's photograph and signature. The Department shall provide each general registrar with the equipment necessary to obtain a voter's signature and photograph, and no general registrar shall be required to purchase such equipment at his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the Department. The Department may contract with an outside vendor for the production and distribution of voter photo identification cards.*

4. Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, (v) is known not to be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E, or (vi) is otherwise no longer qualified to vote as may be provided by law. Such action shall be taken no later than 30 days after notification from the Department. The Department shall promptly provide the information referred to in this subdivision, upon receiving it, to general registrars.

5. Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.

6. Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.

7. Provide to each general registrar, at least 16 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks. The Department shall provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the Department shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the Department shall provide a regional or statewide list of registered voters to the general registrar of the locality. The Department shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list of registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth.

8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Department.

9. Use any source of information that may assist in carrying out the purposes of this section. All agencies of the Commonwealth shall cooperate with the Department in procuring and exchanging identification information for the purpose of maintaining the voter registration system. The Department may share any information that it receives from another agency of the Commonwealth with any Chief Election Officer of another state for the maintenance of the voter registration system.

10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history, and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and to determine eligibility of individuals to vote in Virginia.

11. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts and polling places, statements of election results by precinct, and any other items required of the Department by law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.

B. The Department shall be authorized to provide for the production, distribution, and receipt of information and lists through the Virginia voter registration system by any appropriate means including, but not limited to, paper and electronic means. The Virginia Freedom of Information Act (§ 2.2-3700 et seq.) shall not apply to records about individuals maintained in this system.

C. The State Board shall institute procedures to ensure that each requirement of this section is fulfilled. As part of its procedures, the State Board shall provide that the general registrar shall mail notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is cancelled.

D. The State Board shall promulgate rules and regulations to ensure the uniform application of the law for determining a person's residence.

E. The Department shall apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter

registration system are United States citizens. Upon approval of the application, the Department shall enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The State Board shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program.

F. The Department shall report annually by October 1 for the preceding 12 months ending August 31 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia voter registration system and the results of those activities. The Department's report shall be governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4, 24.2-408, 24.2-409, 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428. This report shall contain the methodology used in gathering and analyzing the data. The Commissioner of Elections shall certify that the data included in the report is accurate and reliable.

G. *The Department shall conduct periodic assessments to ensure that voters are assigned to the correct state legislative and congressional districts based on their residential addresses. The Department shall share the results of its assessment with the general registrars and require that any voter found to be incorrectly assigned be reassigned to the correct district.*

§ 24.2-404. (Effective October 1, 2022) Duties of Department of Elections.

A. The Department of Elections shall provide for the continuing operation and maintenance of a central recordkeeping system, the Virginia voter registration system, for all voters registered in the Commonwealth.

In order to operate and maintain the system, the Department shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth. Such system shall automatically register a person who has preregistered pursuant to § 24.2-403.1 upon that person becoming eligible for registration under § 24.2-403 or reaching 18 years of age, whichever comes first.

2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.

3. Provide to each general registrar (i) voter confirmation documents for newly registered voters, including voters who were automatically registered pursuant to subdivision 1, and for notice to registered voters on the system of changes and corrections in their registration records and polling places and (ii) *voter photo identification cards containing the voter's photograph and signature for free for those voters who do not have one of the forms of identification specified in subsection B of § 24.2-643. The Department shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of identification specified in subsection B of § 24.2-643 for the purpose of providing such voter a voter photo identification card containing the voter's photograph and signature. The Department shall provide each general registrar with the equipment necessary to obtain a voter's signature and photograph, and no general registrar shall be required to purchase such equipment at his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the Department. The Department may contract with an outside vendor for the production and distribution of voter photo identification cards.*

4. Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, (v) is known not to be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E, or (vi) is otherwise no longer qualified to vote as may be provided by law. Such action shall be taken no later than 30 days after notification from the Department. The Department shall promptly provide the information referred to in this subdivision, upon receiving it, to general registrars.

5. Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.

6. Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.

7. Provide to each general registrar, at least 16 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks. The Department shall provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the Department shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or

305 electronic voter registration inquiry devices are used in precincts in the locality, the Department shall
306 provide a regional or statewide list of registered voters to the general registrar of the locality. The
307 Department shall determine whether regional or statewide data is provided. Neither the pollbook nor the
308 regional or statewide list of registered voters shall include the day and month of birth of the voter, but
309 shall include the voter's year of birth.

