



# **VOTER REGISTRATION AND ELECTIONS**

## **NO-EXCUSE/EARLY VOTING REPORT DECEMBER 2019**

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DIRECTOR OF ELECTIONS / GENERAL REGISTRAR**

## No Excuse/Early Voting

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## No Excuse/Early Voting

Virginia Code HB 2790 Absentee voting; no-excuse in-person

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### **SUMMARY AS PASSED:**

**Absentee voting; no-excuse in-person voting available beginning on second Saturday immediately preceding election.** Allows for any registered voter to vote by absentee ballot in person beginning on the second Saturday immediately preceding any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting with an absentee ballot by mail or in person prior to the second Saturday immediately preceding the election, including the application requirement and the list of statutory reasons for absentee voting. The provisions of the bill do not become effective until the November 3, 2020, general election, and the State Board of Elections is required to submit a report on the procedures and instructions it promulgates for conducting absentee voting pursuant to the provisions of the bill. This bill is identical to SB 1026.

### **2019 Impact Statement HB2790-ER**

#### **Summary:**

The provisions of the bill shall apply to elections beginning with the general election on November 3, 2020. The State Board of Elections shall submit a report by December 1, 2019, to the Governor, the General Assembly, and the House and Senate Committees on Privileges and Elections on the procedures and instructions promulgated for conducting absentee voting pursuant to the bill. The report shall include recommendations to be considered by the General Assembly for any further legislation that may be necessary to implement the bill's provisions.

### **2020 Impact Statement SB111**

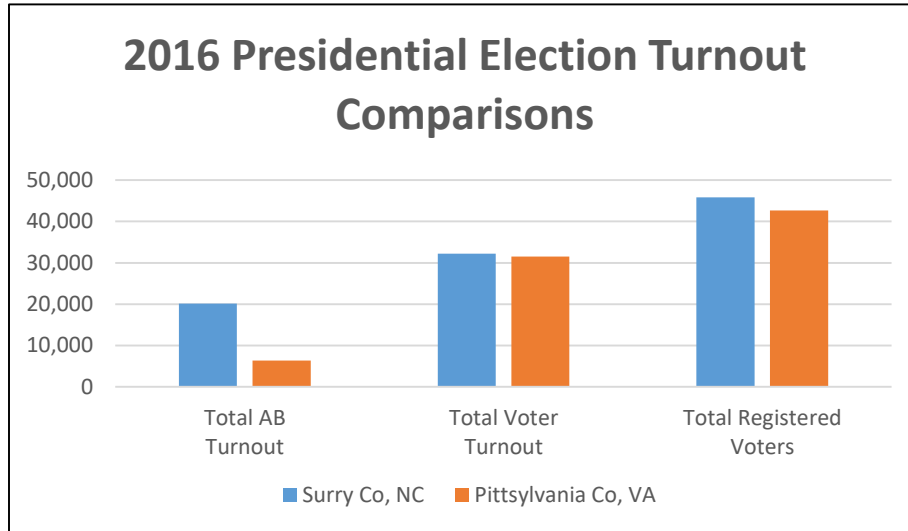
#### **Summary:**

The provisions of the bill shall apply to elections beginning with the general election on November 3, 2020 that would extend current law of HB2790 that requires six days of no-excuse absentee voting both in person and by mail extended to forty-five days prior to every election in the future.

### **Fiscal Implications: (at State Level ONLY)**

As stand-alone legislation, the Department of Elections considers implementation of this bill as "routine," and does not require additional funding. This bill would require an update to the Virginia Election and Registration Information System (VERIS) to establish a new reason code (category) to identify voters who vote In-person beginning on the second Saturday immediately preceding an election. Under current law, voters must qualify under one of the current list of statutory reasons to vote by absentee ballot, which would remain applicable for those voting absentee by mail or in person prior to the second Saturday preceding an election. The agency would also have to update absentee forms, reports, and other VERIS functionality to accommodate the new reason code. The Department of Elections estimates the cost of these updates to be \$8,814: \$2,500 for changes to VERIS; \$2,200 for changes to forms, web materials, and guidance documents; and \$4,114 to print and distribute new forms.

