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HOUSE BILL NO. 1467

Offered January 11, 2023

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A BILL to amend and reenact §§ 24.2-404, 24.2-411.3, 24.2-420.1, 24.2-643, 24.2-653, 24.2-653.01, 24.2-701, 24.2-701.1, 24.2-706, 24.2-707, 24.2-709, and 24.2-709.1 of the Code of Virginia and to repeal § 24.2-707.1 of the Code of Virginia, relating to elections; voter identification containing photograph required; who may register up to and including the day of the election; absentee ballot application requirements; absentee voting in person availability; return of absentee ballots.

Patron—Wyatt

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404, 24.2-411.3, 24.2-420.1, 24.2-643, 24.2-653, 24.2-653.01, 24.2-701, 24.2-701.1, 24.2-706, 24.2-707, 24.2-709, and 24.2-709.1 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-404. 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 with 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

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59 efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the
60 Department shall provide any general registrar, upon his request, with a separate electronic list of all
61 registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or
62 electronic voter registration inquiry devices are used in precincts in the locality, the Department shall
63 provide a regional or statewide list of registered voters to the general registrar of the locality. The
64 Department shall determine whether regional or statewide data is provided. Neither the pollbook nor the
65 regional or statewide list of registered voters shall include the day and month of birth of the voter, but
66 shall include the voter's year of birth.

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

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

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

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

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

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

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

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

99 F. The Department shall report annually by October 1 for the preceding 12 months ending August 31
100 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the
101 Virginia voter registration system and the results of those activities. The Department's report shall be
102 governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to
103 subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4, 24.2-408,
104 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
105 methodology used in gathering and analyzing the data. The Commissioner of Elections shall certify that
106 the data included in the report is accurate and reliable.

107 **§ 24.2-411.3. Registration of Department of Motor Vehicles customers.**

108 A. Each person coming into an office of the Department of Motor Vehicles or accessing its website
109 in order to (i) apply for, replace, or renew a driver's license or other document issued under Chapter 3
110 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3
111 or identification privilege cards issued pursuant to § 46.2-345.3; or (ii) change an address on an existing
112 driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except
113 driver privilege cards or permits issued pursuant to § 46.2-328.3 or identification privilege cards issued
114 pursuant to § 46.2-345.3 shall be presented with (a) a question asking whether or not the person is a
115 United States citizen and (b) the option to decline to have his information transmitted to the Department
116 of Elections for voter registration purposes. The citizenship question and option to decline shall be
117 accompanied by a statement that intentionally making a materially false statement during the transaction
118 constitutes election fraud and is punishable under Virginia law as a felony.

119 The Department of Motor Vehicles may not transmit the information of any person who so declines.
120 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 to provide voter photo identification cards in accordance with subdivision A 3 of § 24.2-404.

§ 24.2-420.1. Extended time for certain persons to register in person.

A. Notwithstanding the provisions of § 24.2-416, ~~any person who is qualified to register to vote the following persons~~ shall be entitled to register in person up to and including the day of the election ~~at the office of the general registrar in the locality in which such person resides or at the polling place for the precinct in which such person resides:~~

1. Any member of a uniformed service, as defined in § 24.2-452, who is on active duty;

2. Any person who resides temporarily outside of the United States; and

3. Any spouse or dependent residing with a person listed in subdivision 1 or 2.

The provisions of this subsection shall apply only to those persons who are otherwise qualified to register and who, by reason of such active duty or temporary overseas residency, either (i) are normally absent from the city or county in which they reside or (ii) have been absent from such city or county and returned to reside there during the 28 days immediately preceding the election.

B. Notwithstanding the provisions of § 24.2-416, any person who was on active duty as a member of a uniformed service as defined in § 24.2-452 and discharged from the uniformed service during the 60 days immediately preceding the election, and his spouse or dependent, shall be entitled to register, if otherwise qualified, in person up to and including the day of the election.

C. The Department shall prescribe procedures for the addition of persons registered under this section to the lists of registered voters.