310 8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the
311 Department.

312 9. Use any source of information that may assist in carrying out the purposes of this section. All
313 agencies of the Commonwealth shall cooperate with the Department in procuring and exchanging
314 identification information for the purpose of maintaining the voter registration system. The Department
315 may share any information that it receives from another agency of the Commonwealth with any Chief
316 Election Officer of another state for the maintenance of the voter registration system.

317 10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history,
318 and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose
319 addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and
320 to determine eligibility of individuals to vote in Virginia.

321 11. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts
322 and polling places, statements of election results by precinct, and any other items required of the
323 Department by law. Receipts from such sales shall be credited to the Board for reimbursement of
324 printing expenses.

325 B. The Department shall be authorized to provide for the production, distribution, and receipt of
326 information and lists through the Virginia voter registration system by any appropriate means including,
327 but not limited to, paper and electronic means. The Virginia Freedom of Information Act (§ 2.2-3700 et
328 seq.) shall not apply to records about individuals maintained in this system.

329 C. The State Board shall institute procedures to ensure that each requirement of this section is
330 fulfilled. As part of its procedures, the State Board shall provide that the general registrar shall mail
331 notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is
332 cancelled.

333 D. The State Board shall promulgate rules and regulations to ensure the uniform application of the
334 law for determining a person's residence.

335 E. The Department shall apply to participate in the Systematic Alien Verification for Entitlements
336 Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S.
337 Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter
338 registration system are United States citizens. Upon approval of the application, the Department shall
339 enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The
340 State Board shall promulgate rules and regulations governing the use of the immigration status and
341 citizenship status information received from the SAVE Program.

342 F. The Department shall report annually by October 1 for the preceding 12 months ending August 31
343 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the
344 Virginia voter registration system and the results of those activities. The Department's report shall be
345 governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to
346 subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4, 24.2-408,
347 24.2-409, 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428. This report shall contain the
348 methodology used in gathering and analyzing the data. The Commissioner of Elections shall certify that
349 the data included in the report is accurate and reliable.

350 G. *The Department shall conduct periodic assessments to ensure that voters are assigned to the*
351 *correct state legislative and congressional districts based on their residential addresses. The Department*
352 *shall share the results of its assessment with the general registrars and require that any voter found to*
353 *be incorrectly assigned be reassigned to the correct district.*

354 **§ 24.2-408. State Registrar of Vital Records to transmit weekly lists of decedents to Department**
355 **of Elections.**

356 The State Registrar of Vital Records shall transmit to the Department of Elections by electronic
357 means a ~~monthly~~ weekly list of all persons of the age of ~~seventeen~~ 17 years or more who shall have
358 died in the Commonwealth subsequent to its previous ~~monthly~~ weekly list. The lists shall be in a format
359 specified by the Department and shall contain the deceased's name; address; county, city, or town of
360 residence; social security number, if any; and date and place of his birth and of his death. The
361 Department shall maintain a permanent record of the information in the lists as part of the voter
362 registration system. ~~The and the~~ general registrars shall ~~have access to~~ use the information in the lists to
363 carry out their duties pursuant to § 24.2-427. Information in the lists shall be confidential and consistent
364 with the requirements of § 32.1-271.

365 **§ 24.2-411.3. Registration of Department of Motor Vehicles customers.**

366 A. Each person coming into an office of the Department of Motor Vehicles or accessing its website

in order to (i) apply for, replace, or renew a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3 or identification privilege cards issued pursuant to § 46.2-345.3; or (ii) change an address on an existing driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3 or identification privilege cards issued pursuant to § 46.2-345.3 shall be presented with (a) a question asking whether or not the person is a United States citizen and (b) the option to decline to have his information transmitted to the Department of Elections for voter registration purposes. The citizenship question and option to decline shall be accompanied by a statement that intentionally making a materially false statement during the transaction constitutes election fraud and is punishable under Virginia law as a felony.

The Department of Motor Vehicles may not transmit the information of any person who so declines. The Department of Motor Vehicles may not transmit the information of any person who indicates that he is not a United States citizen, nor may such person be asked any additional questions relevant to voter registration but not relevant to the purpose for which the person came to an office of the Department of Motor Vehicles or accessed its website.

