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**HOUSE BILL NO. 393**

Offered January 10, 2024

Prefiled January 8, 2024

A *BILL to amend and reenact §§ 24.2-101, 24.2-124.1, 24.2-404, 24.2-405, 24.2-406, 24.2-411.3, 24.2-420.1, 24.2-452, 24.2-603, 24.2-604.3, 24.2-604.4, 24.2-612, 24.2-613, 24.2-631, 24.2-643, 24.2-653, 24.2-653.01, 24.2-653.1, 24.2-667.1, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-706, 24.2-707, 24.2-708, 24.2-709, 24.2-709.1, 24.2-710, 24.2-711, and 24.2-1004 of the Code of Virginia and to repeal §§ 24.2-673.1, 24.2-707.1, and 24.2-712 of the Code of Virginia, relating to elections; election reform.*

Patron—Griffin (By Request)

Referred to Committee on Privileges and Elections

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

1. That §§ 24.2-101, 24.2-124.1, 24.2-404, 24.2-405, 24.2-406, 24.2-411.3, 24.2-420.1, 24.2-452, 24.2-603, 24.2-604.3, 24.2-604.4, 24.2-612, 24.2-613, 24.2-631, 24.2-643, 24.2-653, 24.2-653.01, 24.2-653.1, 24.2-667.1, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-706, 24.2-707, 24.2-708, 24.2-709, 24.2-709.1, 24.2-710, 24.2-711, and 24.2-1004 of the Code of Virginia are amended and reenacted as follows:

**§ 24.2-101. Definitions.**

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

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, § 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Department of Elections" or "Department" means the state agency headed by the Commissioner of Elections.

"Direct recording electronic machine" or "DRE" means the electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

"General election" means an election held in the Commonwealth on the Tuesday after the first

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59 Monday in November or on the first Tuesday in May for the purpose of filling offices regularly  
60 scheduled by law to be filled at those times.

61 "General registrar" means the person appointed by the electoral board of a county or city pursuant to  
62 § 24.2-110 to be responsible for all aspects of voter registration, in addition to other duties prescribed by  
63 this title. When performing duties related to the administration of elections, the general registrar is acting  
64 in his capacity as the director of elections for the locality in which he serves.

65 "Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device  
66 operated by a voter, is available for verification by the voter at the time the ballot is cast, and is then  
67 fed into and scanned by a separate counting machine capable of reading ballots and tabulating results.

68 "Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve  
69 at a polling place for any election.

70 "Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

71 "Party" or "political party" means an organization of citizens of the Commonwealth which, at either  
72 of the two preceding statewide general elections, received at least 10 percent of the total vote cast for  
73 any statewide office filled in that election. The organization shall have a state central committee and an  
74 office of elected state chairman which have been continually in existence for the six months preceding  
75 the filing of a nominee for any office.

76 "Person with a disability" means a person with a disability as defined by the Virginians with  
77 Disabilities Act (§ 51.5-1 et seq.).

78 "Polling place" means the structure that contains the one place provided for each precinct at which  
79 the qualified voters who are residents of the precinct may vote.

80 "Precinct" means the territory designated by the governing body of a county, city, or town to be  
81 served by one polling place.

82 "Primary" or "primary election" means an election held for the purpose of selecting a candidate to be  
83 the nominee of a political party for election to office.

84 "Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable  
85 ballots and paper ballots.

86 "Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and  
87 who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or  
88 subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers  
89 to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified  
90 voter unless his civil rights have been restored by the Governor or other appropriate authority. No  
91 person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as  
92 provided by law. Whether a signature should be counted towards satisfying the signature requirement of  
93 any petition shall be determined based on the signer of the petition's qualification to vote. For purposes  
94 of determining if a signature on a petition shall be included in the count toward meeting the signature  
95 requirements of any petition, "qualified voter" shall include only persons maintained on the Virginia  
96 voter registration system (a) with active status and (b) with inactive status who are qualified to vote for  
97 the office for which the petition was circulated.

98 "Qualified voter in a town" means a person who is a resident within the corporate boundaries of the  
99 town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified  
100 voter.

101 "Referendum" means any election held pursuant to law to submit a question to the voters for  
102 approval or rejection.

103 "Registered voter" means any person who is maintained on the Virginia voter registration system. All  
104 registered voters shall be maintained on the Virginia voter registration system with active status unless  
105 assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For  
106 purposes of applying the precinct size requirements of § 24.2-307, calculating election machine  
107 requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election  
108 district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306,  
109 and determining the number of signatures required for candidate and voter petitions, "registered voter"  
110 shall include only persons maintained on the Virginia voter registration system with active status. For  
111 purposes of determining if a signature on a petition shall be included in the count toward meeting the  
112 signature requirements of any petition, "registered voter" shall include only persons maintained on the  
113 Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to  
114 vote for the office for which the petition was circulated.

115 "Registration records" means all official records concerning the registration of qualified voters and  
116 shall include all records, lists, applications, and files, whether maintained in books, on cards, on  
117 automated data bases, or by any other legally permitted record-keeping method.

118 "Residence" or "resident," for all purposes of qualification to register and vote, means and requires  
119 both domicile and a place of abode. To establish domicile, a person must live in a particular locality  
120 with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections, including direct recording electronic machines (DRE), ballot scanner machines, and on-demand ballot printing systems and ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and counting machines.