## No Excuse/Early Voting Projected Impact and Comparisons

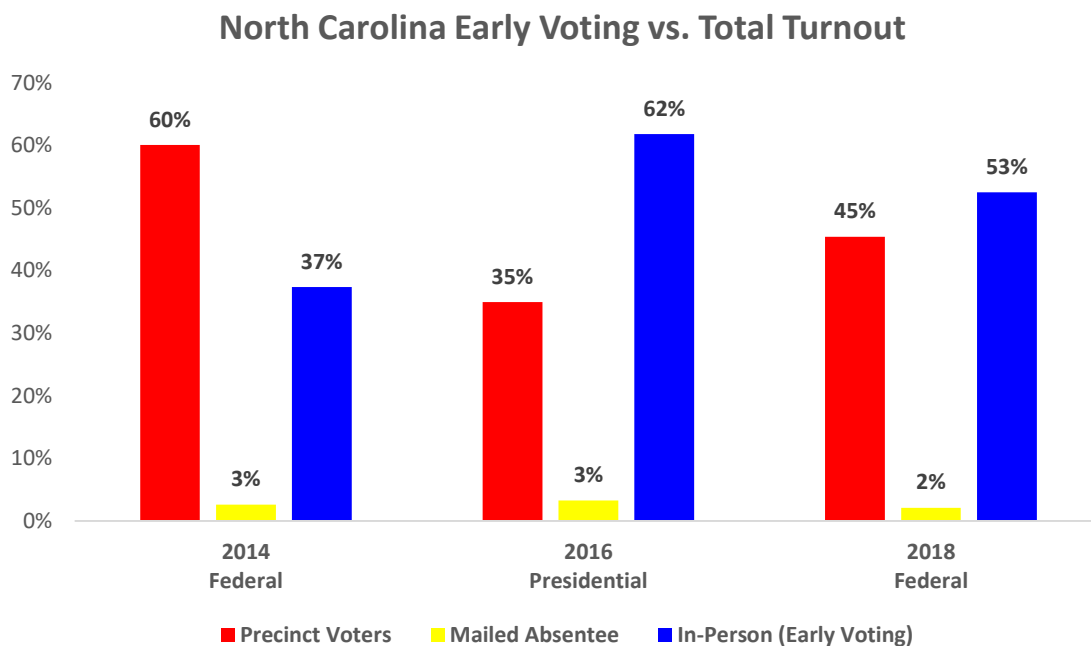


In 1999 the North Carolina General Assembly authorized ‘no excuse’ absentee voting and for counties to establish one-stop absentee voting sites in locations around their county, not just at the board of elections office for even election years. In 2001 it was open to all elections. Allowing One-Stop absentee voting to be conducted starting on the third Thursday before the election and ends on the last Saturday at 1pm before the election.

Using the 20 years data provided by North Carolina, we have been able to project our voter turnout to assist the locality in preparing for the 2020 Presidential Election implementation of early voting.

Presidential Elections often have the largest voter turnout out of any election and next year’s election is forecast to make history by breaking voter turnout records.

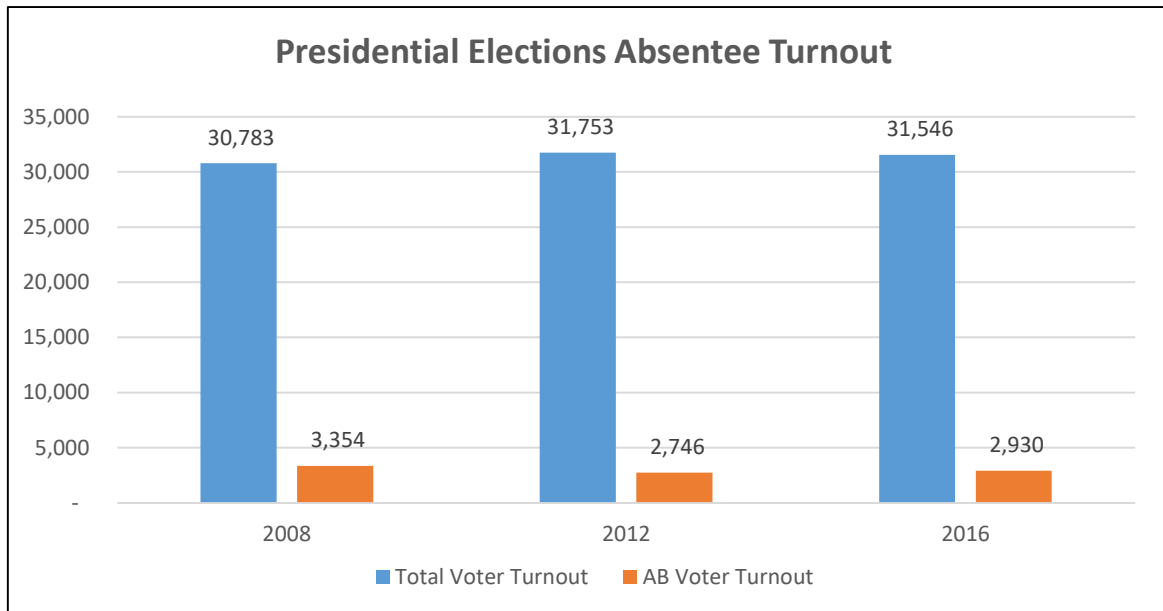
The below chart shows early voting turnout ranges for different types of election.