B. For each person who does not select the option to decline to have his information transmitted to the Department of Elections for voter registration purposes and who has identified himself as a United States citizen, the Department of Motor Vehicles shall request any information as may be required by the State Board to ensure that the person meets all voter registration eligibility requirements.

C. The Department of Motor Vehicles shall electronically transmit to the Department of Elections, in accordance with the standards set by the State Board, the information collected pursuant to subsection B for any person who (i) has indicated that he is a United States citizen, (ii) has indicated that he is 17 years of age or older, and (iii) at the time of such transaction did not decline to have his information transmitted to the Department of Elections for voter registration purposes.

D. The Department of Elections shall use the information transmitted to determine whether a person already has a registration record in the voter registration system.

1. For any person who does not yet have a registration record in the voter registration system, the Department of Elections shall transmit the information to the appropriate general registrar. The general registrar shall accept or reject the registration of such person in accordance with the provisions of this chapter.

2. For any person who already has a registration record in the voter registration system, if the information indicates that the voter has moved within the Commonwealth, the Department of Elections shall transmit the information and the registration record to the appropriate general registrar, who shall treat such transmittal as a request for transfer and process it in accordance with the provisions of this chapter.

3. General registrars shall not register any person who does not satisfy all voter eligibility requirements.

E. The Department of Motor Vehicles shall provide assistance as required in providing voter photo identification cards as provided in subdivision A 3 of § 24.2-404.

§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or disqualified to vote.

A. Any registered voter may cancel his registration and have his name removed from the central registration records by signing an authorization for cancellation and mailing or otherwise submitting the signed authorization to the general registrar. When submitted by any means other than when notarized or in person, such cancellation must be made at least 22 days prior to an election in order to be valid in that election. The general registrar shall acknowledge receipt of the authorization and advise the voter in person or by first-class mail that his registration has been canceled within 10 days of receipt of such authorization.

B. The general registrar shall cancel *promptly* the registration of (i) all persons known by him based on the information provided by the State Registrar of Vital Records pursuant to § 24.2-408 to be deceased ~~or~~; (ii) all persons known by him to be disqualified to vote by reason of a felony conviction or adjudication of incapacity; ~~(iii)~~ (iii) all persons known by him not to be United States citizens by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 and in accordance with the requirements of subsection B1; ~~(iii)~~ (iv) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has moved from the Commonwealth; and ~~(iv)~~ (v) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in clauses ~~(iii)~~ (iv) and ~~(iv)~~ (v) shall be considered as a written request from the voter to have his registration cancelled. A

428 voter's registration may be cancelled at any time during the year in which the general registrar discovers
429 that the person is no longer entitled to be registered. The general registrar shall mail notice of any
430 cancellation to the person whose registration is cancelled.

431 B1. The general registrar shall mail notice promptly to all persons known by him not to be United
432 States citizens by reason of a report from the Department of Motor Vehicles pursuant to § 24.2-410.1 or
433 from the Department of Elections based on information received from the Systematic Alien Verification
434 for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 prior to cancelling
435 their registrations. The notice shall inform the person of the report from the Department of Motor
436 Vehicles or from the Department of Elections and allow the person to submit his sworn statement that
437 he is a United States citizen within 14 days of the date that the notice was mailed. The general registrar
438 shall cancel the registrations of such persons who do not respond within 14 days to the notice that they
439 have been reported not to be United States citizens.

440 B2. The general registrar shall (i) process the Department's most recent list of persons convicted of
441 felonies within 21 to 14 days before any primary or general election, (ii) cancel the registration of any
442 registered voter shown to have been convicted of a felony who has not provided evidence that his right
443 to vote has been restored, and (iii) send prompt notice to the person of the cancellation of his
444 registration. If it appears that any registered voter has made a false statement on his registration
445 application with respect to his having been convicted of a felony, the general registrar shall report the
446 fact to the attorney for the Commonwealth for prosecution under § 24.2-1016 for a false statement made
447 on his registration application.

