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SENATE BILL NO. 764

Offered January 8, 2025

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A BILL to amend and reenact §§ 24.2-404, 24.2-411.3, 24.2-643, 24.2-653, 24.2-653.01, 24.2-701, and 24.2-701.1 of the Code of Virginia, relating to elections; voter identification; identification containing a photograph required.

Patrons—McDougle, Diggs and Jordan

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404, 24.2-411.3, 24.2-643, 24.2-653, 24.2-653.01, 24.2-701, and 24.2-701.1 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-404. 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. Such system shall automatically register a person who has preregistered pursuant to § 24.2-403.1 upon that person becoming eligible for registration under § 24.2-403 or reaching 18 years of age, whichever comes first. Such system shall also assign a unique identifier to each voter registered in the system.

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 (i) voter confirmation documents for newly registered voters, including voters who were automatically registered pursuant to subdivision 1, and for notice to registered voters on the system of changes and corrections in their registration records and polling places and (ii) voter photo identification cards containing the voter's photograph and signature for free for those voters who do not have one of the forms of identification specified in subsection B of § 24.2-643. The Department shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of identification specified in subsection B of § 24.2-643 for the purpose of providing such voter a voter photo identification card containing the voter's photograph and signature. The Department shall provide each general registrar with the equipment necessary to obtain a voter's signature and photograph, and no general registrar shall be required to purchase such equipment at his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the Department. The Department may contract with an outside vendor for the production and distribution of voter photo identification cards.

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

59 voters to the general registrar of the locality. The Department shall determine whether regional or statewide
60 data is provided. Neither the pollbook nor the regional or statewide list of registered voters shall include the
61 day and month of birth of the voter, but shall include the voter's year of birth.

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

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

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

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

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

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

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

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

91 F. The Department shall report annually by October 1 for the preceding 12 months ending August 31 to
92 the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia voter
93 registration system and the results of those activities. The Department's report shall be governed by the
94 provisions of § 2.2-608 and shall encompass activities undertaken pursuant to subdivisions A 9 and 10 and
95 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-
96 410.1, 24.2-427, and 24.2-428. This report shall contain the methodology used in gathering and analyzing the
97 data. The Commissioner of Elections shall certify that the data included in the report is accurate and reliable.

98 **§ 24.2-411.3. Registration of Department of Motor Vehicles customers.**

99 A. Each person coming into an office of the Department of Motor Vehicles or accessing its website in
100 order to (i) apply for, replace, or renew a driver's license or other document issued under Chapter 3 (§ 46.2-
101 300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3 or
102 identification privilege cards issued pursuant to § 46.2-345.3; or (ii) change an address on an existing driver's
103 license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege
104 cards or permits issued pursuant to § 46.2-328.3 or identification privilege cards issued pursuant to § 46.2-
105 345.3 shall be presented with (a) a question asking whether or not the person is a United States citizen and (b)
106 the option to decline to have his information transmitted to the Department of Elections for voter registration
107 purposes. The citizenship question and option to decline shall be accompanied by a statement that
108 intentionally making a materially false statement during the transaction constitutes election fraud and is
109 punishable under Virginia law as a felony.

110 The Department of Motor Vehicles may not transmit the information of any person who so declines. The
111 Department of Motor Vehicles may not transmit the information of any person who indicates that he is not a
112 United States citizen, nor may such person be asked any additional questions relevant to voter registration but
113 not relevant to the purpose for which the person came to an office of the Department of Motor Vehicles or
114 accessed its website.

115 B. For each person who does not select the option to decline to have his information transmitted to the
116 Department of Elections for voter registration purposes and who has identified himself as a United States
117 citizen, the Department of Motor Vehicles shall request any information as may be required by the State
118 Board to ensure that the person meets all voter registration eligibility requirements.

119 C. The Department of Motor Vehicles shall electronically transmit to the Department of Elections, in

120 accordance with the standards set by the State Board, the information collected pursuant to subsection B for
 121 any person who (i) has indicated that he is a United States citizen, (ii) has indicated that he is 17 years of age
 122 or older, and (iii) at the time of such transaction did not decline to have his information transmitted to the
 123 Department of Elections for voter registration purposes.

124 D. The Department of Elections shall use the information transmitted to determine whether a person
 125 already has a registration record in the voter registration system.

126 1. For any person who does not yet have a registration record in the voter registration system, the
 127 Department of Elections shall transmit the information to the appropriate general registrar. The general
 128 registrar shall accept or reject the registration of such person in accordance with the provisions of this
 129 chapter.

130 2. For any person who already has a registration record in the voter registration system, if the information
 131 indicates that the voter has moved within the Commonwealth, the Department of Elections shall transmit the
 132 information and the registration record to the appropriate general registrar, who shall treat such transmittal as
 133 a request for transfer and process it in accordance with the provisions of this chapter.

