

SENATE BILL NO. 273

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections

on January 25, 2022)

(Patron Prior to Substitute--Senator Ebbin)

A BILL to amend and reenact §§ 24.2-404, as it is currently effective and as it shall become effective, 24.2-404.4, 24.2-427, 24.2-702.1, 24.2-704, 24.2-706, 24.2-707, and 24.2-709.1 of the Code of Virginia, relating to elections; absentee voting; verification by social security number or unique identifier in lieu of witness signature.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404, as it is currently effective and as it shall become effective, 24.2-404.4, 24.2-427, 24.2-702.1, 24.2-704, 24.2-706, 24.2-707, and 24.2-709.1 of the Code of Virginia are amended and reenacted as follows:

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

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

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

- 1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.
- 2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.
- 3. Provide to each general registrar voter confirmation documents for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places.

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

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

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

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

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

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

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

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

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

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

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

76 E. The State Board shall promulgate regulations for providing a unique identifier to any qualified
77 voter who lacks a social security number. Such unique identifier shall be accepted in place of a social
78 security number for the purposes of voting absentee.

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

86 ~~F.~~G. The Department shall report annually by October 1 for the preceding 12 months ending
87 August 31 to the Committees on Privileges and Elections on each of its activities undertaken to maintain
88 the Virginia voter registration system and the results of those activities. The Department's report shall be
89 governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to
90 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,
91 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
92 in gathering and analyzing the data. The Commissioner of Elections shall certify that the data included in
93 the report is accurate and reliable.

94 **§ 24.2-404. (Effective October 1, 2022) Duties of Department of Elections.**

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

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

99 1. Maintain a complete, separate, and accurate record of all registered voters in the
100 Commonwealth. Such system shall automatically register a person who has preregistered pursuant to §
101 24.2-403.1 upon that person becoming eligible for registration under § 24.2-403 or reaching 18 years of
102 age, whichever comes first.

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

105 3. Provide to each general registrar voter confirmation documents for newly registered voters,
106 including voters who were automatically registered pursuant to subdivision 1, and for notice to registered
107 voters on the system of changes and corrections in their registration records and polling places.

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

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

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

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

132 registered voters shall include the day and month of birth of the voter, but shall include the voter's year of
133 birth.

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

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

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

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

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

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

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

158 E. The State Board shall promulgate regulations for providing a unique identifier to any qualified
159 voter who lacks a social security number. Such unique identifier shall be accepted in place of a social
160 security number for the purposes of voting absentee.

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

168 ~~F.~~G. The Department shall report annually by October 1 for the preceding 12 months ending
169 August 31 to the Committees on Privileges and Elections on each of its activities undertaken to maintain
170 the Virginia voter registration system and the results of those activities. The Department's report shall be
171 governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to
172 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,
173 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
174 in gathering and analyzing the data. The Commissioner of Elections shall certify that the data included in
175 the report is accurate and reliable.

176 **§ 24.2-404.4. Exchange of registered voter lists with other states.**

177 A. Pursuant to its authority under subsection A of § 24.2-405 and subsections B and C of § 24.2-
178 406, the Department of Elections shall request voter registration information and lists of persons voting at
179 primaries and elections, if available, from the states bordering the Commonwealth to identify duplicate
180 registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer
181 entitled to be registered in order to maintain the overall accuracy of the voter registration system.

182 B. Pursuant to its authority under subdivision A 10 of § 24.2-404, the Department of Elections
183 shall utilize data regarding voter registration and lists of persons voting at primaries and elections received
184 through list comparisons with other states to identify duplicate registrations, voters who no longer reside

185 in the Commonwealth, and other persons who are no longer entitled to be registered in order to maintain
186 the overall accuracy of the voter registration system.

187 C. The Department shall compare the data received pursuant to subsections A and B with the state
188 voter registration list and initiate list maintenance procedures under applicable state and federal law. The
189 Department shall include in its report to the House and Senate Committees on Privileges and Elections,
190 required by subsection ~~E~~G of § 24.2-404, the progress of activities conducted under this section, including
191 the number of duplicate registrations found to exist and the procedures that the Department and general
192 registrars are following to eliminate duplicate registrations from the Virginia registered voter lists.

