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HOUSE BILL NO. 36

Offered January 12, 2022

Prefiled December 29, 2021

A BILL to amend and reenact § 24.2-701 of the Code of Virginia and to repeal § 24.2-703.1 of the Code of Virginia, relating to absentee voting; permanent absentee voter list repealed.

Patrons—Campbell, R.R., Avoli, Davis, Runion and Williams

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That § 24.2-701 of the Code of Virginia is 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.

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

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

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

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

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

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59 and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

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

66 3. The application of any covered voter, as defined in § 24.2-452, may be on a federal postcard
67 application, as defined in § 24.2-452. The federal postcard application may be accepted the later of (i)
68 12 months before an election or (ii) the day following any election held in the twelfth month prior to
69 the election in which the applicant is applying to vote.

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

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

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

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

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

88 **2. That § 24.2-703.1 of the Code of Virginia is repealed.**