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1 **HOUSE BILL NO. 1131**

2 Offered January 14, 2026

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4 *A BILL to amend and reenact §§ 24.2-404, 24.2-411.3, 24.2-452, 24.2-612, 24.2-643, 24.2-653, 24.2-653.01,*
5 *24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-706, 24.2-709, and 24.2-1004 of*
6 *the Code of Virginia, relating to elections; identification containing a photograph required and excuse*
7 *required to vote absentee.*

8 Patron—Griffin

9 Committee Referral Pending

10 **Be it enacted by the General Assembly of Virginia:**11 **1. That §§ 24.2-404, 24.2-411.3, 24.2-452, 24.2-612, 24.2-643, 24.2-653, 24.2-653.01, 24.2-700, 24.2-701,**
12 **24.2-701.1, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-706, 24.2-709, and 24.2-1004 of the Code of Virginia**
13 **are amended and reenacted as follows:**14 **§ 24.2-404. Duties of Department of Elections.**15 A. The Department of Elections shall provide for the continuing operation and maintenance of a central
16 recordkeeping system, the Virginia voter registration system, for all voters registered in the Commonwealth.

17 In order to operate and maintain the system, the Department shall:

18 1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth. Such
19 system shall automatically register a person who has preregistered pursuant to § 24.2-403.1 upon that person
20 becoming eligible for registration under § 24.2-403 or reaching 18 years of age, whichever comes first. Such
21 system shall also assign a unique identifier to each voter registered in the system.22 2. Require the general registrars to enter the names of all registered voters into the system and to change
23 or correct registration records as necessary.24 3. Provide to each general registrar (i) voter confirmation documents for newly registered voters,
25 including voters who were automatically registered pursuant to subdivision 1, and for notice to registered
26 voters on the system of changes and corrections in their registration records and polling places and (ii) voter
27 photo identification cards containing the voter's photograph and signature for free for those voters who do
28 not have one of the forms of identification specified in subsection B of § 24.2-643. The Department shall
29 promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of
30 a voter who does not have one of the forms of identification specified in subsection B of § 24.2-643 for the
31 purpose of providing such voter a voter photo identification card containing the voter's photograph and
32 signature. The Department shall provide each general registrar with the equipment necessary to obtain a
33 voter's signature and photograph, and no general registrar shall be required to purchase such equipment at
34 his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the
35 Department. The Department may contract with an outside vendor for the production and distribution of
36 voter photo identification cards.37 4. Require the general registrars to delete from the record of registered voters the name of any voter who
38 (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of
39 his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, (v) is known not to
40 be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to
41 § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien
42 Verification for Entitlements Program (SAVE Program) pursuant to subsection E, or (vi) is otherwise no
43 longer qualified to vote as may be provided by law. Such action shall be taken no later than 30 days after
44 notification from the Department. The Department shall promptly provide the information referred to in this
45 subdivision, upon receiving it, to general registrars.46 5. Retain on the system for four years a separate record for registered voters whose names have been
47 deleted, with the reason for deletion.48 6. Retain on the system permanently a separate record for information received regarding deaths, felony
49 convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.50 7. Provide to each general registrar, at least 16 days prior to a general or primary election and three days
51 prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct
52 in which the election is being held in the county, city, or town. These precinct lists shall be used as the
53 official lists of qualified voters and shall constitute the pollbooks. The Department shall provide instructions
54 for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of
55 voter lines at the polls. Prior to any general, primary, or special election, the Department shall provide any
56 general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's
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59 county or city. If electronic pollbooks are used in the locality or electronic voter registration inquiry devices
60 are used in precincts in the locality, the Department shall provide a regional or statewide list of registered
61 voters to the general registrar of the locality. The Department shall determine whether regional or statewide
62 data is provided. Neither the pollbook nor the regional or statewide list of registered voters shall include the
63 day and month of birth of the voter, but shall include the voter's year of birth.

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

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

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

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

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

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

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

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

93 F. The Department shall report annually by October 1 for the preceding 12 months ending August 31 to
94 the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia voter
95 registration system and the results of those activities. The Department's report shall be governed by the
96 provisions of § 2.2-608 and shall encompass activities undertaken pursuant to subdivisions A 9 and 10 and
97 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,
98 24.2-410.1, 24.2-427, and 24.2-428. This report shall contain the methodology used in gathering and
99 analyzing the data. The Commissioner of Elections shall certify that the data included in the report is accurate
100 and reliable.