448 C. The general registrar may cancel the registration of any person for whom a notice has been
449 submitted to the Department of Motor Vehicles in accordance with the Driver License Compact set out
450 in Article 18 (§ 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that
451 the voter has moved from the Commonwealth; provided that the registrar shall mail notice of such
452 cancellation to the person at both his new address, as reported to the Department of Motor Vehicles, and
453 the address at which he had most recently been registered in Virginia. No general registrar may cancel
454 registrations under this authority while the registration records are closed pursuant to § 24.2-416. No
455 registrar may cancel the registration under this authority of any person entitled to register under the
456 provisions of subsection A of § 24.2-420.1, and shall reinstate the registration of any otherwise qualified
457 voter covered by subsection A of § 24.2-420.1 who applies to vote within four years of the date of
458 cancellation.

459 **§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

460 A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers
461 of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the
462 voting booth and furnishing an official ballot to him.

463 B. An officer of election shall ask the voter for his full name and current residence address and the
464 voter may give such information orally or in writing. The officer of election shall verify with the voter
465 his full name and address and shall repeat, in a voice audible to party and candidate representatives
466 present, the full name provided by the voter. The officer shall ask the voter to present any one of the
467 following forms of identification: (i) ~~his voter confirmation documents~~; (ii) his valid Virginia driver's
468 license, his valid United States passport, or any other identification issued by the Commonwealth, one of
469 its political subdivisions, or the United States, other than a driver privilege card issued under
470 § 46.2-328.3 or an identification privilege card issued under § 46.2-345.3; ~~(iii)~~ (ii) any valid student
471 identification card *containing a photograph of the voter and* issued by any institution of higher
472 education located in the Commonwealth or any private school located in the Commonwealth; ~~(iv)~~ (iii)
473 any valid student identification card containing a photograph of the voter and issued by any institution
474 of higher education located in any other state or territory of the United States; ~~(v)~~ or (iv) any valid
475 employee identification card containing a photograph of the voter and issued by an employer of the
476 voter in the ordinary course of the employer's business; or (vi) a copy of a current utility bill, bank
477 statement, government check, paycheck, or other government document containing the name and address
478 of the voter. The expiration date on a Virginia driver's license shall not be considered when determining
479 the validity of the driver's license offered for purposes of this section.

480 Except as provided in subsection E, any Any voter who does not show one of the forms of
481 identification specified in this subsection shall be allowed to vote after signing a statement, subject to
482 felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he
483 claims to be. A voter who requires assistance in voting by reason of a physical disability or an inability
484 to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of
485 this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are
486 unable to sign shall be followed when assisting a voter in completing this statement. A voter who does
487 not show one of the forms of identification specified in this subsection and does not sign this statement
488 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections
489 shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar

or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.

If the voter presents one of the forms of identification listed above, if his name is found on the pollbook in a form identical to or substantially similar to the name on the presented form of identification and the name provided by the voter, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to extend outside of the room containing the voting booths and shall remain under observation by the officers of election.

A voter may be accompanied into the voting booth by his child age 15 or younger.

C. If the current residence address provided by the voter is different from the address shown on the pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

~~E. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of this section and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.~~

§ 24.2-653. Provisional voting; procedures in polling place.

A. Any person voting provisionally pursuant to subsection B of § 24.2-643, § 24.2-651.1, subsection B of § 24.2-652, or § 24.2-653.1 or 24.2-653.2 shall be given a printed ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the Department of Elections, the identifying information required on the envelope, including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. If he is unable to present one of these forms of identification, he shall sign a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. The officers of election shall note on the green envelope whether or not the voter has presented one of the specified forms of identification or signed the required statement in lieu of presenting one of the specified forms of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as having voted.

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the printed ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then promptly be placed in the ballot container by an officer of election.

B. An officer of election, by a written notice given to the voter, shall inform him that a determination of his right to vote shall be made by the electoral board and advise the voter of the beginning time and place for the board's meeting and of the voter's right to be present at that meeting. If

551 the voter is voting provisionally as required by § 24.2-643, an officer of election, by written notice given
552 to the voter, shall also inform him that he may submit a copy of one of the forms of identification
553 specified in subsection B of § 24.2-643 ~~or a statement, signed by him subject to felony penalties for~~
554 ~~false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be to the~~
555 electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal
556 Service or commercial mail delivery, to be received by the electoral board no later than noon on the
557 third day after the election.