193 **§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or**
194 **disqualified to vote.**

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

201 B. The general registrar shall cancel the registration of (i) all persons known by him to be deceased
202 or disqualified to vote by reason of a felony conviction or adjudication of incapacity; (ii) all persons known
203 by him not to be United States citizens by reason of reports from the Department of Motor Vehicles
204 pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the
205 Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection ~~E~~F of
206 § 24.2-404 and in accordance with the requirements of subsection B1; (iii) all persons for whom a notice
207 has been received, signed by the voter, or from the registration official of another jurisdiction that the
208 voter has moved from the Commonwealth; and (iv) all persons for whom a notice has been received,
209 signed by the voter, or from the registration official of another jurisdiction that the voter has registered to
210 vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in clauses
211 (iii) and (iv) shall be considered as a written request from the voter to have his registration cancelled. A

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

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

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

232 C. The general registrar may cancel the registration of any person for whom a notice has been
233 submitted to the Department of Motor Vehicles in accordance with the Driver License Compact set out in
234 Article 18 (§ 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that the
235 voter has moved from the Commonwealth; provided that the registrar shall mail notice of such cancellation
236 to the person at both his new address, as reported to the Department of Motor Vehicles, and the address
237 at which he had most recently been registered in Virginia. No general registrar may cancel registrations
238 under this authority while the registration records are closed pursuant to § 24.2-416. No registrar may

239 cancel the registration under this authority of any person entitled to register under the provisions of
240 subsection A of § 24.2-420.1, and shall reinstate the registration of any otherwise qualified voter covered
241 by subsection A of § 24.2-420.1 who applies to vote within four years of the date of cancellation.

242 **§ 24.2-702.1. Federal write-in absentee ballots.**

243 A. Notwithstanding any other provision of this title, a covered voter, as defined in § 24.2-452, may
244 use a federal write-in absentee ballot in any election. Such ballot shall be submitted and processed in the
245 manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et
246 seq.) and this article.

247 B. Notwithstanding any other provision of this title, a federal write-in absentee ballot submitted
248 pursuant to subsection A shall be considered valid for purposes of simultaneously satisfying both an
249 absentee ballot application and a completed absentee ballot, provided that the ballot is received no later
250 than the deadline for the return of absentee ballots as provided in § 24.2-709 for the election in which the
251 voter offers to vote, and the application contains the following information: (i) the voter's signature;
252 however, if the voter is unable to sign, the person assisting the voter will note this fact in the voter signature
253 box; (ii) the voter's printed name; (iii) the county or city in which ~~he~~ the voter is registered and offers to
254 vote; (iv) the residence address at which ~~he~~ the voter is registered to vote; (v) ~~his~~ the voter's current military
255 or overseas address; and (vi) either (a) the last four digits of the voter's social security number and the
256 voter's date of birth or (b) the signature of a witness who shall sign the same application.

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

260 **§ 24.2-704. Applications and ballots for persons requiring assistance in voting; penalty.**

261 A. The application for an absentee ballot shall provide space for the applicant to indicate that he
262 will require assistance to vote his absentee ballot by reason of blindness, disability, or inability to read or
263 write.

264 B. On receipt of an application from an applicant who indicated that he will require assistance due
265 to a visual impairment or print disability, the general registrar shall offer to provide to the applicant a

266 ballot marking tool with screen reader assistive technology made available pursuant to § 24.2-103.2. If
267 the applicant opts to use such tool, the general registrar shall send by mail to him a ballot return envelope
268 and accessible instructions provided by the Department for using such tool and returning the marked
269 ballot. The general registrar shall cause the outer envelope containing the ballot return envelope and
270 accessible instructions to have a tactile marking that identifies the outer envelope as the outer envelope to
271 the voter. For purposes of this section, "tactile marking" includes a hole punch, a cut corner, or a tactile
272 sticker.

273 An absentee voter using such tool shall return the marked absentee ballot in accordance with the
274 instructions provided by the Department.

275 No ballot marked with the electronic ballot marking tool shall be rejected because the ballot was
276 printed on regular paper. No ballot marked with the electronic ballot marking tool shall be rejected on the
277 basis of the position of the voter's signature or address on the ballot return envelope as long as the voter's
278 signature or address is anywhere on the ballot return envelope.

279 C. On receipt of an application from an applicant marked to indicate that he will require assistance
280 due to any other disability or if an applicant offered the ballot marking tool pursuant to subsection B
281 declines to use such tool, the general registrar shall deliver, with the items required by § 24.2-706, the
282 voter assistance form furnished by the State Board pursuant to § 24.2-649. The voter and any person
283 assisting him shall complete the form by signing the request for assistance and statement required of the
284 assistant. If the voter is unable to sign the request, ~~the witness~~ person assisting him will note this fact on
285 the line for signature of voter. The provisions of § 24.2-649 shall apply to absentee voting and assistance
286 for absentee voters. Any person who willfully violates the provisions of this section or § 24.2-649 in
287 providing assistance to a person who is voting absentee shall be guilty of a Class 5 felony.

288 **§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.**

289 A. On receipt of an application for an absentee ballot, the general registrar shall enroll the name
290 and address of each registered applicant on an absentee voter applicant list that shall be maintained in the
291 office of the general registrar with a file of the applications received. The list shall be available for
292 inspection and copying and the applications shall be available for inspection only by any registered voter

293 during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall
294 provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list
295 shall be used only for campaign and political purposes. Any list made available for inspection and copying
296 under this section shall contain the post office box address in lieu of the residence street address for any
297 individual who has furnished at the time of registration or subsequently, in addition to his street address,
298 a post office box address pursuant to subsection B of § 24.2-418.