134 3. General registrars shall not register any person who does not satisfy all voter eligibility requirements.

135 E. *The Department of Motor Vehicles shall provide assistance as required in providing voter photo*
 136 *identification cards in accordance with subdivision A 3 of § 24.2-404.*

137 **§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

138 A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of
 139 election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting
 140 booth and furnishing an official ballot to him.

141 B. An officer of election shall ask the voter for his full name and current residence address and the voter
 142 may give such information orally or in writing. The officer of election shall verify with the voter his full
 143 name and address and shall repeat, in a voice audible to party and candidate representatives present, the full
 144 name provided by the voter. The officer shall ask the voter to present any one of the following forms of
 145 identification: (i) ~~his voter confirmation documents~~; (ii) his valid Virginia driver's license, his valid United
 146 States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or
 147 the United States, other than a driver privilege card issued under § 46.2-328.3 or an identification privilege
 148 card issued under § 46.2-345.3; (iii) (ii) any valid student identification card *containing a photograph of the*
 149 *voter and* issued by any institution of higher education located in the Commonwealth or any private school
 150 located in the Commonwealth; ~~(iv)~~ (iii) any valid student identification card containing a photograph of the
 151 voter and issued by any institution of higher education located in any other state or territory of the United
 152 States; ~~(v)~~ or (iv) any valid employee identification card containing a photograph of the voter and issued by
 153 an employer of the voter in the ordinary course of the employer's business; ~~or (vi) a copy of a current utility~~
 154 ~~bill, bank statement, government check, paycheck, or other government document containing the name and~~
 155 ~~address of the voter.~~ The expiration date on a Virginia driver's license shall not be considered when
 156 determining the validity of the driver's license offered for purposes of this section.

157 ~~Except as provided in subsection E, any~~ Any voter who does not show one of the forms of identification
 158 specified in this subsection shall be allowed to vote after signing a statement, subject to felony penalties for
 159 false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. A voter who
 160 requires assistance in voting by reason of a physical disability or an inability to read or write, and who
 161 requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance
 162 with that section. ~~The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed~~
 163 ~~when assisting a voter in completing this statement. A voter who does not show one of the forms of~~
 164 ~~identification specified in this subsection and does not sign this statement shall be offered a provisional ballot~~
 165 ~~under the provisions of § 24.2-653. The State Board of Elections shall provide an ID-ONLY provisional~~
 166 ~~ballot envelope that requires no follow-up action by the registrar or electoral board other than matching~~
 167 ~~submitted identification documents from the voter for the electoral board to make a determination on whether~~
 168 ~~to count the ballot.~~

169 If the voter presents one of the forms of identification listed above, if his name is found on the pollbook in
 170 a form identical to or substantially similar to the name on the presented form of identification and the name
 171 provided by the voter, if he is qualified to vote in the election, and if no objection is made, (a) an officer shall
 172 enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count
 173 form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form;
 174 (b) an officer shall provide the voter with the official ballot; and (c) another officer shall admit him to the
 175 voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a
 176 ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of
 177 voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths,
 178 the line shall not be permitted to extend outside of the room containing the voting booths and shall remain
 179 under observation by the officers of election.

180 A voter may be accompanied into the voting booth by his child age 15 or younger.

181 C. If the current residence address provided by the voter is different from the address shown on the

182 pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State
183 Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making
184 false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope
185 provided for such forms for transmission to the general registrar who shall then transfer or cancel the
186 registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

187 D. At the time the voter is asked his full name and current residence address, the officer of election shall
188 ask any voter for whom the pollbook indicates that an identification number other than a social security
189 number is recorded on the Virginia voter registration system if he presently has a social security number. If
190 the voter is able to provide his social security number, he shall be furnished with a voter registration form
191 prescribed by the State Board to update his registration information. Upon its completion, the form shall be
192 placed by the officer of election in an envelope provided for such forms for transmission to the general
193 registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's
194 record on the voter registration system.

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

205 **§ 24.2-653. Provisional voting; procedures in polling place.**

206 A. Any person voting provisionally pursuant to subsection B of § 24.2-643, § 24.2-651.1, subsection B of
207 § 24.2-652, or § 24.2-653.1 or 24.2-653.2 shall be given a printed ballot and provide, subject to the penalties
208 for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the Department of
209 Elections, the identifying information required on the envelope, including the last four digits of his social
210 security number, if any, full name including the maiden or any other prior legal name, date of birth, complete
211 address, and signature. Such person shall be asked to present one of the forms of identification specified in
212 subsection B of § 24.2-643. ~~If he is unable to present one of these forms of identification, he shall sign a~~
213 ~~statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named~~
214 ~~registered voter he claims to be. The officers of election shall note on the green envelope whether or not the~~
215 ~~voter has presented one of the specified forms of identification or signed the required statement in lieu of~~
216 ~~presenting one of the specified forms of identification. The officers of election shall enter the appropriate~~
217 ~~information for the person in the precinct provisional ballots log in accordance with the instructions of the~~
218 ~~State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his~~
219 ~~name as having voted.~~

220 The voter shall then, in the presence of an officer of election, but in a secret manner, mark the printed
221 ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall
222 then promptly be placed in the ballot container by an officer of election.