558 C. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be
559 sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes
560 contained therein, and signed by the officers of election who counted them. All provisional votes
561 envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such
562 envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the
563 electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

564 **§ 24.2-653.01. Provisional ballots; electoral boards to make determination as to validity.**

565 A. The electoral board shall meet on the day following the election and determine whether each
566 person having submitted a provisional vote pursuant to § 24.2-653 was entitled to do so as a qualified
567 voter in the precinct in which he offered the provisional vote. In the case of persons voting provisionally
568 pursuant to § 24.2-653.3, the electoral board shall determine of which district the person is a qualified
569 voter. At the meeting, the voter may request an extension of the determination of the provisional vote in
570 order to provide information to prove that the voter is entitled to vote in the precinct pursuant to
571 § 24.2-401. The electoral board shall have the authority to grant such extensions that it deems reasonable
572 to determine the status of a provisional vote.

573 If the board is unable to determine the validity of all the provisional ballots offered in the election,
574 or has granted any voter who has offered a provisional ballot an extension, the meeting shall stand
575 adjourned, not to exceed seven calendar days from the date of the election, until the board has
576 determined the validity of all provisional ballots offered in the election.

577 B. The electoral board shall permit one authorized representative of each political party or
578 independent candidate in a general or special election or one authorized representative of each candidate
579 in a primary election to remain in the room in which the determination is being made as an observer so
580 long as he does not participate in the proceedings and does not impede the orderly conduct of the
581 determination. Each authorized representative shall be a qualified voter of any jurisdiction of the
582 Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to
583 the electoral board a written statement designating him to be a representative of the party or candidate
584 and signed by the county or city chairman of his political party, the independent candidate, or the
585 primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written
586 designation, such a designation may be made by the state or district chairman of the political party.
587 However, no written designation made by a state or district chairman shall take precedence over a
588 written designation made by the county or city chairman. Such statement, bearing the chairman's or
589 candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy
590 had been signed.

591 Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.),
592 attendance at meetings of the electoral board to determine the validity of provisional ballots shall be
593 permitted only for the authorized representatives provided for in this subsection, for the persons whose
594 provisional votes are being considered and their representative or legal counsel, and for appropriate staff
595 and legal counsel for the electoral board.

596 C. If the electoral board determines that such person was not entitled to vote as a qualified voter in
597 the precinct or district in which he offered the provisional vote, is unable to determine his right to vote,
598 or has not been provided one of the forms of identification specified in subsection B of § 24.2-643, ~~or~~
599 ~~the signed statement that the voter is the named registered voter he claims to be,~~ the envelope
600 containing his ballot shall not be opened and his vote shall not be counted. The general registrar shall
601 notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose
602 provisional vote was not counted.

603 The provisional vote shall be counted if (i) such person is entitled to vote in the precinct pursuant to
604 § 24.2-401 or (ii) the Department of Elections or the voter presents proof that indicates the voter
605 submitted an application for registration to a state-designated voter registration agency or the voter's
606 information was transmitted by the Department of Motor Vehicles to the Department of Elections
607 pursuant to § 24.2-411.3 prior to the close of registration pursuant to § 24.2-416 and the registrar
608 determines that the person was qualified for registration based upon the application for registration
609 submitted by the person pursuant to subsection B of § 24.2-652.

610 If the electoral board determines that such person was entitled to vote, the name of the voter shall be
611 entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and
612 the ballot shall be placed in a ballot container without any inspection further than that provided for in

§ 24.2-646.

D. On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote. However, any voter who cast a provisional ballot and is determined by the electoral board to have been entitled to vote shall have his name included on the list of persons who voted that is submitted to the Department of Elections pursuant to § 24.2-406.

E. The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

§ 24.2-671.1. Audits of ballot scanner machines.

A. The Department of Elections shall coordinate a post-election risk-limiting audit annually of ballot scanner machines in use in the Commonwealth. The localities selected for the audit shall be chosen at random with every locality participating in the Department's annual audit at least once during a five-year period. The purpose of the audits shall be to study the accuracy of ballot scanner machines.

~~B. No audit~~ Audits conducted pursuant to this section shall ~~commence until after the election has been certified and the period to initiate a recount has expired without the initiation of a recount.~~ An audit shall have no effect on the election results.

C. All audits conducted pursuant to this section shall be performed by the local electoral boards and general registrars in accordance with the procedures prescribed by the Department. The procedures established by the Department shall include its procedures for conducting hand counts of ballots. Candidates and political parties may have representatives observe the audits.

