

22101614D

SENATE BILL NO. 552

Offered January 12, 2022

Prefiled January 12, 2022

A *BILL to amend and reenact §§ 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-706, 24.2-709, 24.2-709.1, and 24.2-1004 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-709.2, relating to absentee voting; excuse required to vote absentee by mail; signature match.*

Patron—Chase

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-706, 24.2-709, 24.2-709.1, and 24.2-1004 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-709.2 as follows:

§ 24.2-452. Definitions.

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

1. "Covered voter" means:

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

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

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

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

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

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

5. "Military-overseas ballot" means:

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

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

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

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

8. "Uniformed service" means:

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

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

c. The Virginia National Guard.

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

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

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

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

INTRODUCED

SB552

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

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

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

Immediately after the expiration of the time provided by law for a candidate for any office to qualify to have his name printed on the official ballot and prior to printing the ballots for an election, each general registrar shall forward to the Department of Elections a list of the county, city, or town offices to be filled at the election and the names of all candidates who have filed for each office. In addition, each general registrar shall forward the name of any candidate who failed to qualify with the reason for his disqualification. On that same day, the general registrar shall also provide a copy of the notice to each disqualified candidate. The notice shall be sent by email or regular mail to the address on the candidate's certificate of candidate qualification, and such notice shall be deemed sufficient. The Department of Elections shall promptly advise the general registrar of the accuracy of the list. The failure of any general registrar to send the list to the Department of Elections for verification shall not invalidate any election.

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

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

The general registrar shall make printed ballots available for absentee voting not later than 45 days prior to any election or within three business days of the receipt of a properly completed absentee ballot application, whichever is later. In the case of a special election, excluding for federal offices, if time is insufficient to meet the applicable deadline established herein, then the general registrar shall make printed ballots available as soon after the deadline as possible. For the purposes of this chapter, making printed ballots available includes mailing of such ballots or electronic transmission of such ballots pursuant to § 24.2-706 to a covered voter, as defined in § 24.2-452, who has applied for an absentee ballot pursuant to § 24.2-704 a qualified absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700. Not later than five days after absentee ballots are made available, each general registrar shall report to the Department of Elections, in writing on a form approved by the Department of Elections, whether he has complied with the applicable deadline.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Any registered voter may vote by absentee ballot in person beginning on the second Saturday immediately preceding any election in which he is qualified to vote.

§ 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~~ person who is eligible to vote absentee under subdivision A 2 of § 24.2-700.

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

182 voters who are unable to sign shall be followed when assisting a voter in completing this statement. Any
183 applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643
184 or does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653.
185 The State Board of Elections shall provide instructions to the general registrar for the handling and
186 counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

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

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

203 3. ~~The application of any covered voter, as defined in § 24.2-452, An application made under~~
204 ~~subdivision A 2 of § 24.2-700 may be on a federal postcard application, as defined in § 24.2-452. The~~
205 ~~federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day~~
206 ~~following any election held in the twelfth month prior to the election in which the applicant is applying~~
207 ~~to vote.~~

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

209 1. The applicant's printed name ~~and~~, the last four digits of the applicant's social security number, ~~and~~
210 ~~the reason the applicant will be absent or unable to vote at his polling place on the day of the election.~~
211 However, an applicant completing the application in person shall not be required to provide the last four
212 digits of his social security number;

213 2. A statement that he is registered in the county or city in which he offers to vote and his residence
214 address in such county or city. Any person temporarily residing outside the United States shall provide
215 the last date of residency at his Virginia residence address, if that residence is no longer available to
216 him. ~~Any covered voter, as defined in § 24.2-452, person who makes application under subdivision A 2~~
217 ~~of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot~~
218 ~~simultaneously; and~~

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

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

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

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

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

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

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

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

243 11. ~~In the case of a person who is unable to go to the polls on the day of election because of an~~

obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Change his political party selection for all succeeding primary elections The general registrar shall send each such enrolled applicant a blank application by December 15 for each ensuing calendar year

and, upon completion thereof, the applicant shall be eligible to receive ballots for all elections in which he is eligible to vote in that calendar year.

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

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

A person with a disability or illness voter who has applied for an absentee ballot under subdivision A 4 of § 24.2-700 because of a disability or illness and has been sent an absentee ballot but who did not receive or has lost the absentee ballot on or before the Saturday before the election may obtain a replacement absentee ballot. In such case, the voter may request a replacement absentee ballot by the close of business for the local elections office on the Saturday before election day and designate, in writing, a representative to obtain a replacement absentee ballot on his behalf from the general registrar and to return the properly completed ballot as directed by the general registrar no later than the close of polls on the day of election for which the absentee ballot is valid. The representative shall be age 18 or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate. The voter and representative shall complete the form prescribed by the State Board to implement the provisions of this section. The form shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.