223 B. An officer of election, by a written notice given to the voter, shall inform him that a determination of
224 his right to vote shall be made by the electoral board and advise the voter of the beginning time and place for
225 the board's meeting and of the voter's right to be present at that meeting. If the voter is voting provisionally as
226 required by § 24.2-643, an officer of election, by written notice given to the voter, shall also inform him that
227 he may submit a copy of one of the forms of identification specified in subsection B of § 24.2-643 ~~or a~~
228 ~~statement, signed by him subject to felony penalties for false statements pursuant to § 24.2-1016, that he is~~
229 ~~the named registered voter he claims to be to the electoral board by facsimile, electronic mail, in-person~~
230 ~~submission, or timely United States Postal Service or commercial mail delivery, to be received by the~~
231 ~~electoral board no later than noon on the third day after the election.~~

232 C. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed
233 in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein,
234 and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered
235 either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral
236 board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election
237 materials to the general registrar pursuant to § 24.2-668.

238 **§ 24.2-653.01. Provisional ballots; electoral boards to make determination as to validity.**

239 A. The electoral board shall meet on the day following the election and determine whether each person
240 having submitted a provisional vote pursuant to § 24.2-653 was entitled to do so as a qualified voter in the
241 precinct in which he offered the provisional vote. In the case of persons voting provisionally pursuant to §
242 24.2-653.3, the electoral board shall determine of which district the person is a qualified voter. At the

243 meeting, the voter may request an extension of the determination of the provisional vote in order to provide
 244 information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral
 245 board shall have the authority to grant such extensions that it deems reasonable to determine the status of a
 246 provisional vote.

247 If the board is unable to determine the validity of all the provisional ballots offered in the election, or has
 248 granted any voter who has offered a provisional ballot an extension, the meeting shall stand adjourned, not to
 249 exceed 10 calendar days from the date of the election, until the board has determined the validity of all
 250 provisional ballots offered in the election.

251 B. The electoral board shall permit one authorized representative of each political party or independent
 252 candidate in a general or special election or one authorized representative of each candidate in a primary
 253 election to remain in the room in which the determination is being made as an observer so long as he does not
 254 participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized
 255 representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is
 256 not himself a candidate or party chairman, shall present to the electoral board a written statement designating
 257 him to be a representative of the party or candidate and signed by the county or city chairman of his political
 258 party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is
 259 unavailable to sign such a written designation, such a designation may be made by the state or district
 260 chairman of the political party. However, no written designation made by a state or district chairman shall
 261 take precedence over a written designation made by the county or city chairman. Such statement, bearing the
 262 chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if
 263 the copy had been signed.

264 Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.),
 265 attendance at meetings of the electoral board to determine the validity of provisional ballots shall be
 266 permitted only for the authorized representatives provided for in this subsection, for the persons whose
 267 provisional votes are being considered and their representative or legal counsel, and for appropriate staff and
 268 legal counsel for the electoral board.

269 C. If the electoral board determines that such person was not entitled to vote as a qualified voter in the
 270 precinct or district in which he offered the provisional vote, is unable to determine his right to vote, or has not
 271 been provided one of the forms of identification specified in subsection B of § 24.2-643, ~~or the signed~~
 272 ~~statement that the voter is the named registered voter he claims to be~~, the envelope containing his ballot shall
 273 not be opened and his vote shall not be counted. The general registrar shall notify in writing pursuant to §
 274 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

275 The provisional vote shall be counted if (i) such person is entitled to vote in the precinct pursuant to §
 276 24.2-401 or (ii) the Department of Elections or the voter presents proof that indicates the voter submitted an
 277 application for registration to a state-designated voter registration agency or the voter's information was
 278 transmitted by the Department of Motor Vehicles to the Department of Elections pursuant to § 24.2-411.3
 279 prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was
 280 qualified for registration based upon the application for registration submitted by the person pursuant to
 281 subsection B of § 24.2-652.

282 If the electoral board determines that such person was entitled to vote, the name of the voter shall be
 283 entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the
 284 ballot shall be placed in a ballot container without any inspection further than that provided for in § 24.2-646.

285 D. On completion of its determination, the electoral board shall proceed to count such ballots and certify
 286 the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No
 287 adjustment shall be made to the statement of results for the precinct in which the person offered to vote.
 288 However, any voter who cast a provisional ballot and is determined by the electoral board to have been
 289 entitled to vote shall have his name included on the list of persons who voted that is submitted to the
 290 Department of Elections pursuant to § 24.2-406.