101 **§ 24.2-411.3. Registration of Department of Motor Vehicles customers.**

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

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

118 B. For each person who does not select the option to decline to have his information transmitted to the
119 Department of Elections for voter registration purposes and who has identified himself as a United States
120 citizen, the Department of Motor Vehicles shall request any information as may be required by the State

121 Board to ensure that the person meets all voter registration eligibility requirements.

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

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

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

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

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

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

140 **§ 24.2-452. Definitions.**

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

142 1. "Covered voter" means:

143 a. A uniformed-service voter or an overseas voter who is registered to vote in this state;
 144 b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and who
 145 otherwise satisfies this state's voter eligibility requirements, *including subdivision A 2 of § 24.2-700*;

146 c. An overseas voter who, before leaving the United States, was last eligible to vote in this state and,
 147 except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements;

148 d. An overseas voter who, before leaving the United States, would have been last eligible to vote in this
 149 state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies
 150 this state's voter eligibility requirements; or

151 e. An overseas voter who was born outside the United States, is not described in subdivision c or d, and,
 152 except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements, if:

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

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

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

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

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

162 5. "Military-overseas ballot" means:

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

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

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

169 8. "Uniformed service" means:

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

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

174 c. The Virginia National Guard.

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

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

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

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

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

182 10. "United States," used in the territorial sense, means the several states, the District of Columbia, Puerto

183 Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the
184 United States.

185 **§ 24.2-612. List of offices and candidates filed with Department of Elections and checked for
186 accuracy; when ballots printed; number required.**

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

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

200 Notwithstanding any other provisions of this title, the Department of Elections may print or otherwise
201 provide one statewide paper ballot style for each paper ballot style in use for presidential and
202 vice-presidential electors for use only by persons eligible to vote for those offices only under § 24.2-402 or
203 only for federal elections under § 24.2-453. The Department of Elections may apportion or authorize the
204 printer or vendor to apportion the costs for these ballots among the localities based on the number of ballots
205 ordered. Any printer employed by the Department of Elections shall execute the statement required by
206 § 24.2-616. The Department of Elections shall designate a representative to be present at the printing of such
207 ballots and deliver them to the appropriate general registrars pursuant to § 24.2-617. Upon receipt of such
208 paper ballots, the electoral board or the general registrar shall affix the seal of the electoral board. Thereafter,
209 such ballots shall be handled and accounted for, and the votes counted as the Department of Elections shall
210 specifically direct.

211 The general registrar shall make printed ballots available for absentee voting not later than 45 days prior
212 to any election or within three business days of the receipt of a properly completed absentee ballot
213 application, whichever is later. In the case of a special election, excluding for federal offices, if time is
214 insufficient to meet the applicable deadline established herein, then the general registrar shall make printed
215 ballots available as soon after the deadline as possible. For the purposes of this chapter, making printed
216 ballots available includes mailing of such ballots or electronic transmission of such ballots pursuant to
217 § 24.2-706 to a ~~covered voter, as defined in § 24.2-452, who has applied for an absentee ballot pursuant to~~
218 ~~§ 24.2-704~~ a qualified absentee voter who is eligible for an absentee ballot under subdivision A 2 of
219 § 24.2-700. Not later than five days after absentee ballots are made available, each general registrar shall
220 report to the Department of Elections, in writing on a form approved by the Department of Elections, whether
221 he has complied with the applicable deadline.