**§ 24.2-124.1. Acceptance of gifts and funding; certain prohibitions; disclosure.**

A. The State Board, the Department, each local electoral board, and all offices of the general registrar shall not solicit, accept, use, or dispose of any money, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections.

This section shall not be construed to prohibit (i) the operation of a polling place or voter satellite office in a facility furnished by a private individual or nongovernmental entity that otherwise meets the requirements for polling places provided in §§ 24.2-310 and 24.2-310.1 or voter satellite offices provided in § 24.2-701.2 or (ii) acceptance of a federal government grant funded in whole or part by donations from private individuals or nongovernmental entities.

*B. Notice of any application for or receipt or use of any money, grants, property, or services given by a private individual, nongovernmental entity, or federal government entity shall be published on the official website for the locality within seven days of such application, receipt, or use.*

**§ 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. Such system shall also assign a unique identifier to each voter registered in the system.

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

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

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

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

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

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

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

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

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

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

#### **§ 24.2-405. Lists of registered voters.**

A. The Department of Elections shall provide, at a reasonable price, lists of registered voters for their districts to (i) candidates for election or political party nomination to further their candidacy, (ii) political party committees or officials thereof for political purposes only, (iii) political action committees that have filed a current statement of organization with the Department of Elections pursuant to § 24.2-949.2, or with the Federal Elections Commission pursuant to federal law, for political purposes only, (iv) incumbent officeholders to report to their constituents, (v) nonprofit organizations that promote voter participation and registration for that purpose only, and (vi) commissioners of the revenue, as defined in § 58.1-3100, and treasurers, as defined in § 58.1-3123, for tax assessment, collection, and enforcement purposes. The Department shall provide, at no charge, the courts of the Commonwealth and

the United States with the lists for their districts for jury selection purposes no more than two times in a 12-month period and shall provide, at a reasonable price, such lists any other time in that same 12-month period. The lists shall be furnished to no one else and used for no other purpose. However, the Department of Elections is authorized to furnish information from the voter registration system to general registrars for their official use and to the Department of Motor Vehicles and other appropriate state agencies for maintenance of the voter registration system, and to the Chief Election Officers of other states for maintenance of voter registration systems.

B. The Department of Elections shall furnish, at a reasonable price, lists of the addresses of registered voters for their localities to local government census liaisons and their staffs for the sole purpose of providing address information to the United States Bureau of the Census. The Department of Elections shall also furnish, at a reasonable price, such lists to the Clerk of the Senate and the Clerk of the House of Delegates for the sole purpose of maintaining a database of constituent addresses for the General Assembly. The information authorized under this subsection shall be furnished to no other person and used for no other purpose. No list furnished under this subsection shall contain the name of any registered voter. For the purpose of this subsection, the term "census liaison" shall have the meaning provided in 13 U.S.C. § 16.

C. In no event shall any list furnished under this section contain the social security number, or any part thereof, of any registered voter except a list furnished to a court of the Commonwealth or of the United States for jury selection purposes, a commissioner of the revenue or a treasurer for tax assessment, collection, and enforcement purposes, or to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems.

D. Any list furnished under subsection A or published pursuant to subsection F or G shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

E. ~~No~~ Except for general registrars pursuant to subsections F and G, no recipient of a list furnished under this section shall publish on the Internet any of the information contained in such list as a list, database, or other similar searchable format or provide information contained in a list furnished under this section to a third party for such purpose.

F. The general register of each locality shall publish monthly on the official website of the locality a list of all registered voters added to or removed from each precinct in the general registrar's locality including a reason for each change.

G. On the first day on which the registration records are close for any election, the general registrar of each locality shall publish on the official website of the locality a list of all the qualified voters registered to vote in each precinct participating in the election.

#### **§ 24.2-406. Lists of persons voting at elections.**

A. The Department of Elections shall furnish, at a reasonable price, lists of persons who voted at any primary, special, or general election held in the four preceding years to (i) candidates for election or political party nomination to further their candidacy, (ii) political party committees or officials thereof for political purposes only, (iii) political action committees that have filed a current statement of organization with the Department of Elections pursuant to § 24.2-949.2 or with the Federal Elections Commission pursuant to federal law, for political purposes only, (iv) incumbent officeholders to report to their constituents, and (v) members of the public or a nonprofit organization seeking to promote voter participation and registration by means of a communication or mailing without intimidation or pressure exerted on the recipient, for that purpose only. Such lists shall be furnished to no one else and shall be used only for campaign and political purposes and for reporting to constituents. Unless such lists are not available due to a pending recount or election contest, the general registrar shall submit the list of persons who voted to the Department of Elections within 14 days after each election. The general registrars of localities using nonelectronic pollbooks shall submit the list of persons who voted to the Department of Elections within seven days after the pollbooks are released from the possession of the clerk of court. The Department of Elections shall make available such lists no later than seven days after receiving them from the general registrar.

B. The Department of Elections shall furnish to the Chief Election Officer of another state, on request and at a reasonable price, lists of persons who voted at any primary, special, or general election held for the four preceding years. Such lists shall be used only for the purpose of maintenance of voter registration systems and shall be transmitted in accordance with security policies approved by the State Board of Elections.

