

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 24.2-431, 24.2-652, and 24.2-706 of the Code of Virginia and to repeal §§*  
 3 *24.2-429, 24.2-430, 24.2-432, 24.2-433, and 24.2-651 of the Code of Virginia, relating to elections;*  
 4 *challenges to voter or voter's registration.*

5 [H 640]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That §§ 24.2-431, 24.2-652, and 24.2-706 of the Code of Virginia are amended and reenacted as**  
 9 **follows:**10 **§ 24.2-431. Petition to court objecting to registration.**

11 ~~In addition to challenging a voter's registration before the general registrar, any~~ A. Any three qualified  
 12 voters may file with the circuit court of the county or city in which they are registered, a petition stating their  
 13 objections to the registration of any person whose name is on the registration records for their county or city.  
 14 However, no petition may be filed if the only objection raised is based on removal of residence from the  
 15 precinct. *In no event shall a petition be filed within 60 days of a primary or general election held in such*  
 16 *county or city.*

17 *B. Fifteen days' notice shall be given by the petitioners to any person whose registration is objected to,*  
 18 *and the court shall summarily proceed to determine the right of the person to registration. Any petition filed*  
 19 *under this section shall be given precedence on the docket of the court. An order of the court concerning*  
 20 *registration of the voter shall not be limited by the provisions of § 24.2-416 requiring the registration records*  
 21 *to be closed.*

22 *C. Any notice of appeal shall be filed within seven days of the circuit court's final order and all appeals*  
 23 *under this section shall be given precedence on the docket.*

24 **§ 24.2-652. Voter whose name erroneously omitted from pollbook; provisional ballots.**

25 A. When a person offers to vote and his name does not appear on the pollbook, the officers of election  
 26 shall permit him to vote only if all of the following conditions are met:

27 1. An officer of election is informed by the general registrar that the voter is registered to vote, that his  
 28 registration has not been cancelled, and that his name is erroneously omitted from the pollbook.

29 2. The voter signs a statement, subject to felony penalties for false statements pursuant to § 24.2-1016,  
 30 that he is a qualified and registered voter of that precinct, a resident of that precinct, and his registration is not  
 31 subject to cancellation pursuant to §§ ~~24.2-430, § 24.2-431, and 24.2-432,~~ and he provides, subject to such  
 32 penalties, all the information required to identify himself including the last four digits of his social security  
 33 number, if any, full name including the maiden or any other prior legal name, birthdate, and complete  
 34 address.

35 3. The officer of election enters the identifying information for the voter on the pollbook.

36 When the voter has signed the statement and is permitted to vote, the officers of election shall mark his  
 37 name on the pollbook with the next consecutive number from the voter count form, or shall enter that the  
 38 voter has voted if the pollbook is in electronic form, and shall indicate on the pollbook that he has signed the  
 39 required statement in accordance with the instructions of the State Board.

40 B. If the general registrar is not available or cannot state that the person is registered to vote, such person  
 41 shall be allowed to vote by provisional ballot pursuant to § 24.2-653. The officers of election shall provide to  
 42 him an application for registration. The State Board of Elections shall provide instructions to the electoral  
 43 boards for the handling and counting of such provisional ballots.

44 **§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.**

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

55 No list or application containing an individual's social security number, or any part thereof, or the  
 56 individual's day and month of birth, shall be made available for inspection or copying by anyone. The

57 Department of Elections shall prescribe procedures for general registrars to make the information in the lists  
 58 and applications available in a manner that does not reveal social security numbers or parts thereof, or an  
 59 individual's day and month of birth.

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

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

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

72 1. An envelope containing the folded ballot, sealed and marked "Ballot within."

73 2. An envelope for resealing the marked ballot, on which envelope is printed the following:

74 "Statement of Voter."

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

83 Signature of Voter \_\_\_\_\_

84 Last four digits of voter's social security number \_\_\_\_\_

85 Voter's birth year \_\_\_\_\_

86 Date \_\_\_\_\_"

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

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

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

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

99 4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.  
 100 Such instructions shall include information on the sites of all drop-off locations in the county or city.  
 101 Whenever there is a proposed constitutional amendment or a statewide referendum to be voted on by the  
 102 voters, these instructions shall also include the website address where the explanation of the proposed  
 103 amendment prepared pursuant to § 30-19.9 or the information about the referendum prepared pursuant to  
 104 § 30-19.10 is posted on the Department's website.

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

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

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

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

124 E. If the applicant completes his application in person under § 24.2-701 at a time when the printed ballots  
125 for the election are available, he may request that the general registrar send to him by mail the items set forth  
126 in subdivisions C 1 through 4, instead of casting the ballot in person. Such request shall be made no later than  
127 5:00 p.m. on the eleventh day prior to the election in which the applicant offers to vote, and the general  
128 registrar shall send those items to the applicant by mail, obtaining a certificate or other evidence of mailing.

129 F. If the applicant is a covered voter, as defined in § 24.2-452, the general registrar, at the time when the  
130 printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in  
131 person to the applicant in the office of the general registrar the items as set forth in subdivisions C 1 through  
132 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be  
133 required. If the applicant requests that such items be sent by electronic transmission, the general registrar, at  
134 the time when the printed ballots for the election are available but not later than the deadline set forth in  
135 § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for returning the  
136 marked ballot, and instructions to the voter. Such materials shall be sent using the official email address or  
137 fax number of the office of the general registrar published on the Department of Elections website. The State  
138 Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots  
139 to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal  
140 Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required  
141 by this chapter.

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

148 **2. That §§ 24.2-429, 24.2-430, 24.2-432, 24.2-433, and 24.2-651 of the Code of Virginia are repealed.**