## No Excuse/Early Voting

### Projected Impact and Comparisons

In the county absentee turnout has been on average 10%, with an estimated 60% turnout at the polls. As shown in North Carolina's data, voters are more likely to vote during the no-excuse in-person voting. The chart below shows our last three presidential election turnout.



As shown in the chart below, presidential election total voter turnout is about 75%. In those elections absentee voting doubles in turnout at almost 10% of the total vote. However, when no-excuse absentee voting goes into effect, we will likely see an increase of 40-60%, with a total turnout percentage of 85%.

Historic Turnouts							No Excuse Early Voting Turnouts If No Excuse was in effect					
Election	Type	Total Voter Turnout	% of Voter Turnout	Active Voters	AB Voter Turnout	% of ABs from Total Turnout	10%	20%	30%	40%	50%	60%
Nov 2008	President	30,783	76%	40,587	3,354	11%	3,078	6,157	9,235	12,313	15,392	18,470
Nov 2009	Governor	16,621	40%	41,271	618	4%	1,662	3,324	4,986	6,648	8,311	9,973
Nov 2012	President	31,753	74%	42,953	2,746	9%	3,175	6,351	9,526	12,701	15,877	19,052
Nov 2013	Governor	18,354	44%	42,092	758	4%	1,835	3,671	5,506	7,342	9,177	11,012
Nov 2016	President	31,546	72%	43,519	2,930	9%	3,155	6,309	9,464	12,618	15,773	18,928
Nov 2017	Governor	19,320	45%	42,609	914	5%	1,932	3,864	5,796	7,728	9,660	11,592
11/1/2019 *	President	38,320	85%	45,000	15,328	40%	3,832	7,664	11,496	15,328	19,160	22,992

## No Excuse/Early Voting Projected Impact

When looking at turnout projections for the upcoming Presidential elections. Of those who vote prior to election day, it is estimated that 75% of voters will wait until the last week to cast their ballot in-person without an excuse.

The chart below shows the percentage of turnout based on our registered voters and a 85% total turnout. Each section breaks down the turnout percentages for absentee turnout, mail absentee ballots and in-person no excuse voting options available to voters.

**Caution:** there could be a higher turnout due to the media, 3<sup>rd</sup> party organizations, social media and political parties advertising the early voting option.

Active Voters	45,000	Projected Absentee Turnout Totals					
Total Voter Turnout %	Total Voter Turnout	10%	20%	30%	40%	50%	60%
45%	20,250	2,025	4,050	6,075	8,100	10,125	12,150
50%	22,500	2,250	4,500	6,750	9,000	11,250	13,500
55%	24,750	2,475	4,950	7,425	9,900	12,375	14,850
60%	27,000	2,700	5,400	8,100	10,800	13,500	16,200
65%	29,250	2,925	5,850	8,775	11,700	14,625	17,550
70%	31,500	3,150	6,300	9,450	12,600	15,750	18,900
75%	33,750	3,375	6,750	10,125	13,500	16,875	20,250
80%	36,000	3,600	7,200	10,800	14,400	18,000	21,600
85%	38,320	3,832	7,664	11,496	15,328	19,160	22,992
90%	40,500	4,050	8,100	12,150	16,200	20,250	24,300