C. In no event shall any list furnished under this section contain the social security number, or any part thereof, of any registered voter, except for a list furnished to the Chief Election Officer of another

305 state permitted to use social security numbers, or any parts thereof, that provides for the use of such  
306 numbers on applications for voter registration in accordance with federal law, for maintenance of voter  
307 registration systems.

308 D. Any list furnished under this section shall contain the post office box address in lieu of the  
309 residence street address for any individual who has furnished at the time of registration or subsequently,  
310 in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

311 E. *Upon providing a list of persons who voted in an election to the Department of Elections*  
312 *pursuant to subsection A, the general register of each locality shall publish on the official website of the*  
313 *locality a list of all such voters for each precinct participating in the election.*

314 **§ 24.2-411.3. Registration of Department of Motor Vehicles customers.**

315 A. Each person coming into an office of the Department of Motor Vehicles or accessing its website  
316 in order to (i) apply for, replace, or renew a driver's license or other document issued under Chapter 3  
317 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3  
318 or identification privilege cards issued pursuant to § 46.2-345.3; or (ii) change an address on an existing  
319 driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except  
320 driver privilege cards or permits issued pursuant to § 46.2-328.3 or identification privilege cards issued  
321 pursuant to § 46.2-345.3 shall be presented with (a) a question asking whether or not the person is a  
322 United States citizen and (b) the option to decline to have his information transmitted to the Department  
323 of Elections for voter registration purposes. The citizenship question and option to decline shall be  
324 accompanied by a statement that intentionally making a materially false statement during the transaction  
325 constitutes election fraud and is punishable under Virginia law as a felony.

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

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

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

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

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

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

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

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

355 **§ 24.2-420.1. Extended time for certain persons to register in person.**

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

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

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

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

363 *The provisions of this subsection shall apply only to those persons who are otherwise qualified to*  
364 *register and who, by reason of such active duty or temporary overseas residency, either (i) are normally*  
365 *absent from the city or county in which they reside or (ii) have been absent from such city or county*  
366 *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.

**§ 24.2-452. Definitions.**

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

1. "Covered voter" means:

- a. A uniformed-service voter or an overseas voter who is registered to vote in this state;
- b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements, *including subdivision A 2 of § 24.2-700*;
- c. An overseas voter who, before leaving the United States, was last eligible to vote in this state and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements;
- d. An overseas voter who, before leaving the United States, would have been last eligible to vote in this state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements; or
- e. An overseas voter who was born outside the United States, is not described in subdivision c or d, and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements, if:

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

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

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

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

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

5. "Military-overseas ballot" means:

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

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

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

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

8. "Uniformed service" means:

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

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

c. The Virginia National Guard.

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

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

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

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

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

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

**§ 24.2-603. Hours polls to be open; closing the polls.**

At all elections, the polls shall be open at each polling place at 6:00 a.m. on the day of the election and closed at 7:00 p.m. on the same day ~~except as provided for central absentee voter precincts pursuant to subsection G of § 24.2-712.~~

At 6:45 p.m. an officer of election shall announce that the polls will close in fifteen minutes. The officers of election shall list the names of all qualified voters in line before the polling place at 7:00 p.m. and permit those voters and no others to vote after 7:00 p.m.

**§ 24.2-604.3. Election day page program; high school students.**

428 A. The local electoral board, or its general registrar, may conduct a special election day page  
429 program for high school students in one or more polling places designated by the electoral board or the  
430 general registrar, ~~which may include a central absentee voter precinct~~. Students shall be selected for the  
431 election day page program by the electoral board or the general registrar in cooperation with high school  
432 authorities. The program shall be designed to stimulate the pages' interest in elections and registering to  
433 vote, provide assistance to the officers of election, and ensure the safe entry and exit of elderly and  
434 disabled voters from the polling place.

435 B. Each page shall receive, from a person designated by the electoral board, training on the duties,  
436 responsibilities, and prohibited conduct of election pages. Each page shall take and sign an oath as an  
437 election page, serve under the direct supervision of the chief officer of election of his assigned polling  
438 place, and observe strict impartiality at all times.

439 C. Election pages may observe the electoral process and seek information from the chief officer of  
440 election and may assist in the arrangement of the voting equipment, furniture, and other materials for the  
441 conduct of the election but shall not enter any voting booth. Election pages may, at the direction and  
442 under the direct supervision of the chief officer of election, assist in the counting of unmarked ballots  
443 but shall not handle or touch ballots in any other circumstance.

444 **§ 24.2-604.4. Polling places; authorized representatives of party or candidate; prohibited**  
445 **activities.**

446 A. The officers of election shall permit one authorized representative of each political party or  
447 independent candidate in a general or special election, or one authorized representative of each candidate  
448 in a primary election, to remain in the room in which the election is being conducted at all times. A  
449 representative may serve part of the day and be replaced by successive representatives. The officers of  
450 election shall have discretion to permit up to three authorized representatives of each political party or  
451 independent candidate in a general or special election, or up to three authorized representatives of each  
452 candidate in a primary election, to remain in the room in which the election is being conducted. The  
453 officers shall permit one such representative for each pollbook station. However, no more than one such  
454 representative for each pollbook station or three representatives of any political party or independent  
455 candidate, whichever number is larger, shall be permitted in the room at any one time.

