

HOUSE BILL NO. 1574

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections

on _____)

(Patron Prior to Substitute—Delegate Green)

A BILL to amend and reenact §§ 24.2-701 and 24.2-701.1 of the Code of Virginia, relating to elections, absentee voting in person; available beginning on the tenth day prior to primary election; hours of operation.

Be it enacted by the General Assembly of Virginia:**1. That §§ 24.2-701 and 24.2-701.1 of the Code of Virginia are amended and reenacted as follows:****§ 24.2-701. Application for absentee ballot.**

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

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

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

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

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

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~~ 7:00 a.m. and ~~5:00~~ 7:00 p.m. on the first and second Saturday immediately preceding all elections.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of

his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

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

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

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

2. Any other application may be made by mail, by electronic or telephonic transmission to a facsimile

device if one is available to the office of the general registrar or to the office of the Department if a device is not available locally, or by other means. The application shall be on a form furnished by the registrar or as specified in subdivision 3. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the eleventh day prior to the election in which the applicant offers to vote.

3. The application of any covered voter, as defined in § 24.2-452, may be on a federal postcard application, as defined in § 24.2-452. The federal postcard application 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.

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

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

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

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

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.

§ 24.2-701.1. Absentee voting in person.

A. Absentee voting in person shall be available on the ~~forty-fifth~~ *tenth* day prior to any *general* election and shall continue until ~~5:00~~ 7:00 p.m. on the Saturday immediately preceding the election. *In the case of a*

89 *primary election, absentee voting in person shall be available on the tenth day prior to any election and shall*
90 *continue until 7:00 p.m. on the Saturday immediately preceding the election.* In the case of a special election,
91 excluding for federal offices, if time is insufficient between the issuance of the writ calling for the special
92 election and the date of the special election, absentee voting in person shall be available as soon as possible
93 after the issuance of the writ.

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

98 Except as provided in subsection F, a registered voter voting by absentee ballot in person shall provide
99 one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the
100 forms of identification specified in subsection B of § 24.2-643, he shall be allowed to vote after signing a
101 statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named
102 registered voter he claims to be. A voter who requires assistance in voting by reason of a physical disability
103 or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in
104 preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters
105 who are unable to sign shall be followed when assisting a voter in completing this statement. A voter who
106 does not show one of the forms of identification specified in this subsection or does not sign this statement
107 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide
108 instructions to the general registrar for the handling and counting of such provisional ballots pursuant to §
109 24.2-653.01 and this section.

110 B. Absentee voting in person shall be available ~~during regular business hours~~ *Monday through Saturday,*
111 *beginning at 7:00 a.m. and ending at 7:00 p.m. each day.* The electoral board of each county and city shall
112 provide for absentee voting in person in the office of the general registrar or a voter satellite office established
113 pursuant to § 24.2-701.2. ~~For purposes of this chapter, such offices shall be open to the public a minimum of~~
114 ~~eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately~~
115 ~~preceding all elections.~~ The electoral board or general registrar may provide for absentee voting in person in
116 such offices on Sundays. Any applicant who is in line to cast his ballot when the office of the general
117 registrar or voter satellite office closes shall be permitted to cast his absentee ballot that day.

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

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

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

130 F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52
131 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a
132 federal election in the state. At such election, such individual shall present (i) a current and valid photo
133 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other
134 government document that shows the name and address of the voter. Such individual who desires to vote in
135 person but who does not show one of the forms of identification specified in this subsection shall be offered a
136 provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of §
137 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of
138 Elections shall provide instructions to the electoral boards for the handling and counting of such provisional
139 ballots pursuant to § 24.2-653.01 and this section.