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SENATE BILL NO. 794

Offered January 11, 2023

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A BILL to amend and reenact §§ 24.2-404, 24.2-411.3, 24.2-643, 24.2-653, 24.2-653.01, 24.2-701, and 24.2-701.1 of the Code of Virginia, relating to voter identification; identification containing a photograph required.

Patrons—McDougle and Dunnivant

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, 24.2-643, 24.2-653, 24.2-653.01, 24.2-701, and 24.2-701.1 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 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

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

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

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

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

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

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

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

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

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

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

104 **§ 24.2-411.3. Registration of Department of Motor Vehicles customers.**

105 A. Each person coming into an office of the Department of Motor Vehicles or accessing its website
106 in order to (i) apply for, replace, or renew a driver's license or other document issued under Chapter 3
107 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3
108 or identification privilege cards issued pursuant to § 46.2-345.3; or (ii) change an address on an existing
109 driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except
110 driver privilege cards or permits issued pursuant to § 46.2-328.3 or identification privilege cards issued
111 pursuant to § 46.2-345.3 shall be presented with (a) a question asking whether or not the person is a
112 United States citizen and (b) the option to decline to have his information transmitted to the Department
113 of Elections for voter registration purposes. The citizenship question and option to decline shall be
114 accompanied by a statement that intentionally making a materially false statement during the transaction
115 constitutes election fraud and is punishable under Virginia law as a felony.

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

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

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

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

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

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

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

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

145 **§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

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

149 B. An officer of election shall ask the voter for his full name and current residence address and the
150 voter may give such information orally or in writing. The officer of election shall verify with the voter
151 his full name and address and shall repeat, in a voice audible to party and candidate representatives
152 present, the full name provided by the voter. The officer shall ask the voter to present any one of the
153 following forms of identification: (i) ~~his voter confirmation documents~~; (ii) his valid Virginia driver's
154 license, his valid United States passport, or any other identification issued by the Commonwealth, one of
155 its political subdivisions, or the United States, other than a driver privilege card issued under
156 § 46.2-328.3 or an identification privilege card issued under § 46.2-345.3; ~~(iii)~~ (ii) any valid student
157 identification card *containing a photograph of the voter and* issued by any institution of higher
158 education located in the Commonwealth or any private school located in the Commonwealth; ~~(iv)~~ (iii)
159 any valid student identification card containing a photograph of the voter and issued by any institution
160 of higher education located in any other state or territory of the United States; ~~(v)~~ or (iv) any valid
161 employee identification card containing a photograph of the voter and issued by an employer of the
162 voter in the ordinary course of the employer's business; or ~~(vi)~~ a copy of a current utility bill, bank
163 statement, government check, paycheck, or other government document containing the name and address
164 of the voter. The expiration date on a Virginia driver's license shall not be considered when determining
165 the validity of the driver's license offered for purposes of this section.

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

178 If the voter presents one of the forms of identification listed above, if his name is found on the
179 pollbook in a form identical to or substantially similar to the name on the presented form of
180 identification and the name provided by the voter, if he is qualified to vote in the election, and if no
181 objection is made, (a) an officer shall enter, opposite the voter's name on the pollbook, the first or next

182 consecutive number from the voter count form provided by the State Board, or shall enter that the voter
183 has voted if the pollbook is in electronic form; (b) an officer shall provide the voter with the official
184 ballot; and (c) another officer shall admit him to the voting booth. Each voter whose name has been
185 marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the
186 officers of election in the polling place until he has voted. If a line of voters who have been marked on
187 the pollbooks as present to vote forms to await entry to the voting booths, the line shall not be
188 permitted to extend outside of the room containing the voting booths and shall remain under observation
189 by the officers of election.

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

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

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

205 E. ~~This subsection shall apply in the case of any individual who is required by subparagraph (b) of~~
206 ~~52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes~~
207 ~~in a federal election in the state. At such election, such individual shall present (i) a current and valid~~
208 ~~photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck,~~
209 ~~or other government document that shows the name and address of the voter. Such individual who~~
210 ~~desires to vote in person but does not show one of the forms of identification specified in this~~
211 ~~subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification~~
212 ~~requirements of subsection B of this section and subsection A of § 24.2-653 shall not apply to such~~
213 ~~voter at such election. The Department of Elections shall provide instructions to the electoral boards for~~
214 ~~the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this~~
215 ~~section.~~

216 **§ 24.2-653. Provisional voting; procedures in polling place.**

217 A. Any person voting provisionally pursuant to subsection B of § 24.2-643, § 24.2-651.1, subsection
218 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
219 penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the
220 Department of Elections, the identifying information required on the envelope, including the last four
221 digits of his social security number, if any, full name including the maiden or any other prior legal
222 name, date of birth, complete address, and signature. Such person shall be asked to present one of the
223 forms of identification specified in subsection B of § 24.2-643. If he is unable to present one of these
224 forms of identification, he shall sign a statement, subject to felony penalties for false statements pursuant
225 to § 24.2-1016, that he is the named registered voter he claims to be. The officers of election shall note
226 on the green envelope whether or not the voter has presented one of the specified forms of identification
227 or signed the required statement in lieu of presenting one of the specified forms of identification. The
228 officers of election shall enter the appropriate information for the person in the precinct provisional
229 ballots log in accordance with the instructions of the State Board but shall not enter a consecutive
230 number for the voter on the pollbook nor otherwise mark his name as having voted.