D. The local electoral boards shall report the results of the audit of the ballot scanner machines in their jurisdiction to the Department. At the conclusion of each audit, the Department shall submit a report to the State Board. The report shall include a comparison of the audited election results and the initial tally for each machine audited and an analysis of any detected discrepancies.

§ 24.2-701. Application for absentee ballot.

A. The Department 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 Department 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.

Except as provided in § 24.2-703 or 24.2-703.1, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot 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.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any covered voter, as defined in § 24.2-452.

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

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

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 completed only in the office of the general registrar and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643; ~~or if he is unable to present one of the specified forms of identification listed in that subsection, he shall sign a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. An applicant who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643~~

674 or does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653.
675 The State Board of Elections shall provide instructions to the general registrar for the handling and
676 counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

677 This paragraph shall apply in the case of any individual who is required by subparagraph (b) of 52
678 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a
679 federal election in the state. At such election, such individual shall present (i) a current and valid photo
680 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or
681 other government document that shows the name and address of the voter. Such individual who desires
682 to vote in person but does not show one of the forms of identification specified in this paragraph shall
683 be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of
684 subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such
685 election. The Department of Elections shall provide instructions to the electoral boards for the handling
686 and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

687 2. Any other application may be made by mail, by electronic or telephonic transmission to a
688 facsimile device if one is available to the office of the general registrar or to the office of the
689 Department if a device is not available locally, or by other means. The application shall be on a form
690 furnished by the registrar or as specified in subdivision 3. The application shall be made to the
691 appropriate registrar no later than 5:00 p.m. on the eleventh day prior to the election in which the
692 applicant offers to vote.

693 3. The application of any covered voter, as defined in § 24.2-452, may be on a federal postcard
694 application, as defined in § 24.2-452. The federal postcard application may be accepted the later of (i)
695 12 months before an election or (ii) the day following any election held in the twelfth month prior to
696 the election in which the applicant is applying to vote.

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

698 1. The applicant's printed name and the last four digits of the applicant's social security number.
699 However, an applicant completing the application in person shall not be required to provide the last four
700 digits of his social security number;

701 2. A statement that he is registered in the county or city in which he offers to vote and his residence
702 address in such county or city. Any person temporarily residing outside the United States shall provide
703 the last date of residency at his Virginia residence address, if that residence is no longer available to
704 him. Any covered voter, as defined in § 24.2-452, who is not a registered voter may file the applications
705 to register and for a ballot simultaneously; and

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

713 D. An application shall not be required for any registered voter appearing in person to cast an
714 absentee ballot pursuant to § 24.2-701.1.

715 **§ 24.2-701.1. Absentee voting in person.**

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

721 Any registered voter offering to vote absentee in person shall provide his name and his residence
722 address in the county or city in which he is offering to vote. After verifying that the voter is a registered
723 voter of that county or city, the general registrar shall enroll the voter's name and address on the
724 absentee voter applicant list maintained pursuant to § 24.2-706.

725 Except as provided in subsection F, A registered voter voting by absentee ballot in person shall
726 provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show
727 one of the forms of identification specified in subsection B of § 24.2-643, he shall be allowed to vote
728 after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he
729 is the named registered voter he claims to be. A voter who requires assistance in voting by reason of a
730 physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649,
731 may be assisted in preparation of this statement in accordance with that section. The provisions of
732 § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in
733 completing this statement. A voter who does not show one of the forms of identification specified in
734 this subsection or does not sign this statement shall be offered a provisional ballot under the provisions
735 of § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and

counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

B. Absentee voting in person shall be available during regular business hours. The electoral board of each county and city shall provide for absentee voting in person in the office of the general registrar or a voter satellite office established pursuant to § 24.2-701.2. For purposes of this chapter, such offices shall be open to the public a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. The electoral board or general registrar may provide for absentee voting in person in such offices on Sundays. Any applicant who is in line to cast his ballot when the office of the general registrar or voter satellite office closes shall be permitted to cast his absentee ballot that day.

C. The general registrar may provide for the casting of absentee ballots in person pursuant to this section on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures shall provide for absentee voting in person on voting systems that have been certified and are currently approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to all localities using comparable voting systems.

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

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

F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

§ 24.2-707.1. Drop-off locations for return of absentee ballots.