456 B. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth.  
457 No candidate whose name is printed on the ballot shall serve as a representative of a party or candidate  
458 for purposes of this section.

459 Each representative shall present to the officers of election a written statement designating him to be  
460 a representative of the party or candidate that is signed by the county or city chairman of his political  
461 party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman  
462 is unavailable to sign such a written designation, such a designation may be made by the state or district  
463 chairman of the political party. However, no written designation made by a state or district chairman  
464 shall take precedence over a written designation made by the county or city chairman. Such statement,  
465 bearing the chairman's or candidate's original signature, may be photocopied, and such photocopy shall  
466 be as valid as if the copy had been signed.

467 C. Authorized representatives shall be allowed, ~~whether in a regular polling place or central absentee~~  
468 ~~voter precinct~~, to be close enough to the voter check-in table to be able to hear and see what is  
469 occurring; however, such observation shall not violate the secret vote provision of Article II, Section 3  
470 of the Constitution of Virginia or otherwise interfere with the orderly process of the election. Any  
471 representative who complains to the chief officer of election that he is unable to hear or see the process  
472 may accept the chief officer's decision or, if dissatisfied, he may immediately appeal the decision to the  
473 local electoral board or general registrar.

474 D. Authorized representatives shall be allowed, ~~whether in a regular polling place or central absentee~~  
475 ~~voter precinct~~, to use a handheld wireless communications device but shall not be allowed to use such a  
476 device to capture a digital image inside the polling place ~~or central absentee voter precinct~~. The officers  
477 of election may prohibit the use of cellular telephones or other handheld wireless communications  
478 devices if such use will result in a violation of subsection A or C of § 24.2-604 or § 24.2-607.

479 E. Authorized representatives shall not be allowed in any case to provide assistance to any voter as  
480 permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either  
481 inside the polling place or within 40 feet of any entrance to the polling place.

482 F. The officers of election may require any person who is found by a majority of the officers present  
483 to be in violation of this section to remain outside of the prohibited area.

484 **§ 24.2-612. List of offices and candidates filed with Department of Elections and checked for**  
485 **accuracy; when ballots printed; number required.**

486 Immediately after the expiration of the time provided by law for a candidate for any office to qualify  
487 to have his name printed on the official ballot and prior to printing the ballots for an election, each  
488 general registrar shall forward to the Department of Elections a list of the county, city, or town offices  
489 to be filled at the election and the names of all candidates who have filed for each office. In addition,



each general registrar shall forward the name of any candidate who failed to qualify with the reason for his disqualification. On that same day, the general registrar shall also provide a copy of the notice to each disqualified candidate. The notice shall be sent by email or regular mail to the address on the candidate's certificate of candidate qualification, and such notice shall be deemed sufficient. The Department of Elections shall promptly advise the general registrar of the accuracy of the list. The failure of any general registrar to send the list to the Department of Elections for verification shall not invalidate any election.

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

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

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

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

The general registrar shall send to the Department of Elections a statement of the number of ballots ordered to be printed, proofs of each printed ballot for verification, and copies of each final ballot. If the Department of Elections finds that, in its opinion, the number of ballots ordered to be printed by any general registrar is not sufficient, it may direct the general registrar to order the printing of a reasonable number of additional ballots.

#### **§ 24.2-613. Form of ballot.**

A. The ballots shall comply with the requirements of this title and the standards prescribed by the State Board. The names of all candidates to appear on the ballots shall be in the same font, size, and style.

B. For elections for federal, statewide, and General Assembly offices only, each candidate who has been nominated by a political party or in a primary election shall be identified by the name of his political party. Independent candidates shall be identified by the term "Independent." For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties. For the purpose of this section, a "recognized political party" is defined as an organization that, for at least six months preceding the filing of its nominee for the office, has had in continual existence a state central committee composed of registered voters residing in each congressional district of the Commonwealth, a party plan and bylaws, and a duly elected state chairman and secretary. A letter from the state chairman of a recognized political party certifying that a candidate is the nominee of that party and also signed by such candidate accepting that nomination shall constitute sufficient and appropriate evidence of nomination by a recognized political party. The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.

C. Except as provided for primary elections, the State Board shall determine by lot the order of the political parties, and the names of all candidates for a particular office shall appear together in the order

determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section, except as provided for presidential elections in § 24.2-614, "recognized political parties" shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board; and the class shall follow the political parties as defined by § 24.2-101 and precede the independent class. Independent candidates shall be treated as a class under "Independent", and their names shall be placed on the ballot after the political parties and recognized political parties. Where there is more than one independent candidate for an office, their names shall appear on the ballot in an order determined by the priority of time of filing for the office. In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board as in the case of a tie vote for the office.

For the purposes of this subsection, "time of filing for the office" means the time at which an independent candidate has filed his petition signature pages with a number of signatures at least equal to the number required for the office pursuant to § 24.2-506. In the case of an office for which no petition is required, "time of filing for the office" means the time at which the candidate has filed his completed statement of qualification pursuant to § 24.2-501.

No individual's name shall appear on the ballot more than once for the same office.

D. On any ballot, all offices to be elected shall appear before any questions presented to the voters.

E. In preparing the printed ballots for general, special, and primary elections, the State Board and general registrars shall cause to be printed in not less than 10-point type, immediately below the title of any office, a statement of the number of candidates for whom votes may be cast for that office. For any office to which only one candidate can be elected, the following language shall be used: "Vote for only one." For any office to which more than one candidate can be elected, the following language shall be used: "Vote for not more than \_\_\_\_."

