

HOUSE BILL NO. 175

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections

on _____)

(Patron Prior to Substitute--Delegate Bloxom)

A BILL to amend and reenact §§ 24.2-701, 24.2-703.1, 24.2-707, and 24.2-709 of the Code of Virginia, relating to absentee voting; annual absentee voter list; applications for ballots.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-701, 24.2-703.1, 24.2-707, and 24.2-709 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-701. Application for absentee ballot.

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

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

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

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

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

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

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

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

36 1. An application completed in person shall be completed only in the office of the general registrar
37 and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms of
38 identification specified in subsection B of § 24.2-643, or if he is unable to present one of the specified
39 forms of identification listed in that subsection, he shall sign a statement, subject to felony penalties for
40 making false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. An
41 applicant who requires assistance in voting by reason of a physical disability or an inability to read or
42 write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement
43 in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall
44 be followed when assisting a voter in completing this statement. Any applicant who does not show one of
45 the forms of identification specified in subsection B of § 24.2-643 or does not sign this statement shall be
46 offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide
47 instructions to the general registrar for the handling and counting of such provisional ballots pursuant to
48 § 24.2-653.01 and this section.

49 This paragraph shall apply in the case of any individual who is required by subparagraph (b) of 52
50 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a
51 federal election in the state. At such election, such individual shall present (i) a current and valid photo
52 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other

53 government document that shows the name and address of the voter. Such individual who desires to vote
54 in person but does not show one of the forms of identification specified in this paragraph shall be offered
55 a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B
56 of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The
57 Department of Elections shall provide instructions to the electoral boards for the handling and counting
58 of such provisional ballots pursuant to § 24.2-653.01 and this section.

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

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

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

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

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

77 3. The complete address to which the ballot is to be sent directly to the applicant, unless the
78 application is made in person at a time when the printed ballots for the election are available and the
79 applicant chooses to vote in person at the time of completing his application. The address given shall be

80 (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located
81 while absent from his county or city; or (iii) the address at which he will be located while temporarily
82 confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person.

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

85 **§ 24.2-703.1. Annual absentee voter list.**

86 A. Any registered voter shall be eligible to file a special annual application to receive absentee
87 ballots for all elections in which he is eligible to vote in a calendar year. Such application shall be on a
88 form approved by the State Board and shall require, at a minimum, the voter's printed name, birth date,
89 and the last four digits of his social security number. The absentee ballots sent to a voter on the ~~permanent~~
90 annual absentee voter list shall be sent to the address in the voter's registration record, except as provided
91 in subdivision C 1.

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

96 The general registrar shall send to each voter enrolled on the annual absentee voter list a blank
97 application by December 15 for each ensuing calendar year, and upon completion thereof, the applicant
98 shall be eligible to receive ballots for all elections in which he is eligible to vote in that calendar year.

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

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

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

105 3. Change his political party selection for all succeeding primary elections.

106 D. A voter shall be removed from the ~~permanent~~ annual absentee voter list if (i) the voter requests
107 in writing to be removed from the list, (ii) the voter's registration is canceled pursuant to § 24.2-427, (iii)
108 the voter's registration is placed on inactive status pursuant to § 24.2-428 or 24.2-428.1, or (iv) the voter
109 moves to a different address not in the same county or city of his registration, and no ballot for any
110 subsequent election shall be sent to the voter until a new application is filed and accepted.

111 **§ 24.2-707. How ballots marked and returned.**

112 A. On receipt of a mailed absentee ballot, the voter shall, in the presence of a witness, (i) open the
113 sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644 and
114 24.2-646 without assistance and without making known how he marked the ballot, except as provided by
115 § 24.2-704.

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

129 B. A mailed absentee ballot shall be returned (i) by mail to the office of the general registrar, (ii)
130 by the voter in person to the general registrar, or (iii) to a drop-off location established pursuant to § 24.2-
131 707.1. For purposes of this subsection, "mail" includes a delivery by a commercial delivery service but

132 does not include delivery by a personal courier service or other individual except as provided by §§ 24.2-
133 703.2 and 24.2-705.

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

135 **§ 24.2-709. Ballot to be returned in manner prescribed by law.**

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

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

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

158 prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar
159 to be available for inspection when his office is open for business.

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

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