291 E. The certification of the results of the count together with all ballots and envelopes, whether open or
 292 unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court
 293 and retained by him as provided for in §§ 24.2-668 and 24.2-669.

294 **§ 24.2-701. Application for absentee ballot.**

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

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

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

304 An application that is completed in person at the same time that the applicant registers to vote shall be

305 held and processed no sooner than the fifth day after the date that the applicant registered to vote; however,
306 this requirement shall not be applicable to any covered voter, as defined in § 24.2-452.

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

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

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

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

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

332 This paragraph shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C.
333 § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal
334 election in the state. At such election, such individual shall present (i) a current and valid photo identification
335 or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government
336 document that shows the name and address of the voter. Such individual who desires to vote in person but
337 does not show one of the forms of identification specified in this paragraph shall be offered a provisional
338 ballot under the provisions of § 24.2-653. The identification requirements of subsection B of § 24.2-643 and
339 subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall
340 provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant
341 to § 24.2-653.01 and this section.

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

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

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

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

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

360 3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is
361 made in person at a time when the printed ballots for the election are available and the applicant chooses to
362 vote in person at the time of completing his application. The address given shall be (i) the address of the
363 applicant on file in the registration records; (ii) the address at which he will be located while absent from his
364 county or city; or (iii) the address at which he will be located while temporarily confined while awaiting trial
365 or for a misdemeanor conviction or due to a disability or illness. No ballot shall be sent to, or in care of, any

366 other person.

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

369 **§ 24.2-701.1. Absentee voting in person.**

370 A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall
371 continue until 5:00 p.m. on the Saturday immediately preceding the election. In the case of a special election,
372 excluding for federal offices, if time is insufficient between the issuance of the writ calling for the special
373 election and the date of the special election, absentee voting in person shall be available as soon as possible
374 after the issuance of the writ.

375 Any registered voter offering to vote absentee in person shall provide his name and his residence address
376 in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of that
377 county or city, the general registrar shall enroll the voter's name and address on the absentee voter applicant
378 list maintained pursuant to § 24.2-706.

379 ~~Except as provided in subsection F, a~~ registered voter voting by absentee ballot in person shall provide
380 one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the
381 forms of identification specified in subsection B of § 24.2-643, he shall be ~~allowed to vote after signing a~~
382 ~~statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named~~
383 ~~registered voter he claims to be. A voter who requires assistance in voting by reason of a physical disability~~
384 ~~or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in~~
385 ~~preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters~~
386 ~~who are unable to sign shall be followed when assisting a voter in completing this statement. A voter who~~
387 ~~does not show one of the forms of identification specified in this subsection or does not sign this statement~~
388 ~~shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide~~
389 ~~instructions to the general registrar for the handling and counting of such provisional ballots pursuant to §~~
390 ~~24.2-653.01 and this section.~~

391 B. Absentee voting in person shall be available during regular business hours. The electoral board of each
392 county and city shall provide for absentee voting in person in the office of the general registrar or a voter
393 satellite office established pursuant to § 24.2-701.2. For purposes of this chapter, such offices shall be open to
394 the public a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second
395 Saturday immediately preceding all elections. The electoral board or general registrar may provide for
396 absentee voting in person in such offices on Sundays. Any applicant who is in line to cast his ballot when the
397 office of the general registrar or voter satellite office closes shall be permitted to cast his absentee ballot that
398 day.

399 C. The general registrar may provide for the casting of absentee ballots in person pursuant to this section
400 on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures
401 shall provide for absentee voting in person on voting systems that have been certified and are currently
402 approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to
403 all localities using comparable voting systems.

404 D. At least two officers of election shall be present during all hours that absentee voting in person is
405 available and shall represent the two major political parties, except in the case of a party primary, when they
406 may represent the party conducting the primary. However, such requirement shall not apply when (i) voting
407 systems that are being used pursuant to subsection C are located in the office of the general registrar or voter
408 satellite office and (ii) the general registrar or a deputy registrar is present.

409 E. The Department shall include absentee ballots voted in person in its instructions for the preparation,
410 maintenance, and reporting of ballots, pollbooks, records, and returns.

411 ~~F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52~~
412 ~~U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a~~
413 ~~federal election in the state. At such election, such individual shall present (i) a current and valid photo~~
414 ~~identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other~~
415 ~~government document that shows the name and address of the voter. Such individual who desires to vote in~~
416 ~~person but who does not show one of the forms of identification specified in this subsection shall be offered a~~
417 ~~provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of §~~
418 ~~24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of~~
419 ~~Elections shall provide instructions to the electoral boards for the handling and counting of such provisional~~
420 ~~ballots pursuant to § 24.2-653.01 and this section.~~