A. The general registrar of each county or city shall establish at the office of the general registrar and each voter satellite office in operation for an election a drop-off location for the purpose of allowing the deposit of completed absentee ballots for such election. On the day of the election, there shall also be a drop-off location at each polling place in operation for the election. The general registrar may establish additional drop-off locations within the county or city as he deems necessary. All drop-off locations shall be accessible; be on public property, unless located at a polling place; and otherwise comply with any criteria for drop-off locations set by the Department.

B. The Department shall set standards for the establishment and operation of drop-off locations, including necessary security requirements. The Department shall submit such standards annually by October 1 to the Chairmen of the House and Senate Committees on Privileges and Elections, the Senate Committee on Finance and Appropriations, and the House Committee on Appropriations.

C. Not later than 55 days prior to any election, the general registrar shall post notice of the sites of the drop-off locations in the locality in the office of the general registrar and on the official website of the county or city. Such notice shall remain in the office of the general registrar and on the official website of the county or city for the duration of the period during which absentee ballots may be returned.

D. Absentee ballots shall be collected from drop-off locations in accordance with the instructions provided by the Department. Such instructions shall include chain of custody requirements and recordkeeping requirements. Absentee ballots shall be collected at least daily by (i) two officers of election or electoral board members representing the two major political parties where practicable or (ii) two employees from the office of the general registrar, unless the drop-off location is in the office of the general registrar, in which case the general registrar or an assistant general registrar may collect the absentee ballots.

§ 24.2-707.2. Collection of absentee ballots from drop-off locations.

A. Absentee ballots shall be collected at least daily from all absentee ballot drop-off locations while such locations are in use.

B. Absentee ballots shall be collected by (i) two officers of election or electoral board members representing the two major political parties where practicable or (ii) two employees from the office of the general registrar, unless the drop-off location is in the office of the general registrar, in which case

797 *the general registrar or an assistant general registrar may collect the absentee ballots.*

798 *C. Upon removing absentee ballots from the drop-off location, the person removing such ballots*
799 *shall sign a form provided by the State Board that shall include the date, time, location, number of*
800 *absentee ballots collected, confirmation that an unsupervised drop-off location was locked after the*
801 *removal of the absentee ballots, and the identity of each person collecting the absentee ballots. The*
802 *collected absentee ballots shall be placed in a secure container and then immediately transported to the*
803 *general registrar's office.*

804 *D. The Department shall provide additional detailed instructions for the collection of absentee*
805 *ballots from drop-off locations that may include additional chain of custody and recordkeeping*
806 *requirements to those provided in this section.*

807 **§ 24.2-709. Ballot to be returned in manner prescribed by law.**

808 A. Any ballot returned to the office of the general registrar or to a drop-off location in any manner
809 except as prescribed by law shall be void. Absentee ballots shall be returned to the general registrar or
810 to a drop-off location before the closing of the polls. Any voter who is in line to return an absentee
811 ballot at a drop-off location by 7:00 p.m. on the day of the election shall be permitted to deposit his
812 absentee ballot. The registrar receiving the ballot shall (i) seal the ballot in an envelope with the
813 statement or declaration of the voter, or both, attached to the outside and (ii) mark on each envelope the
814 date, time, and manner of delivery. No returned absentee ballot shall be deemed void because (a) the
815 inner envelope containing the voted ballot is imperfectly sealed so long as the outside envelope
816 containing the ballot envelope is sealed or (b) it is not returned sealed in the outside envelope so long as
817 it is returned sealed in the inner envelope.

818 B. Notwithstanding the provisions of subsection A, any absentee ballot (i) returned to the general
819 registrar after the closing of the polls on election day but before noon on the third day after the election
820 and (ii) *legibly* postmarked on or before the date of the election shall be counted pursuant to the
821 procedures set forth in this chapter if the voter is found entitled to vote. ~~For purposes of this subsection,~~
822 ~~a postmark shall include any other official indicia of confirmation of mailing by the United States Postal~~
823 ~~Service or other postal or delivery service.~~

824 C. Notwithstanding the provisions of subsection A, any absentee ballot (i) received after the close of
825 the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State
826 Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but
827 not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by a
828 covered voter, as defined in § 24.2-452, shall be counted pursuant to the procedures set forth in this
829 chapter if the voter is found entitled to vote. The electoral board shall prepare an amended certified
830 abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board
831 by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract
832 to the general registrar to be available for inspection when his office is open for business.