Mailed & 1st 26 Days In-Person AB (25%)							
Total Voter Turnout %	Total Voter Turnout	10%	20%	30%	40%	50%	60%
45%	20,250	506	1,013	1,519	2,025	2,531	3,038
50%	22,500	563	1,125	1,688	2,250	2,813	3,375
55%	24,750	619	1,238	1,856	2,475	3,094	3,713
60%	27,000	675	1,350	2,025	2,700	3,375	4,050
65%	29,250	731	1,463	2,194	2,925	3,656	4,388
70%	31,500	788	1,575	2,363	3,150	3,938	4,725
75%	33,750	844	1,688	2,531	3,375	4,219	5,063
80%	36,000	900	1,800	2,700	3,600	4,500	5,400
85%	38,250	958	1,916	2,874	3,832	4,790	5,748
90%	40,500	1,013	2,025	3,038	4,050	5,063	6,075

No Excuse Early Voting (75%)							
Total Voter Turnout %	Total Voter Turnout	10%	20%	30%	40%	50%	60%
45%	20,250	1,519	3,038	4,556	6,075	7,594	9,113
50%	22,500	1,688	3,375	5,063	6,750	8,438	10,125
55%	24,750	1,856	3,713	5,569	7,425	9,281	11,138
60%	27,000	2,025	4,050	6,075	8,100	10,125	12,150
65%	29,250	2,194	4,388	6,581	8,775	10,969	13,163
70%	31,500	2,363	4,725	7,088	9,450	11,813	14,175
75%	33,750	2,531	5,063	7,594	10,125	12,656	15,188
80%	36,000	2,700	5,400	8,100	10,800	13,500	16,200
85%	38,250	2,874	5,748	8,622	11,496	14,370	17,244
90%	40,500	3,038	6,075	9,113	12,150	15,188	18,225

## No Excuse/Early Voting

### Projected Impact

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What is shown below is the midpoint of 40% turnout projection during the absentee period. With an estimated total projection of 3,825 mailed ballots and 11,475 in-person voters.

Additionally, 75% of Absentee voters will vote during 7 day, in-person no-excuse absentee period, estimated at 8,606 voters.

National Conference of State Legislatures data (affirmed by the NC data) shows anywhere from 30% to 67% of total turnout to be Early Voting.

#### Presidential Voting Forecast for No Excuse/Early Voting

Total Voters:	45,000
Expected Total Voter Turnout:	85%
Estimated Total Voter Turnout:	38,250

Estimated Voter Turnout:	38,250
Expected Absentee Turnout:	40%
Estimated Total Absentee Voter Turnout:	15,300

Estimated Total Absentee Voter Turnout:	15,300
Expected Mailed/Emailed Out Absentee Ballots:	3,825
In-Person Absentee Voter Totals:	11,475

#### Total 33 Business Day of Absentee Voting

The First 26 days - Applications required to Absentee Vote In-Person

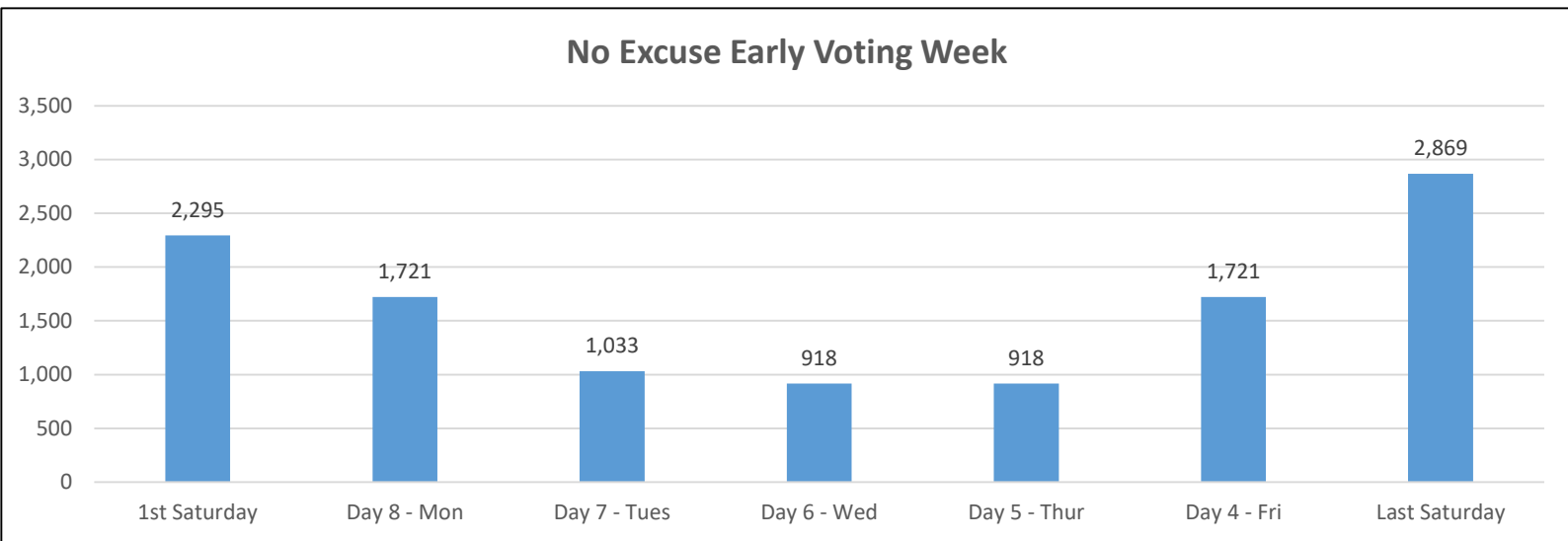
The Last 7 days - No Excuse and No Application Require to vote In-Person