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

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

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

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

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

319 2. An envelope for resealing the marked ballot, on which envelope is printed the following:

320 "Statement of Voter."

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

330 Signature of Voter _____

331 Date _____

332 ~~Signature of witness~~ Verification of Voter Identity _____ "

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

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

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

341 4. Printed instructions for completing the ballot and statement on the envelope and returning the
342 ballot. Instructions for completing the statement on the envelope shall include the option to provide (i) a
343 witness signature or (ii) the voter's date of birth and either (a) the last 4 digits of the voter social security
344 number or (b) an assigned unique identifier in order to verify the voter's identity. Such instructions shall
345 include information on the sites of all drop-off locations in the county or city.

346 For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b)
347 of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter
348 votes in a federal election in the state, the printed instructions shall direct the voter to submit with his
349 ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank
350 statement, government check, paycheck or other government document that shows the name and address
351 of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of
352 identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a
353 provisional ballot under the provisions of § 24.2-653.01. The Department of Elections shall provide
354 instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to §
355 24.2-653.01 and this section.

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

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

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

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

372 F. If the applicant is a covered voter, as defined in § 24.2-452, the general registrar, at the time
373 when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or
374 deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions
375 C 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing
376 shall not be required. If the applicant requests that such items be sent by electronic transmission, the
377 general registrar, at the time when the printed ballots for the election are available but not later than the
378 deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot, the form for the
379 envelope for returning the marked ballot, and instructions to the voter. Such materials shall be sent using
380 the official email address or fax number of the office of the general registrar published on the Department
381 of Elections website. The State Board of Elections may prescribe by regulation the format of the email
382 address used for transmitting ballots to eligible voters. A general registrar may also use electronic
383 transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be
384 returned to the general registrar as otherwise required by this chapter.

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

391 **§ 24.2-707. How ballots marked and returned.**

392 A. On receipt of a mailed absentee ballot, the voter shall, ~~in the presence of a witness,~~ (i) open the
393 sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644 and
394 24.2-646 without assistance and without making known how he marked the ballot, except as provided by
395 § 24.2-704.

396 After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope
397 provided for that purpose; (b) seal the envelope; (c) fill in and sign the statement printed on the back of
398 the envelope ~~in the presence of a witness, who shall sign the same envelope,~~ including the required

399 information for verification of the voter's identity; (d) enclose the ballot envelope and any required
400 assistance form within the envelope directed to the general registrar; and (e) seal that envelope. A voter's
401 failure to provide in the statement on the back of the envelope his full middle name or his middle initial
402 shall not be a material omission, rendering his ballot void, unless the voter failed to provide in the
403 statement on the back of the envelope his full first and last name. A voter's failure to provide the date, or
404 any part of the date, including the year, on which he signed the statement printed on the back of the
405 envelope shall not be considered a material omission and shall not render his ballot void. ~~A voter's failure
406 to have a witness sign the absentee ballot return envelope for any election held during a declared state of
407 emergency related to a communicable disease of public health threat shall not be considered a material
408 omission and shall not render his ballot void.~~

409 B. A mailed absentee ballot shall be returned (i) by mail to the office of the general registrar, (ii)
410 by the voter in person to the general registrar, or (iii) to a drop-off location established pursuant to § 24.2-
411 707.1. For purposes of this subsection, "mail" includes a delivery by a commercial delivery service but
412 does not include delivery by a personal courier service or other individual except as provided by §§ 24.2-
413 703.2 and 24.2-705.

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

415 **§ 24.2-709.1. Processing returned absentee ballots before election day; cure process.**

416 A. On receipt of an absentee ballot returned in person or by mail to the office of the general
417 registrar or to a drop-off location before election day, the general registrar shall mark the date of receipt
418 in the voter's record and shall examine the ballot envelope to verify completion of the required voter
419 affirmation. Such verification shall include matching any date of birth and last four digits of a social
420 security number or assigned unique identifier provided as part of the voter affirmation against the
421 information in the voter's registration record. A voter affirmation statement shall not be deemed to be
422 incomplete on the sole basis of the voter's failure to provide (i) his full name or his middle initial, as long
423 as the voter provided his full first and last name, or (ii) the date, or any part of the date, including the year,
424 on which he signed the statement.

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

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

438 In the event that circumstances prevent a general registrar from complying with the provisions of
439 this subsection, such failure shall not be grounds for contesting the election pursuant to Article 2 (§ 24.2-
440 803 et seq.) of Chapter 8 and shall not invalidate the absentee ballots.

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

448 Within three days of such finding, the registrar shall notify the voter in writing or by email of the
449 error or failure and shall provide information to the voter on how to correct the issue so his ballot may be
450 counted. The voter shall be entitled to make such necessary corrections before noon on the third day after
451 the election, and his ballot shall then be counted pursuant to the procedures set forth in this chapter if he