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

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

B. An officer of election shall ask the voter for his full name and current residence address and the voter may give such information orally or in writing. The officer of election shall verify with the voter his full name and address and shall repeat, in a voice audible to party and candidate representatives present, the full name provided by the voter. The officer shall ask the voter to present any one of the following forms of identification: (i) ~~his voter confirmation documents;~~ (ii) his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States, other than a driver privilege card issued under § 46.2-328.3 or an identification privilege card issued under § 46.2-345.3; ~~(iii) (ii) any valid student identification card containing a photograph of the voter and issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth;~~ ~~(iv) (iii) any valid student identification card containing a photograph of the voter and issued by any institution of higher education located in any other state or territory of the United States;~~ ~~(v) or (iv) any valid~~

182 employee identification card containing a photograph of the voter and issued by an employer of the
183 voter in the ordinary course of the employer's business; or (vi) a copy of a current utility bill, bank
184 statement, government check, paycheck, or other government document containing the name and address
185 of the voter. The expiration date on a Virginia driver's license shall not be considered when determining
186 the validity of the driver's license offered for purposes of this section.

187 Except as provided in subsection E, any Any voter who does not show one of the forms of
188 identification specified in this subsection shall be allowed to vote after signing a statement, subject to
189 felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he
190 claims to be. A voter who requires assistance in voting by reason of a physical disability or an inability
191 to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of
192 this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are
193 unable to sign shall be followed when assisting a voter in completing this statement. A voter who does
194 not show one of the forms of identification specified in this subsection and does not sign this statement
195 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections
196 shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar
197 or electoral board other than matching submitted identification documents from the voter for the
198 electoral board to make a determination on whether to count the ballot.

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

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

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

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

226 E. This subsection shall apply in the case of any individual who is required by subparagraph (b) of
227 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes
228 in a federal election in the state. At such election, such individual shall present (i) a current and valid
229 photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck,
230 or other government document that shows the name and address of the voter. Such individual who
231 desires to vote in person but does not show one of the forms of identification specified in this
232 subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification
233 requirements of subsection B of this section and subsection A of § 24.2-653 shall not apply to such
234 voter at such election. The Department of Elections shall provide instructions to the electoral boards for
235 the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this
236 section.

237 **§ 24.2-653. Provisional voting; procedures in polling place.**

238 A. Any person voting provisionally pursuant to subsection B of § 24.2-643, § 24.2-651.1, subsection
239 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
240 penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the
241 Department of Elections, the identifying information required on the envelope, including the last four
242 digits of his social security number, if any, full name including the maiden or any other prior legal
243 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 the voter is voting provisionally as required by § 24.2-643, an officer of election, by written notice given to the voter, shall also inform him that he may submit a copy of one of the forms of identification specified in subsection B of § 24.2-643 or a statement, signed by him subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election.

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

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

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

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

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

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

C. If the electoral board determines that such person was not entitled to vote as a qualified voter in

the precinct or district in which he offered the provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of identification specified in subsection B of § 24.2-643, ~~or the signed statement that the voter is the named registered voter he claims to be,~~ the envelope containing his ballot shall not be opened and his vote shall not be counted. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

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

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and 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.

§ 24.2-701. 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 ~~or does not sign this statement~~ shall be offered a provisional ballot under the provisions of § 24.2-653.

The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

This paragraph 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 paragraph 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.

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

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

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

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

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

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

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

§ 24.2-701.1. Absentee voting in person.

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

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

~~Except as provided in subsection F,~~ a A registered voter voting by absentee ballot in person shall provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the forms of identification specified in subsection B of § 24.2-643, he shall be allowed to vote after signing 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. A voter 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. A voter who does not show one of the forms of identification specified in this subsection or does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and

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

429 B. Absentee voting in person shall be available during regular business hours. The electoral board of
430 each county and city shall provide for absentee voting in person in the office of the general registrar or
431 a voter satellite office established pursuant to § 24.2-701.2. For purposes of this chapter, such offices
432 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
433 the first and second Saturday immediately preceding all elections. ~~The electoral board or general~~
434 ~~registrar may provide for absentee voting in person in such offices on Sundays.~~ Any applicant who is in
435 line to cast his ballot when the office of the general registrar or voter satellite office closes shall be
436 permitted to cast his absentee ballot that day.

