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## 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.

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

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

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

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

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

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

10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history, and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose

60 addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and  
61 to determine eligibility of individuals to vote in Virginia.

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

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

70 C. The State Board shall institute procedures to ensure that each requirement of this section is  
71 fulfilled. As part of its procedures, the State Board shall provide that the general registrar shall mail  
72 notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is  
73 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.  
81 Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter  
82 registration system are United States citizens. Upon approval of the application, the Department shall  
83 enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The  
84 State Board shall promulgate rules and regulations governing the use of the immigration status and  
85 citizenship status information received from the SAVE Program.

86 F. G. The Department shall report annually by October 1 for the preceding 12 months ending August  
87 31 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the  
88 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,  
91 24.2-409, 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428. This report shall contain the  
92 methodology used in gathering and analyzing the data. The Commissioner of Elections shall certify that  
93 the data included in 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 Commonwealth.  
100 Such system shall automatically register a person who has preregistered pursuant to § 24.2-403.1 upon  
101 that person becoming eligible for registration under § 24.2-403 or reaching 18 years of age, whichever  
102 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  
107 registered voters on the system of changes and corrections in their registration records and polling  
108 places.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. Pursuant to its authority under subsection A of § 24.2-405 and subsections B and C of § 24.2-406, the Department of Elections shall request voter registration information and lists of persons voting at primaries and elections, if available, from the states bordering the Commonwealth to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer

entitled to be registered in order to maintain the overall accuracy of the voter registration system.

B. Pursuant to its authority under subdivision A 10 of § 24.2-404, the Department of Elections shall utilize data regarding voter registration and lists of persons voting at primaries and elections received through list comparisons with other states to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered in order to maintain the overall accuracy of the voter registration system.

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

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

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

B. The general registrar shall cancel the registration of (i) all persons known by him to be deceased or disqualified to vote by reason of a felony conviction or adjudication of incapacity; (ii) all persons known by him not to be United States citizens by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection F of § 24.2-404 and in accordance with the requirements of subsection B1; (iii) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has moved from the Commonwealth; and (iv) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in clauses (iii) and (iv) shall be considered as a written request from the voter to have his registration cancelled. A voter's registration may be cancelled at any time during the year in which the general registrar discovers that the person is no longer entitled to be registered. The general registrar shall mail notice of any cancellation to the person whose registration is cancelled.

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

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

C. The general registrar may cancel the registration of any person for whom a notice has been submitted to the Department of Motor Vehicles in accordance with the Driver License Compact set out in Article 18 (§ 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that the voter has moved from the Commonwealth; provided that the registrar shall mail notice of such cancellation to the person at both his new address, as reported to the Department of Motor Vehicles, and the address at which he had most recently been registered in Virginia. No general registrar may cancel registrations under this authority while the registration records are closed pursuant to § 24.2-416. No registrar may cancel the registration under this authority of any person entitled to register under the provisions of subsection A of § 24.2-420.1, and shall reinstate the registration of any otherwise qualified

voter covered by subsection A of § 24.2-420.1 who applies to vote within four years of the date of cancellation.

**§ 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, 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~~ *the voter* is registered and offers to vote; (iv) the residence address at which ~~he~~ *the voter* is registered to vote; (v) ~~his~~ *the voter's* current military or overseas address; and (vi) *either (a) the last four digits of the voter's social security number and the voter's date of birth or (b) the signature of a witness 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.

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

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

B. On receipt of an application from an applicant who indicated that he will require assistance due to a visual impairment or print disability, the general registrar shall offer to provide to the applicant a ballot marking tool with screen reader assistive technology made available pursuant to § 24.2-103.2. If the applicant opts to use such tool, the general registrar shall send by mail to him a ballot return envelope and accessible instructions provided by the Department for using such tool and returning the marked ballot. The general registrar shall cause the outer envelope containing the ballot return envelope and accessible instructions to have a tactile marking that identifies the outer envelope as the outer envelope to the voter. For purposes of this section, "tactile marking" includes a hole punch, a cut corner, or a tactile sticker.

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

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

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

**§ 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.

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

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

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

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

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

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

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

337 Signature of Voter \_\_\_\_\_

338 Date \_\_\_\_\_

339 ~~Signature of witness~~ Verification of Voter Identity \_\_\_\_\_"

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

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

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

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

353 For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of  
354 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter  
355 votes in a federal election in the state, the printed instructions shall direct the voter to submit with his  
356 ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank  
357 statement, government check, paycheck or other government document that shows the name and address  
358 of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of  
359 identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as  
360 a provisional ballot under the provisions of § 24.2-653.01. The Department of Elections shall provide  
361 instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to  
362 § 24.2-653.01 and this section.

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

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

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

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

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

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

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

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

A. On receipt of an absentee ballot returned in person or by mail to the office of the general registrar or to a drop-off location before election day, the general registrar shall mark the date of receipt in the voter's record and shall examine the ballot envelope to verify completion of the required voter affirmation. *Such verification shall include matching any date of birth and last four digits of a social security number or assigned unique identifier provided as part of the voter affirmation against the*

429 *information in the voter's registration record.* A voter affirmation statement shall not be deemed to be  
430 incomplete on the sole basis of the voter's failure to provide (i) his full name or his middle initial, as  
431 long as the voter provided his full first and last name, or (ii) the date, or any part of the date, including  
432 the year, on which he signed the statement.

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

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

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

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

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

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