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

234 B. An officer of election, by a written notice given to the voter, shall inform him that a
235 determination of his right to vote shall be made by the electoral board and advise the voter of the
236 beginning time and place for the board's meeting and of the voter's right to be present at that meeting. If
237 the voter is voting provisionally as required by § 24.2-643, an officer of election, by written notice given
238 to the voter, shall also inform him that he may submit a copy of one of the forms of identification
239 specified in subsection B of § 24.2-643 or a statement, signed by him subject to felony penalties for
240 false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be to the
241 electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal
242 Service or commercial mail delivery, to be received by the electoral board no later than noon on the
243 third day after the election.

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

250 **§ 24.2-653.01. Provisional ballots; electoral boards to make determination as to validity.**

251 A. The electoral board shall meet on the day following the election and determine whether each
 252 person having submitted a provisional vote pursuant to § 24.2-653 was entitled to do so as a qualified
 253 voter in the precinct in which he offered the provisional vote. In the case of persons voting provisionally
 254 pursuant to § 24.2-653.3, the electoral board shall determine of which district the person is a qualified
 255 voter. At the meeting, the voter may request an extension of the determination of the provisional vote in
 256 order to provide information to prove that the voter is entitled to vote in the precinct pursuant to
 257 § 24.2-401. The electoral board shall have the authority to grant such extensions that it deems reasonable
 258 to determine the status of a provisional vote.

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

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

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

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

289 The provisional vote shall be counted if (i) such person is entitled to vote in the precinct pursuant to
 290 § 24.2-401 or (ii) the Department of Elections or the voter presents proof that indicates the voter
 291 submitted an application for registration to a state-designated voter registration agency or the voter's
 292 information was transmitted by the Department of Motor Vehicles to the Department of Elections
 293 pursuant to § 24.2-411.3 prior to the close of registration pursuant to § 24.2-416 and the registrar
 294 determines that the person was qualified for registration based upon the application for registration
 295 submitted by the person pursuant to subsection B of § 24.2-652.

296 If the electoral board determines that such person was entitled to vote, the name of the voter shall be
 297 entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and
 298 the ballot shall be placed in a ballot container without any inspection further than that provided for in
 299 § 24.2-646.

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

305 the Department of Elections pursuant to § 24.2-406.

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

309 **§ 24.2-701. Application for mailed absentee ballot.**

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

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

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

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

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

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

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

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

334 1. An application completed in person shall be completed only in the office of the general registrar
335 and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms
336 of identification specified in subsection B of § 24.2-643; ~~or if he is unable to present one of the~~
337 ~~specified forms of identification listed in that subsection, he shall sign a statement, subject to felony~~
338 ~~penalties for making false statements pursuant to § 24.2-1016, that he is the named registered voter he~~
339 ~~claims to be. An applicant who requires assistance in voting by reason of a physical disability or an~~
340 ~~inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in~~
341 ~~preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding~~
342 ~~voters who are unable to sign shall be followed when assisting a voter in completing this statement. Any~~
343 ~~applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643~~
344 ~~or does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653.~~
345 The State Board of Elections shall provide instructions to the general registrar for the handling and
346 counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

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

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

363 3. The application of any covered voter, as defined in § 24.2-452, may be on a federal postcard
364 application, as defined in § 24.2-452. The federal postcard application may be accepted the later of (i)
365 12 months before an election or (ii) the day following any election held in the twelfth month prior to
366 the election in which the applicant is applying to vote.

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

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

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

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

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

385 **§ 24.2-701.1. Absentee voting in person.**

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

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

395 ~~Except as provided in subsection F, a~~ A registered voter voting by absentee ballot in person shall
396 provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show
397 one of the forms of identification specified in subsection B of § 24.2-643, he shall be ~~allowed to vote~~
398 ~~after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he~~
399 ~~is the named registered voter he claims to be. A voter who requires assistance in voting by reason of a~~
400 ~~physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649,~~
401 ~~may be assisted in preparation of this statement in accordance with that section. The provisions of~~
402 ~~§ 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in~~
403 ~~completing this statement. A voter who does not show one of the forms of identification specified in~~
404 ~~this subsection or does not sign this statement shall be offered a provisional ballot under the provisions~~
405 ~~of § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and~~
406 ~~counting of such provisional ballots pursuant to § 24.2-653.01 and this section.~~

407 B. Absentee voting in person shall be available during regular business hours. The electoral board of
408 each county and city shall provide for absentee voting in person in the office of the general registrar or
409 a voter satellite office established pursuant to § 24.2-701.2. For purposes of this chapter, such offices
410 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
411 the first and second Saturday immediately preceding all elections. The electoral board or general
412 registrar may provide for absentee voting in person in such offices on Sundays. Any applicant who is in
413 line to cast his ballot when the office of the general registrar or voter satellite office closes shall be
414 permitted to cast his absentee ballot that day.

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

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

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

427 F. ~~This subsection shall apply in the case of any individual who is required by subparagraph (b) of~~

428 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes
429 in a federal election in the state. At such election, such individual shall present (i) a current and valid
430 photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck,
431 or other government document that shows the name and address of the voter. Such individual who
432 desires to vote in person but who does not show one of the forms of identification specified in this
433 subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification
434 requirements of subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter
435 at such election. The Department of Elections shall provide instructions to the electoral boards for the
436 handling and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.