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

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

229 **§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

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

233 B. An officer of election shall ask the voter for his full name *and*, current residence address, *and the last*
234 *four digits of his social security number* and the voter may give such information orally or in writing. The
235 officer of election shall verify with the voter his full name *and*, address, *and the last four digits of his social*
236 *security number* and shall repeat, in a voice audible to party and candidate representatives present, the full
237 name provided by the voter. The officer shall ask the voter to present *any one of the following forms of*
238 *identification:* (i) *his voter confirmation documents;* (ii) *his valid Virginia driver's license, his valid United*
239 *States passport, or any other identification containing a photograph issued by the Commonwealth, one of its*
240 *political subdivisions, or the United States, other than a driver privilege card issued under § 46.2-328.3 or an*
241 *identification privilege card issued under § 46.2-345.3;* (iii) *any valid student identification card issued by*
242 *any institution of higher education located in the Commonwealth or any private school located in the*
243 *Commonwealth;* (iv) *any valid student identification card containing a photograph of the voter and issued by*
244 *any institution of higher education located in any other state or territory of the United States;* (v) *any valid*

245 employee identification card containing a photograph of the voter and issued by an employer of the voter in
 246 the ordinary course of the employer's business; or (vi) a copy of a current utility bill, bank statement,
 247 government check, paycheck, or other government document containing the name and address of the voter.
 248 For purposes of this section, the unique identifier assigned to the voter in the voter registration system
 249 pursuant to subdivision A 1 of § 24.2-404 shall be accepted in place of the last four digits of the voter's social
 250 security number for those voters whose registration includes a statement of affirmation that they have never
 251 been issued a social security number. The expiration date on a Virginia driver's license shall not be
 252 considered when determining the validity of the driver's license offered for purposes of this section.

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

265 If the voter presents one of the forms of identification listed above, if his name is found on the pollbook in
 266 a form identical to or substantially similar to the name on the presented form of identification and the name
 267 provided by the voter, if he is qualified to vote in the election, and if no objection is made, (i) an officer shall
 268 enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count
 269 form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form;
 270 (ii) an officer shall provide the voter with the official ballot; and (iii) another officer shall admit him to the
 271 voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a
 272 ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of
 273 voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths,
 274 the line shall not be permitted to extend outside of the room containing the voting booths and shall remain
 275 under observation by the officers of election.

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

277 C. If the current residence address provided by the voter is different from the address shown on the
 278 pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State
 279 Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making
 280 false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope
 281 provided for such forms for transmission to the general registrar who shall then transfer or cancel the
 282 registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

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

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

301 § 24.2-653. Provisional voting; procedures in polling place.

302 A. Any person voting provisionally pursuant to subsection B of § 24.2-643, § 24.2-651.1, subsection B of
 303 § 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
 304 for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the Department of
 305 Elections, the identifying information required on the envelope, including the last four digits of his social
 306 security number, if any, full name including the maiden or any other prior legal name, date of birth, complete

307 address, and signature. Such person shall be asked to present one of the forms of identification specified in
308 subsection B of § 24.2-643. If he is ~~unable to present one of these forms of identification, he shall sign a~~
309 ~~statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named~~
310 ~~registered voter he claims to be.~~ The officers of election shall note on the green envelope whether or not the
311 voter has presented one of the specified forms of identification ~~or signed the required statement in lieu of~~
312 ~~presenting one of the specified forms of identification.~~ The officers of election shall enter the appropriate
313 information for the person in the precinct provisional ballots log in accordance with the instructions of the
314 State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his
315 name as having voted.

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

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

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

334 **§ 24.2-653.01. Provisional ballots; electoral boards to make determination as to validity.**

335 A. The electoral board shall meet on the day following the election and determine whether each person
336 having submitted a provisional vote pursuant to § 24.2-653 was entitled to do so as a qualified voter in the
337 precinct in which he offered the provisional vote. In the case of persons voting provisionally pursuant to
338 § 24.2-653.3, the electoral board shall determine of which district the person is a qualified voter. At the
339 meeting, the voter may request an extension of the determination of the provisional vote in order to provide
340 information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral
341 board shall have the authority to grant such extensions that it deems reasonable to determine the status of a
342 provisional vote.

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

347 B. The electoral board shall permit one authorized representative of each political party or independent
348 candidate in a general or special election or one authorized representative of each candidate in a primary
349 election to remain in the room in which the determination is being made as an observer so long as he does not
350 participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized
351 representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is
352 not himself a candidate or party chairman, shall present to the electoral board a written statement designating
353 him to be a representative of the party or candidate and signed by the county or city chairman of his political
354 party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is
355 unavailable to sign such a written designation, such a designation may be made by the state or district
356 chairman of the political party. However, no written designation made by a state or district chairman shall
357 take precedence over a written designation made by the county or city chairman. Such statement, bearing the
358 chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if
359 the copy had been signed.