F. Any locality that uses machine-readable ballots at one or more precincts, ~~including any central absentee precinct,~~ may, with the approval of the State Board, use a printed reproduction of the machine-readable ballot in lieu of the official machine-readable ballot. Such reproductions shall be printed and otherwise handled in accordance with all laws and procedures that apply to official paper ballots.

#### **§ 24.2-631. Experimental use of voting systems and ballots prior to approval of the system.**

The State Board is authorized to approve the experimental use of voting or counting systems and ballots for the purpose of casting and counting absentee ballots in one or more counties and cities designated by the Board (i) that have established central absentee voter election districts and (ii) whose electoral board and general registrar submit to the Board for approval a plan for the use of such system and ballots. The Board is also authorized to approve the experimental use of voting or counting systems and ballots in one or more precincts in any county or city whose electoral board and general registrar submit to the Board for approval a plan for such use. The use of such systems and ballots at an election shall be valid for all purposes.

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

Except as provided in subsection E, any Any voter who does not show one of the forms of identification specified in this subsection 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 and 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 an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.

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

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

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

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

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

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

A. Any person voting provisionally pursuant to subsection B of § 24.2-643, § 24.2-651.1, subsection B of § 24.2-652, or § 24.2-653.1 or 24.2-653.2 shall be given a printed ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the Department of Elections, the identifying information required on the envelope, including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. If he is unable to present one of these forms of identification, he shall sign a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. The officers of election shall note on the green envelope whether or not the voter has presented one of the specified forms of identification or signed the required statement in lieu of presenting one of the specified forms of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional

674 ballots log in accordance with the instructions of the State Board but shall not enter a consecutive  
675 number for the voter on the pollbook nor otherwise mark his name as having voted.

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

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

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

695 **§ 24.2-653.01. Provisional ballots; electoral boards to make determination as to validity.**

696 A. The electoral board shall meet on the day following the election and determine whether each  
697 person having submitted a provisional vote pursuant to § 24.2-653 was entitled to do so as a qualified  
698 voter in the precinct in which he offered the provisional vote. In the case of persons voting provisionally  
699 pursuant to § 24.2-653.3, the electoral board shall determine of which district the person is a qualified  
700 voter. At the meeting, the voter may request an extension of the determination of the provisional vote in  
701 order to provide information to prove that the voter is entitled to vote in the precinct pursuant to  
702 § 24.2-401. The electoral board shall have the authority to grant such extensions that it deems reasonable  
703 to determine the status of a provisional vote.

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

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

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

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

734 The provisional vote shall be counted if (i) such person is entitled to vote in the precinct pursuant to  
735 § 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.

**§ 24.2-653.1. Voters who did not receive absentee ballots; provisional ballots.**

Any person who offers to vote pursuant to § 24.2-643 at his proper polling place ~~or at a central absentee voter precinct established by the governing body of the county or city~~ where he is registered to vote, but whose name is shown on the pollbook as having applied for an absentee ballot, shall be entitled to cast a provisional ballot if, for any reason, he did not receive or has lost the absentee ballot or has chosen to not vote absentee. In such case, he shall be required to present to the officer of election a statement signed by him that he did not receive the ballot, has lost the ballot, or has not cast the ballot, subject to felony penalties for making false statements as pursuant to § 24.2-1016, before being given a printed ballot and permitted to vote the provisional ballot. The electoral board shall process the ballot in accordance with the provisions of § 24.2-653.01 and the instructions of the State Board.

**§ 24.2-667.1. Reporting of results; absentee votes.**

The general registrar shall report to the Department for each precinct in his locality the number and results of absentee ballots cast by voters assigned to such precinct. Results from absentee voting and voting at the precinct on election day shall be reported separately. The general registrar shall also report to the Department of Elections the number ~~and results~~ of absentee ballots cast early in person pursuant to § 24.2-701.1 separately from the number and results of all other absentee ballots. The Department shall establish standards for ascertaining and reporting such information.

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

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

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

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

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

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

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

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

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

8. *Any duly registered person who is unable to go in person to the polls on the day of the election*

797 *because of an obligation occasioned by his religion;*

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

801 10. *Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in*  
802 *§ 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in*  
803 *§ 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;*

804 11. *Any person who has been designated by a political party, independent candidate, or candidate in*  
805 *a primary election to be a representative of the party or candidate inside a polling place on the day of*  
806 *the election pursuant to §§ 24.2-604.4 and 24.2-639; or*

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

809 **§ 24.2-701. Application for mailed absentee ballot.**

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

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

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

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

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

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

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

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

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

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

858 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, An application made under subdivision A 2 of § 24.2-700~~ 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, *and the reason the applicant will be absent or unable to vote at his polling place on the day of the election.* 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, person who makes application under subdivision A 2 of § 24.2-700~~ 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; *and*

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

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

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

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

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

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

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

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

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

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

14. *In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to §§ 24.2-604.4 and 24.2-639, the fact that he is so designated; or*

