

ENROLLED
HB1318ER

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 24.2-701 of the Code of Virginia, relating to applications for absentee*
 3 *ballots; photo identification required.*

[H 1318]

Approved

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7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That § 24.2-701 of the Code of Virginia is amended and reenacted as follows:**

9 **§ 24.2-701. Application for absentee ballot.**

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

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

15 Except as provided in § 24.2-703, a separate application shall be completed for each election in
 16 which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i)
 17 12 months before an election or (ii) the day following any election held in the twelfth month prior to
 18 the election in which the applicant is applying to vote.

19 An application that is completed in person at the same time that the applicant registers to vote shall
 20 be held and processed no sooner than the fifth day after the date that the applicant registered to vote;
 21 however, this requirement shall not be applicable to any person who is qualified to vote absentee under
 22 subdivision 2 of § 24.2-700.

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

25 For the purposes of this chapter, the general registrar's office shall be open a minimum of eight
 26 hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately
 27 preceding all general elections, except May general elections, and on the Saturday immediately
 28 preceding any primary election, May general election, or special election.

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

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

36 1. An application completed in person shall be made not less than three days prior to the election in
 37 which the applicant offers to vote and completed only in the office of the general registrar. The
 38 applicant shall sign the application in the presence of a registrar or a member of the electoral board. The
 39 applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any
 40 applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643
 41 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections
 42 shall provide instructions to the electoral boards for the handling and counting of such provisional
 43 ballots pursuant to subsection B of § 24.2-653 and this section.

44 2. Any other application may be made by mail, or by electronic or telephonic transmission to a
 45 facsimile device if one is available to the office of the general registrar or the office of the State Board
 46 if a device is not available locally, or other means. The application shall be on a form furnished by the
 47 registrar, and the applicant shall submit with his application a copy of one of the forms of
 48 identification specified in subsection B of § 24.2-643. Such requirement shall not apply to a registered
 49 voter who is qualified to vote by absentee ballot pursuant to subdivision 2 or subdivision 4 of
 50 § 24.2-700. An application, if made under subdivision 2 of § 24.2-700, may be on a federal postcard
 51 application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be
 52 accepted the later of (i) 12 months before an election or (ii) the day following any election held in the
 53 twelfth month prior to the election in which the applicant is applying to vote. The application shall be
 54 made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in
 55 which the applicant offers to vote.

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

57 1. The applicant's printed name, the last four digits of the applicant's social security number, and the

58 reason the applicant will be absent or cannot vote at his polling place on the day of the election;

59 2. A statement that he is registered in the county or city in which he offers to vote and his residence
60 address in such county or city. Any person temporarily residing outside the United States shall provide
61 the last date of residency at his Virginia residence address, if that residence is no longer available to
62 him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter
63 may file the applications to register and for a ballot simultaneously;

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

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

74 5. In the case of a student, or the spouse of a student, who is attending a school or institution of
75 learning, the name of the school or institution of learning; or

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

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

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

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

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

88 11. In the case of a person who is unable to go to the polls on the day of election because of an
89 obligation occasioned by his religion, the nature of the obligation; or

90 12. In the case of a person who, in the regular and orderly course of his business, profession, or
91 occupation, will be at his place of work and commuting to and from his home to his place of work for
92 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his
93 business or employer and hours he will be at the workplace and commuting on election day; or

94 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in
95 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in
96 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first
97 responder; or

98 14. In the case of a person who has been designated by a political party, independent candidate, or
99 candidate in a primary election to be a representative of the party or candidate inside a polling place on
100 the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so
101 designated.