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

365 C. If the electoral board determines that such person was not entitled to vote as a qualified voter in the
366 precinct or district in which he offered the provisional vote, is unable to determine his right to vote, or has not
367 been provided one of the forms of identification specified in subsection B of § 24.2-643; ~~or the signed~~
368 ~~statement that the voter is the named registered voter he claims to be,~~ the envelope containing his ballot shall

369 not be opened and his vote shall not be counted. The general registrar shall notify in writing pursuant to
 370 § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

371 The provisional vote shall be counted if (i) such person is entitled to vote in the precinct pursuant to
 372 § 24.2-401 or (ii) the Department of Elections or the voter presents proof that indicates the voter submitted an
 373 application for registration to a state-designated voter registration agency or the voter's information was
 374 transmitted by the Department of Motor Vehicles to the Department of Elections pursuant to § 24.2-411.3
 375 prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was
 376 qualified for registration based upon the application for registration submitted by the person pursuant to
 377 subsection B of § 24.2-652.

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

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

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

390 **§ 24.2-700. Persons entitled to vote by absentee ballot.**

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

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

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

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

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

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

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

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

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

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

418 10. Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in
 419 § 65.2-102; volunteer fire fighter, as defined in § 27-42; search and rescue personnel, as defined in
 420 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;

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

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

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

428 **§ 24.2-701. Application for absentee ballot.**

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

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

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

438 An application that is completed in person at the same time that the applicant registers to vote shall be
439 held and processed no sooner than the fifth day after the date that the applicant registered to vote; however,
440 this requirement shall not be applicable to any ~~covered voter, as defined in § 24.2-452~~ *person who is eligible*
441 *to vote absentee under subdivision A 2 of § 24.2-700.*

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

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

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

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

454 1. An application completed in person shall be completed only in the office of the general registrar and
455 signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms of
456 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.~~

467 This paragraph shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C.
468 § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal
469 election in the state. At such election, such individual shall present (i) a current and valid photo identification
470 or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government
471 document that shows the name and address of the voter. Such individual who desires to vote in person but
472 does not show one of the forms of identification specified in this paragraph shall be offered a provisional
473 ballot under the provisions of § 24.2-653. The identification requirements of subsection B of § 24.2-643 and
474 subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall
475 provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant
476 to § 24.2-653.01 and this section.

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

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

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

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

491 2. A statement that he is registered in the county or city in which he offers to vote and his residence
492 address in such county or city. Any person temporarily residing outside the United States shall provide the

493 last date of residency at his Virginia residence address, if that residence is no longer available to him. Any
 494 ~~covered voter, as defined in § 24.2-452, person who makes application under subdivision A 2 of § 24.2-700~~
 495 who is not a registered voter may file the applications to register and for a ballot simultaneously; and

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

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

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

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

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

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

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

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

510 11. *In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or*

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

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

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

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

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

516 **§ 24.2-701.1. Absentee voting in person.**

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

518 1. *Any registered voter eligible to vote absentee pursuant to subsection A of § 24.2-700 may vote absentee in person beginning on the forty-fifth day prior to the election in which he is offering to vote and continuing until the second Friday immediately preceding such election. He shall complete the application for an absentee ballot required by § 24.2-701, and the general registrar shall process that application in accordance with the provisions of § 24.2-706.*

519 2. Any registered voter ~~offering to~~ may vote absentee in person ~~on or after the second Saturday immediately preceding the election in which he is offering to vote.~~ He shall provide his name and his residence address in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of that county or city, the general registrar shall enroll the voter's name and address on the absentee voter applicant list maintained pursuant to § 24.2-706.

520 Except as provided in subsection F, a registered voter voting by absentee ballot in person shall provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the

555 forms of identification specified in subsection B of § 24.2-643, he shall be allowed to vote after signing a
556 statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named
557 registered voter he claims to be. A voter who requires assistance in voting by reason of a physical disability
558 or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in
559 preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters
560 who are unable to sign shall be followed when assisting a voter in completing this statement. A voter who
561 does not show one of the forms of identification specified in this subsection or does not sign this statement
562 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide
563 instructions to the general registrar for the handling and counting of such provisional ballots pursuant to
564 § 24.2-653.01 and this section.