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

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

923 **§ 24.2-701.1. Absentee voting in person.**

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

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

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

939 Except as provided in subsection F, a A registered voter voting by absentee ballot in person shall  
940 provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show  
941 one of the forms of identification specified in subsection B of § 24.2-643, he shall be allowed to vote  
942 after signing a statement, subject to felony penalties for false statements pursuant to ~~§ 24.2-1016~~, that he  
943 is the named registered voter he claims to be. A voter who requires assistance in voting by reason of a  
944 physical disability or an inability to read or write, and who requests assistance pursuant to ~~§ 24.2-649~~,  
945 may be assisted in preparation of this statement in accordance with that section. The provisions of  
946 ~~§ 24.2-649~~ regarding voters who are unable to sign shall be followed when assisting a voter in  
947 completing this statement. A voter who does not show one of the forms of identification specified in  
948 this subsection or does not sign this statement shall be offered a provisional ballot under the provisions  
949 of § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and  
950 counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

951 B. Absentee voting in person shall be available during regular business hours. The electoral board of  
952 each county and city shall provide for absentee voting in person in the office of the general registrar or  
953 a voter satellite office established pursuant to § 24.2-701.2. For purposes of this chapter, such offices  
954 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  
955 the first and second Saturday immediately preceding all elections. The electoral board or general  
956 registrar may provide for absentee voting in person in such offices on Sundays. Any applicant who is in  
957 line to cast his ballot when the office of the general registrar or voter satellite office closes shall be  
958 permitted to cast his absentee ballot that day.

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

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

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

972 F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of  
973 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes  
974 in a federal election in the state. At such election, such individual shall present (i) a current and valid  
975 photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck,  
976 or other government document that shows the name and address of the voter. Such individual who  
977 desires to vote in person but who does not show one of the forms of identification specified in this  
978 subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification  
979 requirements of subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such  
980 voter at such election. The Department of Elections shall provide instructions to the electoral boards for  
981 the handling and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.



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

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

B. Notwithstanding any other provision of this title, a federal write-in absentee ballot submitted pursuant to subsection A shall be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot, provided that the ballot is received no later than the deadline for the return of absentee ballots as provided in § 24.2-709 for the election in which the voter offers to vote, and the application contains the following information: (i) the voter's signature; however, if the voter is unable to sign, the person assisting the voter will note this fact in the voter signature box; (ii) the voter's printed name; (iii) the voter's birth year; (iv) the last four digits of the voter's social security number; (v) the county or city in which the voter is registered and offers to vote; (vi) the residence address at which the voter is registered to vote; and (vii) the voter's current military or overseas address. For purposes of this section, the unique identifier assigned to the voter in the voter registration system pursuant to subdivision A 1 of § 24.2-404 shall be accepted in place of the last four digits of the voter's social security number for those voters whose registration includes a statement of affirmation that they have never been issued a social security number.

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

**§ 24.2-703.1. Special annual applications for absentee ballots for certain voters with an illness or disability.**

A. Any ~~registered voter shall be eligible to file a special application to receive absentee ballots for all elections in which he is eligible to vote~~ *person who is eligible for an absentee ballot under subdivision A 4 of § 24.2-700 because of a disability or illness and who is likely to remain so eligible for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in a calendar year. Such* His first such application shall be ~~accompanied by a statement, on a form approved by the State Board and signed by the voter and his physician, provider as defined § 37.2-403, or accredited religious practitioner, that the voter is eligible for an absentee ballot under subdivision A 4 of § 24.2-700 and likely to remain so eligible for the remainder of the calendar year. The absentee ballots sent to a voter on the permanent absentee voter list shall be sent to the address in the voter's registration record, except as provided in subdivision C 1.~~

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

C. The State Board shall prescribe the process by which a voter on the permanent absentee voter list may:

1. Request that his absentee ballot for (i) a single election or (ii) a primary election and the following general election be sent to an address other than the address on his voter registration record.

2. Request a primary ballot for a political party other than the one he specified on his application for permanent absentee voter status for a single primary election.

3. Change his political party selection for all succeeding primary elections *The general registrar shall send each such enrolled applicant a blank application by December 15 for each ensuing calendar year and, upon completion thereof, the applicant shall be eligible to receive ballots for all elections in which he is eligible to vote in that calendar year.*

D. A voter shall be removed from the permanent absentee voter list if (i) the voter requests in writing to be removed from the list, (ii) the voter's registration is canceled pursuant to § 24.2-427, (iii) the voter's registration is placed on inactive status pursuant to § 24.2-428 or 24.2-428.1, or (iv) the voter moves to a different address not in the same county or city of his registration *If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable, or the general registrar knows that the applicant is no longer a qualified voter, no ballot for any subsequent election shall be sent to the voter until a new application is filed and accepted.*

**§ 24.2-703.2. Replacement absentee ballots for certain voters with an illness or disability; penalty.**

A ~~person with a disability or illness voter~~ *person who has applied for an absentee ballot under subdivision A 4 of § 24.2-700 because of a disability or illness and has been sent an absentee ballot but who did not receive or has lost the absentee ballot on or before the Saturday before the election may obtain a*

replacement absentee ballot. In such case, the voter may request a replacement absentee ballot by the close of business for the local elections office on the Saturday before election day and designate, in writing, a representative to obtain a replacement absentee ballot on his behalf from the general registrar and to return the properly completed ballot as directed by the general registrar no later than the close of polls on the day of election for which the absentee ballot is valid. The representative shall be age 18 or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate. The voter and representative shall complete the form prescribed by the State Board to implement the provisions of this section. The form shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.

