

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 24.2-701.1 of the Code of Virginia, relating to elections; absentee voting in*
 3 *person; available the second Sunday before all elections.*

4 [S 438]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 24.2-701.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 24.2-701.1. Absentee voting in person.**

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

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

18 Except as provided in subsection F, a registered voter voting by absentee ballot in person shall provide
 19 one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the
 20 forms of identification specified in subsection B of § 24.2-643, he shall be allowed to vote after signing a
 21 statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named
 22 registered voter he claims to be. A voter who requires assistance in voting by reason of a physical disability
 23 or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in
 24 preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters
 25 who are unable to sign shall be followed when assisting a voter in completing this statement. A voter who
 26 does not show one of the forms of identification specified in this subsection or does not sign this statement
 27 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide
 28 instructions to the general registrar for the handling and counting of such provisional ballots pursuant to
 29 § 24.2-653.01 and this section.

30 B. Absentee voting in person shall be available during regular business hours. The electoral board of each
 31 county and city shall provide for absentee voting in person in the office of the general registrar or a voter
 32 satellite office established pursuant to § 24.2-701.2. For purposes of this chapter, such offices shall be open to
 33 the public (i) a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second
 34 Saturday and (ii) a minimum of five hours between the hours of 11:00 a.m. and 5:00 p.m. on the second and
 35 third Sunday immediately preceding all elections. The electoral board or general registrar may provide for
 36 absentee voting in person in such offices on *additional* Sundays. Any applicant who is in line to cast his
 37 ballot when the office of the general registrar or voter satellite office closes shall be permitted to cast his
 38 absentee ballot that day.

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

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

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

51 F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52
 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a
 53 federal election in the state. At such election, such individual shall present (i) a current and valid photo
 54 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other
 55 government document that shows the name and address of the voter. Such individual who desires to vote in
 56 person but who does not show one of the forms of identification specified in this subsection shall be offered a

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57 provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of
58 § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of
59 Elections shall provide instructions to the electoral boards for the handling and counting of such provisional
60 ballots pursuant to § 24.2-653.01 and this section.