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

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

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

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

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

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

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

2. An envelope for resealing the marked ballot, on which envelope is printed the following:
"Statement of Voter."

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

envelope marked 'ballot within' and marked the ballot(s) in the presence of the ~~witness~~ notary, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter _____

Date _____

Signature *and seal* of ~~witness~~ notary _____"

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

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

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

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot. Such instructions shall include information on the sites of all drop-off locations in the county or city.

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

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

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

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

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

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

G. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur,

428 or (iii) the campaign committee or the appropriate district political party chairman of such candidate.
429 Any person who fails to discharge his duty as provided in this section through willful neglect of duty
430 and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of
431 § 24.2-1001.

432 **§ 24.2-709. Ballot to be returned in manner prescribed by law.**

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

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

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

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

463 **§ 24.2-709.1. Processing returned absentee ballots before election day; cure process.**

464 A. On receipt of an absentee ballot returned in person or by mail to the office of the general registrar
465 or to a drop-off location before election day, the general registrar shall mark the date of receipt in the
466 voter's record and shall examine the ballot envelope to verify completion of the required voter
467 affirmation *and to compare the signature of the voter on the ballot envelope with the signature on the*
468 *application for the absentee ballot completed by the voter or the signature on file in the voter's*
469 *registration record.* A voter affirmation statement shall not be deemed to be incomplete on the sole
470 basis of the voter's failure to provide (i) his full name or his middle initial, as long as the voter provided
471 his full first and last name, or (ii) the date, or any part of the date, including the year, on which he
472 signed the statement.

473 B. If the voter affirmation has been completed as required *and the signature on the ballot envelope*
474 *matches the signature on the application for the absentee ballot or on file in the voter's registration*
475 *record,* the general registrar may open the sealed ballot envelope and insert the ballot in optical scan
476 counting equipment or other secure ballot container without initiating any ballot count totals. If a general
477 registrar does not choose to do so, the sealed ballot envelope shall be deposited into a secure container
478 provided for such purpose, in which it shall remain until the general registrar initiates the process of
479 opening the sealed ballot envelopes deposited into the secure container and inserting such ballots into
480 optical scan counting equipment without initiating any ballot count totals. Such process shall be at the
481 general registrar's discretion at any time prior to the seventh day immediately preceding the election but
482 shall be mandatory beginning on the seventh day immediately preceding the election.

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

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

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

Within three days of such finding, the registrar shall notify the voter in writing or by email of the error or failure and shall provide information to the voter on how to correct the issue so his ballot may be counted. The voter shall be entitled to make such necessary corrections before noon on the third day after the election, and his ballot shall then be counted pursuant to the procedures set forth in this chapter if he is found to be entitled to vote. No absentee ballot needing correction shall be delivered to the officers of election at the appropriate precinct until the voter is provided the opportunity to make the necessary corrections pursuant to this subsection.

The general registrar may issue a new absentee ballot to the voter if necessary and shall preserve the first ballot with other spoiled ballots.

D. If the signature on the ballot envelope is missing or does not match the signature on the application for the absentee ballot or on file in the voter's registration record, the general registrar shall proceed in accordance with the provisions of § 24.2-709.2.

§ 24.2-709.2. Absentee ballots; missing or invalid signatures.

A. A mailed absentee ballot that is missing the signature of the voter on the voter affirmation statement or that has a signature that does not match the signature on the application for the absentee ballot submitted by the voter or on file in the voter's registration record shall be handled and processed as a provisional ballot, and the voter shall be entitled to complete and submit a cure affidavit, along with a copy of a form of identification containing his name, photograph, and signature, in order for his ballot to be counted.

B. The general registrar shall promptly notify the voter of his absentee ballot's provisional status by email, text message, or telephone call and shall direct the voter to the cure affidavit on the official website of the county or city. If the absentee ballot was returned on or before the seventh day immediately preceding the election, the general registrar shall also notify the voter by first class mail. The voter shall have until noon on the third day following the election to submit his completed cure affidavit and a copy of a form of identification containing his name, photograph, and signature.

C. Each county or city shall make available on its official website the cure affidavit, which shall be on a form prescribed by the State Board and shall provide the voter the opportunity to affirm that the ballot was submitted by him, that the ballot is his ballot, and that he is registered and qualified to vote in such election.

D. The Department shall provide instructions to the general registrars and electoral boards for the handling, processing, and counting of ballots pursuant to this section.

§ 24.2-1004. Illegal voting and registrations.

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

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

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

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