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

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

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

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

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

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

1. An envelope containing the folded ballot, sealed and marked "Ballot within."
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), 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 \_\_\_\_\_  
 Last four digits of voter's social security number \_\_\_\_\_  
 Voter's birth year \_\_\_\_\_  
 Date \_\_\_\_\_"

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.

For purposes of properly completing this statement, the unique identifier assigned to the voter in the voter registration system pursuant to subdivision A 1 of § 24.2-404 shall be accepted in place of the last four digits of the voter's social security number for those voters whose registration includes a statement

of affirmation that they have never been issued a social security number.

When this statement has been properly completed and signed by the registered voter, 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 states as the reason for his absence on election day any of the reasons set forth in subdivision A 2 of § 24.2-700,~~ 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 (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

1166 and without making known how he marked the ballot, except as provided by § 24.2-704.

1167 After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope  
1168 provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the back of  
1169 the envelope, (d) enclose the ballot envelope and any required assistance form within the envelope  
1170 directed to the general registrar, and (e) seal that envelope. A voter's failure to provide in the statement  
1171 on the back of the envelope his full middle name or his middle initial shall not be a material omission,  
1172 rendering his ballot void, unless the voter failed to provide in the statement on the back of the envelope  
1173 his full first and last name. A voter's failure to provide the date, or any part of the date, including the  
1174 year, on which he signed the statement printed on the back of the envelope shall not be considered a  
1175 material omission and shall not render his ballot void.

1176 B. A mailed absentee ballot shall be returned (i) by mail to the office of the general registrar, (ii) or  
1177 by the voter in person to the general registrar; ~~or (iii) to a drop-off location established pursuant to~~  
1178 ~~§ 24.2-707.1.~~ For purposes of this subsection, "mail" includes a delivery by a commercial delivery  
1179 service but does not include delivery by a personal courier service or other individual except as provided  
1180 by §§ 24.2-703.2 and 24.2-705.

1181 C. Failure to follow the procedures set forth in this section shall render the applicant's ballot void.

1182 **§ 24.2-708. Return of unused ballots; voting by applicant who did not receive or lost ballot;**  
1183 **defaced ballots.**

1184 A. Any person who has applied for and received an absentee ballot may choose not to vote absentee  
1185 and shall be entitled to cast a ballot in accordance with the provisions of this subsection.

1186 1. The voter may, prior to the day of the election, return the ballot to the general registrar (i)  
1187 unopened in the sealed envelope in which it was sent to him or (ii) opened and unmarked.

1188 The general registrar shall note on the voter's record, opposite the name of the voter, the fact that the  
1189 ballot was returned unused and the date of the return and shall carefully preserve the ballot with all  
1190 ballots returned unused. Such ballots shall be delivered, with other returned ballots, to the officers of  
1191 election on election day. The voter shall then be entitled to vote a regular ballot in the office of the  
1192 general registrar, or he may choose to vote at his proper polling place ~~or at a central absentee voter~~  
1193 ~~precinct~~ on the day of the election. On the day of the election, (a) if the general registrar or an officer  
1194 of election is able to confirm the return of the unused ballot, the voter shall be entitled to vote a regular  
1195 ballot and (b) if the general registrar or an officer of election is unable to confirm the return of the  
1196 unused ballot, the voter shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1.

1197 2. The voter may, on the day of the election, return his unused ballot to his proper polling place ~~or~~  
1198 ~~central absentee voter precinct~~, and the unused ballot shall be preserved with other unused ballots. The  
1199 voter shall then be entitled to vote a regular ballot.

1200 3. The voter may, on the day of the election, offer to vote at his proper polling place ~~or at a central~~  
1201 ~~absentee voter precinct~~ without returning his unused ballot, and he shall be entitled to cast a provisional  
1202 ballot pursuant to § 24.2-653.1.

1203 B. Any person who has applied for and has been sent an absentee ballot but does not receive the  
1204 ballot or loses the ballot shall be entitled to cast a ballot in accordance with the provisions of this  
1205 subsection.

1206 1. The voter may, prior to the day of the election, present to the general registrar or officer of  
1207 election a statement signed by him that he did not receive the ballot or has lost the ballot. Such  
1208 statement shall be made subject to felony penalties for making false statements as pursuant to §  
1209 24.2-1016, and the voter shall then be entitled to cast a regular ballot.

1210 2. The voter may, on the day of the election, offer to vote at his proper polling place ~~or at a central~~  
1211 ~~absentee voter precinct~~, and he shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1.

1212 C. Any person who has applied for and has been sent an absentee ballot that has been  
1213 unintentionally or accidentally defaced and rendered unfit for voting shall be entitled to cast a ballot in  
1214 accordance with the provisions of this subsection.

1215 1. The voter may, prior to the day of the election, present the defaced ballot to the general registrar  
1216 or an officer of election, and the ballot shall be marked spoiled by the general registrar or an officer of  
1217 election and placed in a spoiled-ballot envelope to be retained with the ballots for the election. The  
1218 voter shall then be entitled to vote a regular ballot in the office of the general registrar, or he may  
1219 choose to vote at his proper polling place ~~or at a central absentee voter precinct~~ on the day of the  
1220 election. On the day of the election, (i) if the general registrar or an officer of election is able to  
1221 confirm the return of the defaced ballot, the voter shall be entitled to vote a regular ballot and (ii) if the  
1222 general registrar or an officer of election is unable to confirm the return of the defaced ballot, the voter  
1223 shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1.