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

837 **§ 24.2-709.1. Processing returned absentee ballots before election day; cure process.**

838 A. On receipt of an absentee ballot returned in person or by mail to the office of the general registrar
839 or to a drop-off location before election day, the general registrar shall mark the date *and method* of
840 receipt in the voter's record and shall examine the ballot envelope to verify completion of the required
841 voter affirmation. A voter affirmation statement shall not be deemed to be incomplete on the sole basis
842 of the voter's failure to provide (i) his full name or his middle initial, as long as the voter provided his
843 full first and last name, or (ii) the date, or any part of the date, including the year, on which he signed
844 the statement.

845 B. If the voter affirmation has been completed as required, the general registrar may open the sealed
846 ballot envelope and insert the ballot in optical scan counting equipment or other secure ballot container
847 without initiating any ballot count totals. If a general registrar does not choose to do so, the sealed
848 ballot envelope shall be deposited into a secure container provided for such purpose, in which it shall
849 remain until the general registrar initiates the process of opening the sealed ballot envelopes deposited
850 into the secure container and inserting such ballots into optical scan counting equipment without
851 initiating any ballot count totals. Such process shall be at the general registrar's discretion at any time
852 prior to the seventh day immediately preceding the election but shall be mandatory beginning on the
853 seventh day immediately preceding the election.

854 At least two officers of election, one representing each political party, shall be present during all
855 hours when sealed ballot envelopes are opened as authorized in or required by this subsection. No
856 person present while sealed ballot envelopes are opened and ballots are inserted into counting equipment
857 shall disclose any information concerning the ballots.

858 In the event that circumstances prevent a general registrar from complying with the provisions of this

subsection, such failure shall not be grounds for contesting the election pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8 and shall not invalidate the absentee ballots.

C. For any absentee ballot received by the Friday immediately preceding the day of the election, if the general registrar finds during the examination of the ballot envelope that the required voter affirmation was not correctly or completely filled out or that a procedure required by § 24.2-707 was not properly followed, and such error or failure would render the ballot void by law, the general registrar shall enter into the voter's record in the voter registration system that the absentee ballot has an issue requiring correction in order for it to be counted. This information shall be included on any absentee voter applicant list provided pursuant to subsection C of § 24.2-710.

Within three days of such finding, the registrar shall notify the voter in writing or by email of the error or failure and shall provide information to the voter on how to correct the issue so his ballot may be counted. The voter shall be entitled to make such necessary corrections before noon on the third day after the election, and his ballot shall then be counted pursuant to the procedures set forth in this chapter if he is found to be entitled to vote. No absentee ballot needing correction shall be delivered to the officers of election at the appropriate precinct until the voter is provided the opportunity to make the necessary corrections pursuant to this subsection.

The general registrar may issue a new absentee ballot to the voter if necessary and shall preserve the first ballot with other spoiled ballots.

2. That, no later than October 1, 2022, the Department of Elections shall provide the means for each registered voter to indicate whether he opts to be required to present a valid photo identification issued by the Commonwealth, one of its political subdivisions, or the United States when voting in person.

3. That the Department of Elections, in consultation with the Virginia Information Technologies Agency, shall convene a work group to evaluate, report, and make recommendations on the performance of the Virginia voter registration system to the House and Senate Committees on Privileges and Elections by December 1 of each year.

4. That the Department of Elections, in consultation with the Voter Registrars Association of Virginia, shall convene a work group to develop and implement a plan to provide oversight to local election administration to assess risks to Virginia's administration of elections and to make recommendations to the House and Senate Committees on Privileges and Elections by December 1, 2022.

5. That the provisions of this act amending §§ 2.2-106 and 24.2-102 of the Code of Virginia shall become effective on January 1, 2023.

6. That the initial appointments of members of the State Board of Elections shall be staggered as follows: one member, representing the political party of the Governor, shall be appointed for a term of one year; one member, representing the political party that had the next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election, shall be appointed for a term of two years; one member, representing the political party of the Governor, shall be appointed for a term of three years; one member, representing the political party that had the next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election, shall be appointed for a term of four years; one member, representing the political party of the Governor, shall be appointed for a term of five years; and one member, representing the political party that had the next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election, shall be appointed for a term of six years. After the initial appointments of members of the State Board of Elections pursuant to this enactment, appointments shall be for terms of six years beginning on February 1 of the year of the appointment.