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

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

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

449 F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of
450 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes
451 in a federal election in the state. At such election, such individual shall present (i) a current and valid
452 photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck,
453 or other government document that shows the name and address of the voter. Such individual who
454 desires to vote in person but who does not show one of the forms of identification specified in this
455 subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification
456 requirements of subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter
457 at such election. The Department of Elections shall provide instructions to the electoral boards for the
458 handling and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

459 **§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.**

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

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

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

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

482 C. If the application has been properly completed and signed and the applicant is a registered voter
483 of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots
484 for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other
485 evidence of either first-class or expedited mailing or delivery from the United States Postal Service or
486 other commercial delivery provider, or deliver to him in person in the office of the registrar, the
487 following items and nothing else:

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

2. An envelope for resealing the marked ballot, on which envelope is printed the following:
"Statement of Voter."

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

Signature of Voter _____

Date _____

Signature of witness _____ "

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

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

3. An envelope, properly addressed and postage prepaid, for the return of the ballot to the general registrar by mail or by the applicant in person, ~~or to a drop-off location.~~

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot. ~~Such instructions shall include information on the sites of all drop-off locations in the county or city.~~ Whenever there is a proposed constitutional amendment or a statewide referendum to be voted on by the voters, these instructions shall also include the website address where the explanation of the proposed amendment prepared pursuant to § 30-19.9 or the information about the referendum prepared pursuant to § 30-19.10 is posted on the Department's website.

For federal elections held after January 1, 2004, for any voter 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 the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of 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 by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653.01. 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.

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

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

D. The general registrar may contract with a third party for the printing, assembly, and mailing of the items set forth in subsection C. The general registrar shall provide to the contractor in a timely manner the names, addresses, precincts, and ballot styles of voters requesting an absentee ballot by mail. The vendor shall provide to the general registrar a report of the voters to whom the absentee ballot materials have been sent.

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

F. If the applicant is a covered voter, as defined in § 24.2-452, the general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions C 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be required. If the applicant requests that such items be sent by electronic transmission, the general registrar, at the time when the printed ballots for the election are available but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot,

the form for the envelope for returning the marked ballot, and instructions to the voter. Such materials shall be sent using the official email address or fax number of the office of the general registrar published on the Department of Elections website. The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

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

§ 24.2-707. How ballots marked and returned.

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

After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the back of the envelope in the presence of a witness, who shall sign the same envelope, (d) enclose the ballot envelope and any required assistance form within the envelope directed to the general registrar, and (e) seal that envelope. *A voter's failure to have a witness sign the absentee ballot envelope shall be considered a material omission and shall render his ballot void. However, a voter's failure to provide in the statement on the back of the envelope his full middle name or his middle initial shall not be a material omission, rendering his ballot void, unless the voter failed to provide in the statement on the back of the envelope his full first and last name. A voter's failure to provide the date, or any part of the date, including the year, on which he signed the statement printed on the back of the envelope shall also not be considered a material omission and shall not render his ballot void. A voter's failure to have a witness sign the absentee ballot return envelope for any election held during a declared state of emergency related to a communicable disease of public health threat shall not be considered a material omission and shall not render his ballot void.*

B. A mailed absentee ballot shall be returned (i) by mail to the office of the general registrar, (ii) or by the voter in person to the general registrar, or (iii) to a drop-off location established pursuant to § 24.2-707.1. For purposes of this subsection, "mail" includes a delivery by a commercial delivery service but does not include delivery by a personal courier service or other individual except as provided by §§ 24.2-703.2 and 24.2-705.

C. Failure to follow the procedures set forth in this section shall render the applicant's ballot void.

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

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

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

C. Notwithstanding the provisions of subsection A, any absentee ballot (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by a covered voter, as defined in § 24.2-452, shall be counted pursuant to the procedures set forth in this chapter if the voter is found entitled to vote. The electoral board shall prepare an amended certified

abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.

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

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

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

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

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

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 § 24.2-707.1 of the Code of Virginia is repealed.