

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 24.2-705 of the Code of Virginia, relating to elections; absentee voting;*  
 3 *emergency application for absentee ballot.*

4 [H 1244]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 24.2-705 of the Code of Virginia is amended and reenacted as follows:**8 **§ 24.2-705. Emergency applications and absentee ballots for individual emergencies.**

9 A. Any person registered and otherwise qualified to vote may request at any time prior to 2:00 p.m. on the  
 10 day preceding the election that he be permitted to vote by emergency absentee ballot with the assistance of  
 11 his designated representative. The Department shall prescribe a form and the instructions for submitting such  
 12 a request to the general registrar that shows that the voter requesting an emergency absentee ballot (i) was  
 13 unable to apply for an absentee ballot by the deadline due to his hospitalization or illness, or the  
 14 hospitalization, illness, or death of a spouse, child, or parent, or other emergency found to justify receipt of an  
 15 emergency absentee ballot ~~or~~; (ii) will be unable to vote on election day due to his hospitalization or illness,  
 16 the hospitalization, illness, or death of a spouse, child, or parent, or other emergency found to justify receipt  
 17 of an emergency absentee ballot that occurred after the deadline for applying for an absentee ballot; *or (iii)*  
 18 *has applied to receive an absentee ballot by the deadline but has not received his ballot within 10 days of the*  
 19 *election and will be unable to vote on election day due to his hospitalization or illness, the hospitalization,*  
 20 *illness, or death of a spouse, child, or parent, or other emergency found to justify receipt of an emergency*  
 21 *absentee ballot.*

22 The representative designated by a voter for purposes of this subsection shall be age 18 or older and shall  
 23 not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected  
 24 official or candidate.

25 The requesting voter shall sign the form and state, subject to felony penalties for making false statements  
 26 pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the form are true  
 27 and correct. His signature shall be witnessed by the designated representative, who shall sign and return the  
 28 completed form to the office of the general registrar no later than 5:00 p.m. on the day preceding the election.  
 29 If the requesting voter is blind or physically unable to sign the form, his designated representative shall write  
 30 on the signature line that the voter is blind or unable to sign his form.

31 On receipt of the completed form and a determination of the qualification of the requesting voter to vote,  
 32 the general registrar shall provide, in accordance with the applicable provisions of this chapter, an absentee  
 33 ballot to the designated representative for delivery to the requesting voter.

34 The requesting voter shall vote the absentee ballot as provided by law and mark it in the presence of the  
 35 designated representative. The designated representative shall complete a statement, subject to felony  
 36 penalties for making false statements pursuant to § 24.2-1016, that ~~(i)~~ (a) he is the designated representative  
 37 of the requesting voter; ~~(ii)~~ (b) he personally delivered the ballot to the voter who applied for it; ~~(iii)~~ (c) in his  
 38 presence, the voter marked the ballot, the ballot was placed in the envelope provided, the envelope was  
 39 sealed, and the statement on its reverse side was signed by the requesting voter; and ~~(iv)~~ (d) the ballot was  
 40 returned, under seal, to the general registrar at the registrar's office.

41 The ballot shall be counted only if the ballot is received by the general registrar prior to the close of polls,  
 42 and the general registrar shall deliver the ballot to the officers of election at each appropriate precinct  
 43 pursuant to § 24.2-710.

44 B. A qualified voter may vote absentee in person in the office of the general registrar through 2:00 p.m. on  
 45 the day immediately preceding the election by complying with the requirements of § 24.2-643 and affirming  
 46 that one of the following emergency circumstances will prevent him from voting on election day:

47 1. After 12:00 p.m. on the Saturday before the election, an obligation arose that requires the voter be  
 48 absent from his county or city on election day for (i) his business, profession, or occupation; (ii) the  
 49 hospitalization of the voter or a member of his immediate family; or (iii) the death of a member of his  
 50 immediate family. For purposes of this subdivision, "immediate family" means the child, grandchild, parent,  
 51 grandparent, legal guardian, sibling, or spouse of the voter.

52 2. The voter is an officer of election who was assigned after 12:00 p.m. on the Saturday before the  
 53 election to work in a precinct other than his own on election day.

54 C. The Commissioner of Elections may act administratively to facilitate absentee voting by qualified  
 55 voters who are emergency workers or utility workers or who otherwise respond to and offer assistance to an  
 56 area in which a state of emergency has been declared by an appropriate authority. These administrative

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**57** actions may include central issuance and acceptance of absentee ballots for federal and state elections using  
**58** the systems and procedures developed for voters who are members of a uniformed service.