

SUBCOMMITTEE: ELECTIONS

1 HOUSE BILL NO. 1
2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
3 (Proposed by the House Committee on Privileges and Elections
4 on _____)

5 (Patrons Prior to Substitute--Delegates Herring, Lindsey [HB 25], and Murphy [HBs 208 and 209])

6 A BILL to amend and reenact §§ 24.2-416.1, 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-701.1, 24.2-
7 702.1, 24.2-703.1, 24.2-703.2, 24.2-705.1, 24.2-705.2, 24.2-706, 24.2-709, and 24.2-1004 of the
8 Code of Virginia, relating to absentee voting; no excuse required.

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

10 **1. That §§ 24.2-416.1, 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.1, 24.2-**
11 **703.2, 24.2-705.1, 24.2-705.2, 24.2-706, 24.2-709, and 24.2-1004 of the Code of Virginia are amended**
12 **and reenacted as follows:**

13 **§ 24.2-416.1. Voter registration by mail.**

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

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

27 **§ 24.2-452. Definitions.**

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

29 1. "Covered voter" means:

30 a. A uniformed-service voter or an overseas voter who is registered to vote in this state;

31 b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and
32 who otherwise satisfies this state's voter eligibility requirements, ~~including subdivision A 2 of § 24.2-700;~~

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

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

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

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

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

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

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

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

50 5. "Military-overseas ballot" means:

51 a. A federal write-in absentee ballot;

52 b. A ballot specifically prepared or distributed for use by a covered voter in accordance with this
53 title; or

- 54 c. A ballot cast by a covered voter in accordance with this title.
- 55 6. "Overseas voter" means a United States citizen who is outside the United States.
- 56 7. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United
57 States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
- 58 8. "Uniformed service" means:
- 59 a. Active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard
60 of the United States;
- 61 b. The Merchant Marine, the commissioned corps of the Public Health Service, or the
62 commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
- 63 c. The Virginia National Guard.
- 64 9. "Uniformed-service voter" means an individual who is qualified to vote and is:
- 65 a. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
66 Coast Guard of the United States who is on active duty;
- 67 b. A member of the Merchant Marine, the commissioned corps of the Public Health Service, or
68 the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;
- 69 c. A member on activated status of the National Guard; or
- 70 d. A spouse or dependent of a member referred to in this definition.
- 71 10. "United States," used in the territorial sense, means the several states, the District of Columbia,
72 Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the
73 jurisdiction of the United States.

74 **§ 24.2-612. List of offices and candidates filed with Department of Elections and checked for**
75 **accuracy; when ballots printed; number required.**

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

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

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

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

100 The general registrar shall make printed ballots available for absentee voting not later than 45 days
101 prior to any election or within three business days of the receipt of a properly completed absentee ballot
102 application, whichever is later. In the case of a special election, excluding for federal offices, if time is
103 insufficient to meet the applicable deadline established herein, then the general registrar shall make printed
104 ballots available as soon after the deadline as possible. For the purposes of this chapter, making printed
105 ballots available includes mailing of such ballots or electronic transmission of such ballots pursuant to §
106 24.2-706 to a ~~qualified absentee voter who is eligible for an absentee ballot under subdivision A 2 of §~~
107 ~~24.2-700~~ covered voter, as defined in § 24.2-452, who has applied for an absentee ballot pursuant to §

108 24.2-452. Not later than five days after absentee ballots are made available, each general registrar shall
109 report to the Department of Elections, in writing on a form approved by the Department of Elections,
110 whether he has complied with the applicable deadline.

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

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

118 **§ 24.2-700. Persons entitled to vote by absentee ballot.**

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

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

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

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

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

132 ~~5. Any person who is confined while awaiting trial or for having been convicted of a misdemeanor,~~
133 ~~provided that the trial or release date is scheduled on or after the third day preceding the election. Any~~
134 ~~person who is awaiting trial and is a resident of the county or city where he is confined shall, on his~~

135 request, be taken to the polls to vote on election day if his trial date is postponed and he did not have an
136 opportunity to vote absentee;

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

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

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

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

147 10. Any person who is a law enforcement officer, as defined in § 18.2-51.1; firefighter, as defined
148 in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in §
149 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;

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

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

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

158 **§ 24.2-701. Application for absentee ballot.**

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

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

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

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

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

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

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

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

185 1. An application completed in person shall be completed only in the office of the general registrar
186 and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms of
187 identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms
188 of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the

189 provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar
190 for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this
191 section.

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

201 3. The application of any covered voter, as defined in § 24.2-452, may be on a federal postcard
202 application, as defined in § 24.2-452. The federal postcard application may be accepted the later of (i) 12
203 months before an election or (ii) the day following any election held in the twelfth month prior to the
204 election in which the applicant is applying to vote. The application shall be made to the appropriate
205 registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to
206 vote.

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

208 1. The applicant's printed name, and the last four digits of the applicant's social security number,
209 ~~and the reason the applicant will be absent or cannot vote at his polling place on the day of the election.~~

210 However, an applicant completing the application in person shall not be required to provide the last four
211 digits of his social security number;

212 2. A statement that he is registered in the county or city in which he offers to vote and his residence
213 address in such county or city. Any person temporarily residing outside the United States shall provide
214 the last date of residency at his Virginia residence address, if that residence is no longer available to him.