		Est. Voters
Estimated % AB in first 26 days:	25%	2,869
Estimated % AB in last 7 days:	75%	8,606

## No Excuse/Early Voting Projected Impact

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The Chart below shows a daily estimate of in person voters during the in-person no excuse timeline at the 40% turnout estimate.





## No Excuse/Early Voting

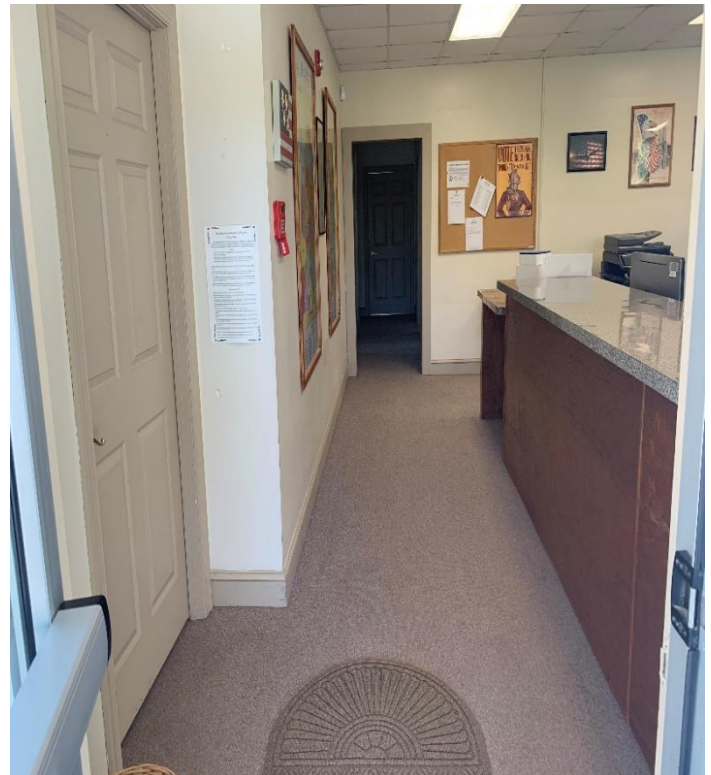
### Implementation in November 2020 Office Space

The current space used for absentee voting will not accommodate the number of voters projected to cast a no excuse absentee ballot. Additional temp staff, equipment and security will be required. A larger space is needed for the General Registrars office.

This office will help to provide information to the Board of Supervisors for assistance with the expansion or relocation of the General Registrar's office to accommodate no-excuse early voting.