565 B. Absentee voting in person shall be available during regular business hours. The electoral board of each
566 county and city shall provide for absentee voting in person in the office of the general registrar or a voter
567 satellite office established pursuant to § 24.2-701.2. For purposes of this chapter, such offices shall be open to
568 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
569 Saturday immediately preceding all elections. The electoral board or general registrar may provide for
570 absentee voting in person in such offices on Sundays. Any applicant who is in line to cast his ballot when the
571 office of the general registrar or voter satellite office closes shall be permitted to cast his absentee ballot that
572 day.

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

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

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

585 F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52
586 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a
587 federal election in the state. At such election, such individual shall present (i) a current and valid photo
588 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other
589 government document that shows the name and address of the voter. Such individual who desires to vote in
590 person but who does not show one of the forms of identification specified in this subsection shall be offered a
591 provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of
592 § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of
593 Elections shall provide instructions to the electoral boards for the handling and counting of such provisional
594 ballots pursuant to § 24.2-653.01 and this section.

595 § 24.2-702.1. Federal write-in absentee ballots.

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

600 B. Notwithstanding any other provision of this title, a federal write-in absentee ballot submitted pursuant
601 to subsection A shall be considered valid for purposes of simultaneously satisfying both an absentee ballot
602 application and a completed absentee ballot, provided that the ballot is received no later than the deadline for
603 the return of absentee ballots as provided in § 24.2-709 for the election in which the voter offers to vote, and
604 the application contains the following information: (i) the voter's signature; however, if the voter is unable to
605 sign, the person assisting the voter will note this fact in the voter signature box; (ii) the voter's printed name;
606 (iii) the voter's birth year; (iv) the last four digits of the voter's social security number; (v) the county or city
607 in which the voter is registered and offers to vote; (vi) the residence address at which the voter is registered to
608 vote; and (vii) the voter's current military or overseas address. For purposes of this section, the unique
609 identifier assigned to the voter in the voter registration system pursuant to subdivision A 1 of § 24.2-404 shall
610 be accepted in place of the last four digits of the voter's social security number for those voters whose
611 registration includes a statement of affirmation that they have never been issued a social security number.

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

615 § 24.2-703.1. Special annual applications for absentee ballots for certain voters with an illness or 616 disability.

617 A. Any registered voter shall be eligible to file a special application to receive absentee ballots for all
 618 elections in which he is eligible to vote person who is eligible for an absentee ballot under subdivision A 4 of
 619 § 24.2-700 because of a disability or illness and who is likely to remain so eligible for the remainder of the
 620 calendar year shall be eligible to file a special annual application to receive ballots for all elections in which
 621 he is eligible to vote in a calendar year. Such His first such application shall be accompanied by a statement,
 622 on a form approved by the State Board and signed by the voter and his physician, provider as defined
 623 § 37.2-403, or accredited religious practitioner, that the voter is eligible for an absentee ballot under
 624 subdivision A 4 of § 24.2-700 and likely to remain so eligible for the remainder of the calendar year. The
 625 absentee ballots sent to a voter on the permanent absentee voter list shall be sent to the address in the voter's
 626 registration record, except as provided in subdivision C 1.

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

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

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

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

636 3. Change his political party selection for all succeeding primary elections The general registrar shall
 637 send each such enrolled applicant a blank application by December 15 for each ensuing calendar year and,
 638 upon completion thereof, the applicant shall be eligible to receive ballots for all elections in which he is
 639 eligible to vote in that calendar year.