1224 2. The voter may, on the day of the election, present his defaced or unfit ballot to his proper polling  
1225 place ~~or central absentee voter precinct~~, and the defaced or unfit ballot shall be preserved with other  
1226 spoiled ballots. The voter shall then be entitled to vote a regular ballot.

1227 **§ 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. ~~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~~ 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 *day of the election*.

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.

**§ 24.2-710. Further duties of the electoral board and general registrar; Absentee voter applicant lists.**

A. The provisions of this subsection shall apply only to those localities not using an electronic pollbook. On the day before the election, the general registrar shall (i) make out in triplicate on a form prescribed by the State Board the absentee voter applicant list containing the names of all persons who applied for an absentee ballot through the third day before the election and (ii) by noon on the day before the election, deliver two copies of the list to the electoral board. The general registrar shall make out a supplementary list containing the names of all persons voting absentee in person or applying to vote absentee pursuant to § 24.2-705 for delivery by 5:00 p.m. on the day before the election. The supplementary list shall be deemed part of the absentee voter applicant list and shall be prepared and delivered in accordance with the instructions of the State Board. The general registrar shall maintain one copy of the list in his office for two years as a public record open for inspection upon request during regular office hours.

B. On the day before the election, the electoral board shall deliver one copy of the list provided to it by the general registrar to the chief officer of election for each precinct. The list shall be attested by the secretary of the electoral board who shall be responsible for the delivery of the attested lists to the chief officer of election for each precinct.

Absentee ballots shall be accepted only from voters whose names appear on the attested list.

C. Before the polls close on the day of the election, the electoral board shall deliver the absentee ballot containers maintained in the office of the general registrar pursuant to § 24.2-709.1 to, and obtain a receipt from, the officers of election at each appropriate precinct. Any ballot returned to the electoral board or general registrar prior to the closing of the polls, but after the ballot container has been delivered, shall be delivered in an appropriate container to the officers of election at each appropriate precinct. The containers shall be sealed prior to delivery to the officers and shall contain the sealed absentee ballots, the accompanying return envelopes, and a copy of the absentee voter applicant list for each precinct.

D. Upon request, the State Board shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such lists shall be used only for campaign and political purposes. In no event shall any list furnished under this section contain (a) any voter's social security number or any part thereof, (b) any voter's day and month of birth, or (c) the residence address of any voter who has provided a post office box address to be used on public lists pursuant to § 24.2-418.

**§ 24.2-711. Duties of electoral board, general registrar, and officers of election.**

A. Before the polls open, the officers of election at each precinct shall mark, for each person on the absentee voter applicant list, the letters "AB" (meaning absentee ballot) in the voting record column on the pollbook. The pollbook may be so marked prior to election day by the general registrar, the secretary of the electoral board, or staff under the direction of the general registrar or the secretary, or when the pollbook is produced by the State Board pursuant to § 24.2-404. If the pollbook has been marked prior to election day, before the polls open the officers of election at each precinct shall check the marks for accuracy and make any additions or corrections required.

The chief officer of election shall keep the copy of the absentee voter applicant list in the polling place as a public record open for inspection upon request at all times while the polls are open.

B. Immediately after the close of the polls, the container of absentee ballots delivered pursuant to § 24.2-710 shall be opened by the officers of election. As each ballot envelope is removed from the container, the name of the voter shall be called and checked as if the voter were voting in person. If the voter is found entitled to vote, an officer shall mark the voter's name on the pollbook with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form. The ballot envelope shall then be opened, and the ballot deposited in the ballot container without being unfolded or examined. If the voter is found not entitled to vote, the unopened envelope shall be rejected. An unopened envelope shall not be rejected on the sole basis of a voter's failure to provide in the statement on the back of the unopened envelope his full middle name or his middle initial, unless the voter also failed to provide his full first and last name. An unopened envelope shall not be rejected on the sole basis of 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. At least two officers of election, one representing each political party, shall write and sign a statement of

the cause for rejection on the envelope or on an attachment to the envelope.

When all ballots have been accounted for and either voted or rejected, the officers shall place the empty ballot envelopes, the return envelopes, and any rejected ballot envelopes, in one envelope provided for the purpose and seal and deliver it with the ballots cast at the election as provided in this title.

C. Before noon on the day following the election, the general registrar shall deliver all applications for absentee ballots for the election, under seal, to the clerk of the circuit court for the county or city, except that the general registrar may retain all applications for absentee ballots until the electoral board has ascertained the results of the election pursuant to § 24.2-671, and has determined the validity of and counted all provisional ballots pursuant to § 24.2-653.01, at which point all applications shall then be delivered, under seal, to the clerk of the circuit court for the county or city. The clerk shall retain the sealed applications with the counted ballots.

D. The secretary of the electoral board shall deliver all absentee ballots received after the election to the clerk of the circuit court.

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

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

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

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

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

**2. That §§ 24.2-673.1, 24.2-707.1, and 24.2-712 of the Code of Virginia are repealed.**