#### Elements to consider:

- Voting Area – space for processing large numbers of voters per day (current facility allows for up to 4 voters to be processed at a time)
- Voting Equipment Needed
  - 20-30 voting booths
  - 10 electronic pollbook (EPBs) with printers and tabulators (ballot scanners)
  - 3 ADA – Handicap Assistance Voting Device (Current location has 4 booths, 2 Pollbooks and 1 tabulator)
- Processing Area – workstations for 5 employees (Current location has 3 workstations)
- Data and phone line drops for each workstation (Current office has 3 phones)
- Ballot Security Area – Security cages or room (Current Location filing cabinet)
- Parking –Designated voter parking and Handicap curbside voting spaces (Current location has 16 parking spaces and 2 handicap spaces)
- Office personnel security measures



#### Estimated Budget Costs:

##### County Administration:

- Voter Registration and Elections Department relocation (estimated 4,000 sq. ft) : Unknown
- Parking: Unknown
- Ballot Security Area: Unknown
- Phone: Unknown

##### Registrar Main Office:

##### **Capital Improvement needs:**

- 10 Voting Booths: \$2,000

##### **Annual Budget needs:**

- 1 additional fulltime staff member –starting salary \$29,500, plus benefits (Currently the department has 2 fulltime and 1 seasonal staff member)
- 2-4 seasonal staff - Main office: \$15,000 – (1 seasonal staff member, in 2016 presidential we had 5 seasonal staff) This funding was cut in 2017 and our part-time position was no longer funded.
- Workstations – Neutral cost with the assumption of relocation GR's office.
- Data Connectivity: Unknown

#### **Annual Budget Needs- Main office:\$44,500**

\*This estimate are only for the main office operations.

## No Excuse/Early Voting

### Implementation in November 2020 Early Voting Centers

§ 24.2-701.1.C. *Additional locations in the county or city approved by the electoral boards may be available for absentee voting in person. Any such location shall be in a public building owned or leased by the county, city, or town within the county and may be in a facility that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. Any such location shall have adequate facilities for the protection of all elections materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.*

#### Vote Center Recommendations:

In consideration of the county size and the estimated 45 minute travel time to our office, in addition to the facility limitations with office space and parking, we will be unable to process an estimated 11,000-14,000 voters at our main office alone. Therefore, opening two early voting centers, one in the Gretna branch library and one in the Mt. Hermon branch library, are ideal locations to best serve all county residence.

#### Elements Needed/Cost Estimates:

##### Main Office plus the Gretna Branch Library & Mount Hermon Branch Library as Vote Centers

- Furnished location that meets all the requirements of a public office space, as specified in § 24.2-310. Secure location for voting equipment when not in use (sole key holder)
- Parking - designated voter parking and Handicap curbside voting spaces
- Voting Equipment
  - 30 Booths: \$6,000
  - 10 Electronic Pollbooks w/software: \$16,500
  - 11 Printers: \$2,000
  - 6 Tabulators: \$35,130.00
  - 3 ADA Ballot Markers: \$10500.00
  - 3 Curbside signage: \$600
  - Workstations – 6 laptops with peripherals: \$3,000
  - Data and phones: Connectivity to the Dept. of Elections secure database with a Static IP Address: Unknown
  - Photo ID equipment: \$500
- 2020-2021 Capital Improvement Total Expense: \$72,230
- Staffing
  - 6-10 Vote Center Staff \$20,992 x 2 locations = \$41,984
  - 2-4 additional season staff/temps- Main office: \$15,000

Minimum Vote Center Staffing					
	Hourly Rate	Hrs.	Cost (hourly)	Training	Total
1 Vote Center Supervisor	\$15	56	\$840.00	\$1,500.00	\$2,340.00
1 Center Asst. Supervisor	\$12	56	\$672.00	\$1,500.00	\$2,172.00
8 Associates	\$10	448	\$4,480.00	\$12,000.00	\$16,480.00
Total of 10 Staff at each center		560	\$5,992.00	\$15,000.00	\$20,992.00

- 2020-2021 Early Voting Estimated Expense: \$129,214

#### Ongoing expenses

- Annual Contract Fee: \$2,200 Pollbook, \$2,145 Voting Machines = 4,345 additional
- Future budget estimate ( 2022-2023, etc.): \$61,329

Thank You

Questions?