215 ~~Any person who makes application under subdivision A 2 of § 24.2-700~~ covered voter, as defined in §

216 24.2-452, who is not a registered voter may file the applications to register and for a ballot simultaneously;
217 and

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

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

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

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

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

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

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

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

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

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

247 ~~13. In the case of a law enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in §~~
248 ~~65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-~~
249 ~~51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or~~

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

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

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

260 **§ 24.2-701.1. Absentee voting in person.**

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

266 ~~1. Any registered voter eligible to vote absentee pursuant to subsection A of § 24.2-700 may vote~~
267 ~~absentee in person beginning on the forty-fifth day prior to the election in which he is offering to vote and~~
268 ~~continuing until the second Friday immediately preceding such election. He shall complete the application~~

269 ~~for an absentee ballot required by § 24.2-701, and the general registrar shall process that application in~~
270 ~~accordance with the provisions of § 24.2-706.~~

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

276 A registered voter voting by absentee ballot in person shall provide one of the forms of
277 identification specified in subsection B of § 24.2-643. If he does not show one of the forms of identification
278 specified in subsection B of § 24.2-643, he shall be offered a provisional ballot under the provisions of §
279 24.2-653. The State Board shall provide instructions to the general registrar for the handling and counting
280 of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

281 B. Absentee voting in person shall be available during regular business hours. The electoral board
282 of each county and city shall provide for absentee voting in person in the office of the general registrar.
283 For purposes of this chapter, such office shall be open a minimum of eight hours between the hours of
284 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. Any
285 applicant who is in line to cast his ballot when the office of the general registrar or location being used for
286 in-person absentee voting closes shall be permitted to cast his absentee ballot that day.

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

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

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

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

308 **§ 24.2-702.1. Federal write-in absentee ballots.**

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

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

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

326 **§ 24.2-703.1. Special annual applications for absentee ballots for certain ill or disabled voters.**

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

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

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

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

346 **§ 24.2-703.2. Replacement absentee ballots for certain disabled or ill voters; penalty.**

347 ~~A voter seeking to cast an absentee ballot may obtain a replacement absentee ballot subject to the~~
348 ~~following conditions: (i) the voter applied for an absentee ballot under subdivision A 4 of § 24.2-700~~
349 ~~because of a disability or illness; (ii) the application was approved and an absentee ballot mailed to the~~

350 ~~voter; and (iii) the voter~~ A person with a disability or illness who has applied for and has been sent an
351 absentee ballot who did not receive or has lost the absentee ballot on or before the Saturday before the
352 election may obtain a replacement absentee ballot. In such case, the voter may request a replacement
353 absentee ballot by the close of business for the local elections office on the Saturday before election day
354 and designate, in writing, a representative to obtain a replacement absentee ballot on his behalf from the
355 general registrar and to return the properly completed ballot as directed by the general registrar no later
356 than the close of polls on the day of election for which the absentee ballot is valid. The representative shall
357 be age ~~eighteen~~ 18 or older and shall not be an elected official, a candidate for elected office, or the deputy,
358 spouse, parent, or child of an elected official or candidate. The voter and representative shall complete the
359 form prescribed by the State Board to implement the provisions of this section. The form shall include a
360 statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the
361 form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.

362 **§ 24.2-705.1. Late applications and in-person absentee voting for business and medical**
363 **emergencies.**

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

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

371 2. The applicant signs a statement, ~~which shall be deemed part of his absentee ballot application~~
372 ~~and~~ subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is required to
373 leave the county or city before the opening of the polls on election day for a purpose pertaining to (i) his
374 business, profession or occupation, (ii) the hospitalization of the applicant or a member of his immediate
375 family, or (iii) the death of a member of his immediate family, and that he did not have notice or knowledge
376 of such required travel prior to 12:00 noon on the immediately preceding Saturday. "Immediate family"

377 means the children including adopted children, grandchildren, grandparents, parents, legal guardian,
378 siblings, whether of the whole or half blood, and spouse of the applicant.

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

381 **§ 24.2-705.2. Late applications and in-person absentee voting for certain officers of election.**

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

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

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

393 **§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.**

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

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

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

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

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

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

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

426 "Statement of Voter."

427 "I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016,
428 that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since last
429 November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN
430 VIRGINIA including the house number, street name or rural route address, city, zip code); that I received

431 the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope
432 marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or
433 knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required
434 to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and
435 will not vote in this election at any other time or place.

436 Signature of Voter _____

437 Date _____

438 Signature of witness _____"

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

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

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

447 4. Printed instructions for completing the ballot and statement on the envelope and returning the
448 ballot.

449 For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b)
450 of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter
451 votes in a federal election in the state, the printed instructions shall direct the voter to submit with his
452 ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank
453 statement, government check, paycheck or other government document that shows the name and address
454 of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of
455 identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a
456 provisional ballot under the provisions of § 24.2-653. The Department of Elections shall provide

457 instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to
458 subsection B of § 24.2-653 and this section.

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

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

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

470 D. If the applicant ~~states as the reason for his absence on election day any of the reasons set forth~~
471 ~~in subdivision A 2 of § 24.2-700~~ is a covered voter, as defined in § 24.2-452, the general registrar, at the
472 time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-
473 612 or deliver in person to the applicant in the office of the general registrar the items as set forth in
474 subdivisions B 1 through 4 and, if necessary, an application for registration. A certificate or other evidence
475 of mailing shall not be required. If the applicant requests that such items be sent by electronic transmission,
476 the general registrar, at the time when the printed ballots for the election are available but not later than
477 the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot, the form for
478 the envelope for returning the marked ballot, and instructions to the voter. Such materials shall be sent
479 using the official email address or fax number of the office of the general registrar published on the
480 Department of Elections website. The State Board of Elections may prescribe by regulation the format of
481 the email address used for transmitting ballots to eligible voters. A general registrar may also use
482 electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot
483 shall be returned to the general registrar as otherwise required by this chapter.

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

490 **§ 24.2-709. Ballot to be returned in manner prescribed by law.**

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

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

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

511 **§ 24.2-1004. Illegal voting and registrations.**

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

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

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

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

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