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

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

647 A person with a disability or illness voter who has applied for an absentee ballot under subdivision A 4 of
 648 § 24.2-700 because of a disability or illness and has been sent an absentee ballot but who did not receive or
 649 has lost the absentee ballot on or before the Saturday before the election may obtain a replacement absentee
 650 ballot. In such case, the voter may request a replacement absentee ballot by the close of business for the local
 651 elections office on the Saturday before election day and designate, in writing, a representative to obtain a
 652 replacement absentee ballot on his behalf from the general registrar and to return the properly completed
 653 ballot as directed by the general registrar no later than the close of polls on the day of election for which the
 654 absentee ballot is valid. The representative shall be age 18 or older and shall not be an elected official, a
 655 candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate. The
 656 voter and representative shall complete the form prescribed by the State Board to implement the provisions of
 657 this section. The form shall include a statement signed by the voter that he did not receive the ballot or has
 658 lost the ballot. Statements on the form shall be subject to felony penalties for making false statements
 659 pursuant to § 24.2-1016.

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

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

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

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

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

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

689 1. An envelope containing the folded ballot, sealed and marked "Ballot within."
690 2. An envelope for resealing the marked ballot, on which envelope is printed the following:
691 "Statement of Voter."

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

700 Signature of Voter _____
701 Last four digits of voter's social security number _____
702 Voter's birth year _____
703 Date _____"

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

708 For purposes of properly completing this statement, the unique identifier assigned to the voter in the voter
709 registration system pursuant to subdivision A 1 of § 24.2-404 shall be accepted in place of the last four digits
710 of the voter's social security number for those voters whose registration includes a statement of affirmation
711 that they have never been issued a social security number.

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

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

716 4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.
717 Such instructions shall include information on the sites of all drop-off locations in the county or city.
718 Whenever there is a proposed constitutional amendment or a statewide referendum to be voted on by the
719 voters, these instructions shall also include the website address where the explanation of the proposed
720 amendment prepared pursuant to § 30-19.9 or the information about the referendum prepared pursuant to
721 § 30-19.10 is posted on the Department's website.

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

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

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

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

741 E. If the applicant completes his application in person under § 24.2-701 at a time when the printed ballots
 742 for the election are available, he may request that the general registrar send to him by mail the items set forth
 743 in subdivisions C 1 through 4, instead of casting the ballot in person. Such request shall be made no later than
 744 5:00 p.m. on the eleventh day prior to the election in which the applicant offers to vote, and the general
 745 registrar shall send those items to the applicant by mail, obtaining a certificate or other evidence of mailing.

746 F. If the applicant is a ~~covered voter~~, as defined in § 24.2-452, states as the reason for his absence on
 747 election day any of the reasons set forth in subdivision A 2 of § 24.2-700, the general registrar, at the time
 748 when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or
 749 deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions C 1
 750 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not
 751 be required. If the applicant requests that such items be sent by electronic transmission, the general registrar,
 752 at the time when the printed ballots for the election are available but not later than the deadline set forth in
 753 § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for returning the
 754 marked ballot, and instructions to the voter. Such materials shall be sent using the official email address or
 755 fax number of the office of the general registrar published on the Department of Elections website. The State
 756 Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots
 757 to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal
 758 Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required
 759 by this chapter.

760 G. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section
 761 upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in
 762 the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the
 763 campaign committee or the appropriate district political party chairman of such candidate. Any person who
 764 fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent
 765 shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

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

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

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

781 C. Notwithstanding the provisions of subsection A, any absentee ballot (i) received after the close of the
 782 polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board
 783 meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by
 784 the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by a ~~covered voter~~, as
 785 defined in § 24.2-452, an absentee voter who is eligible for an absentee ballot under subdivision A 2 of
 786 § 24.2-700 shall be counted pursuant to the procedures set forth in this chapter if the voter is found entitled to
 787 vote. The electoral board shall prepare an amended certified abstract, which shall include the results of such
 788 ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to
 789 this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when
 790 his office is open for business.

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

§ 24.2-1004. Illegal voting and registrations.

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

797 B. Any person who intentionally (i) votes more than once in the same election, whether those votes are
 798 cast in Virginia or in Virginia and any other state or territory of the United States, (ii) procures, assists, or
 799 induces another to vote more than once in the same election, whether those votes are cast in Virginia or in
 800 Virginia and any other state or territory of the United States, (iii) votes knowing that he is not qualified to

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803 vote where and when the vote is to be given, or (iv) procures, assists, or induces another to vote knowing that
804 such person is not qualified to vote where and when the vote is to be given is guilty of a Class 6 felony.

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

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