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Pittsylvania County  
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434-432-1981

# 2020-2021 Department Budget Submission

ACCOUNT NUMBER	DESCRIPTION	2018-2019	2018-2019	2019-2020	Debits/Credits	2020-2021	Notes/Needs
		BUDGET	YEAR-END	BUDGET	thru 11/30/2019	REQUEST	
100-4-013100-101100	COMPENSATION-BOARD MEMBERS	10,742.00	10,741.92	10,742.00	4,609.60	\$ 11,074.00	100 % Reimbursement to localities for Electoral Board and Registrar Salary - Reimbursement Estimated \$66,700 = 0 county liability
100-4-013100-110000	SALARIES AND WAGES - REGULAR	95,909.00	97,902.72	97,903.00	42,752.70	\$ 127,403.00	100% Reimbursement to localities, plus the addition of a full-time assistant staff member- Main office Salary \$29,500, state reimbursement of estimated \$56,000, county funded salaries = \$ 71,403
<b>100-4-013100-130000</b>	<b>ELECTION SUPPORT STAFF-PART-T</b>	<b>6,500.00</b>	<b>4,527.50</b>	<b>8,000.00</b>	<b>1,916.20</b>	<b>\$ 15,000.00</b>	<b>\$15,000 Seasonal staff for election administration- Early Voting - Main office</b>
100-4-013100-171000	ELECTION OFFICIALS-COMPENSATI	50,000.00	43,165.00	50,000.00	28,055.00	\$ 50,000.00	
100-4-013100-210000	FICA	8,657.00	8,419.44	9,957.00	3,670.28	\$ 11,526.20	
100-4-013100-221000	VRS	9,505.00	9,584.88	9,585.00	4,185.50	\$ 12,933.16	
100-4-013100-230000	BCBS-CO. SHARE	14,165.00	15,638.80	15,934.00	6,470.16	\$ 22,887.00	
100-4-013100-230100	DENTAL	288	288	288	120	\$ 432.00	
100-4-013100-240000	VRS-LIFE INS	1,257.00	1,282.56	1,283.00	560.1	\$ 1,730.59	
100-4-013100-260000	UNEMPLOYMENT INSURANCE	137	121.7	164	11.69	\$ 212.80	
100-4-013100-270000	WORKMAN'S COMP INS	94	76.72	108	0	\$ 114.95	
100-4-013100-280000	LT DISABILITY	219	224.4	219	86.2	\$ 219.00	
100-4-013100-331000	REPAIRS & MAINT.	6,000.00	360	10,000.00	12,072.55	\$ 6,000.00	
100-4-013100-332000	SVC CONTRACTS-VOTING EQUIPMEN	20,000.00	36,126.97	18,000.00	21,107.32	\$ 23,175.00	Voting Machine HMA & FMA Annual Contract fee - \$19,175.00 , EVID Pollbook software contract fee \$4,000.00=\$23,175
100-4-013100-332100	VOTING EQUIPMENT PROGRAMMING	0	0	8,000.00	3,796.98	\$ 8,000.00	
100-4-013100-350000	PRINTING	15,000.00	12,085.93	15,000.00	8,811.92	\$ 20,000.00	
<b>100-4-013100-360000</b>	<b>ADVERTISING</b>	<b>1,000.00</b>	<b>0</b>	<b>1,000.00</b>	<b>0</b>	<b>\$ 3,000.00</b>	<b>Vote Center Advertisement requirements</b>
100-4-013100-521000	POSTAGE	4,000.00	6,839.10	6,500.00	4,175.60	\$ 35,280.00	\$6,000- daily registration mailings, \$2,280 - mailing ballots, \$27,000- Post 2021 Redistricting county wide mailing to all registered voters as required by code.
100-4-013100-523000	TELEPHONE	800	810.85	900	280.64	\$ 900.00	
100-4-013100-542000	LEASE/RENTAL-BUILDINGS	0	300	900	0	\$ -	
100-4-013100-550000	TRAVEL EXPENSES	5,000.00	4,076.52	5,000.00	1,926.43	\$ 8,000.00	CERA training Certification in Richmond - 2020-2022
100-4-013100-554100	ELECTION TRAINING	0	0	1,000.00	0	\$ 1,000.00	
100-4-013100-581000	DUES & MEMBERSHIPS	1,160.00	350	1,160.00	99	\$ 1,160.00	
100-4-013100-600100	OFFICE SUPPLIES	2,500.00	1,986.42	3,000.00	1,868.97	\$ 3,000.00	
100-4-013100-600110	ELECTION SUPPLIES	0	0	1,750.00	299.81	\$ 1,750.00	
100-4-013100-600300	FURNITURE & FIXTURES	0	771.2	0	0	\$ -	
100-4-013100-600500	COPIER LEASE	3,094.00	2,798.94	3,094.00	1,112.16	\$ 3,094.00	
100-4-013100-810200	CAPITAL OUTLAY-EQUIPMENT	0	0	16,000.00	0	\$ 250,000.00	New Facility for main office: \$250,000 estimated
100-4-013100-130100	VOTE CENTER SEASONAL STAFF	0	0	0.00	0	\$ 41,984.00	Vote Center Staffing
100-4-013100-350100	Vote Center Ballot Printing	0	0	0.00	0	\$ 15,000.00	Early voting ballots- Vote Centers
100-4-013100-810210	Vote Center Machines					\$ 67,630.00	10 Electronic Pollbooks w/software: \$16,500 11 Printers: \$2,000 6 Tabulators: \$35,130.00 3 ADA Ballot Markers: \$10500.00 Workstations – 6 laptops with peripherals: \$3,000 Photo ID equipment: \$500
100-4-013100-600120	Vote Center Supplies	0	0	0.00	0	\$ 8,600.00	30 Booths: \$6,000, signs \$600, office supplies \$2000
TO	AL ELECTORAL BOARD/REGISTRAR	256,027.00	258,479.57	295,487.00	147,988.81	\$ 751,105.70	

# Quote

## Recommended Implementation

Base Configuration of Equipment-Main Unit (EVID Edge) includes:

- a. Ruggedized Tablet Computer
  - i. Intel Quad-Core Atom Processor
  - ii. 10.1" Capacitive Touchscreen
  - iii. 2 GB RAM
  - iv. 64 GB eMMC Solid State Drive
  - v. One (1) micro SD slot
  - vi. Integrated Wi-Fi Wireless Adapter
  - vii. Integrated Bluetooth Wireless Adapter
  - viii. Removable Lithium Ion Battery
  - ix. Dedicated Barcode Scanner
  - x. Hand Strap
- b. Adjustable-Angle Tablet Stand/Docking Station
  - i. Four (4) Standard USB ports
  - ii. One (1) Ethernet port
  - iii. Main Power Port
  - iv. Receipt Printer Power Port
  - v. Tablet Docking Port

2. Peripheral Equipment for Main Unit (EVID Edge) includes:

- a. Power Adapter for Stand, Tablet and Receipt Printer
  - b. Power Cable to Power Receipt Printer from Stand
  - c. Power Adapter for Tablet only.
  - d. 3" Thermal Receipt Printer w/Bluetooth & USB connectivity, removable battery, belt clip, and power adapter for receipt printer only.
  - e. Driver License Holder
3. Carrying case: Hard-shell/storage case with handle and form fitted foam insert to Accommodate one (1) main unit and all peripherals.

EVID EDGE PRICING - \$1650.00/unit 10 units = 16,500.00

ADDITIONAL PRICING:

License Station Fee after Year –annual maintenance - \$100/station yearly.

Acceptance testing and training fee \$2,000.00/one- time fee.

EVID Manager License Tool for writing activators \$1,200.00 yearly.



Pittsylvania County, VA Voter Registration  
**Purchase Proposal Quote**  
 Submitted by Election Systems & Software

Purchase Solution Includes:

Quantity	Item Description	Price
<b>Tabulation Hardware</b>		
<b>Model DS200 Precinct Scanner:</b>		
6	Model DS200 (Includes Scanner, Internal Backup Battery, Plastic Ballot Box with Steel Door and e-Bin, Paper Roll and One (1) Standard 4GB Memory Device)	\$34,500.00
6	Tote Bin	\$1,350.00
<b>Model DS850 High Speed Digital Image Scanner:</b>		
3	Standard 8GB Memory Device (Additional)	\$630.00
<b>ExpressVote Ballot Marking Device:</b>		
3	ExpressVote BMD Terminal (Includes Terminal, Internal Backup Battery, ADA Keypad, Headphones, Power Supply with AC Card, and One (1) Standard 4GB Memory Device)	\$9,975.00
3	Soft-Sided Case	\$525.00
<b>Election Services</b>		
X	Equipment Installation	\$1,005.00
X	1 Year Hardware and Software Warranty	Included
<b>Shipping &amp; Other</b>		
X	Shipping and Handling	\$795.00
<b>Total Purchase Solution</b>		<b>\$48,780.00</b>
<b>Annual Post-Warranty License and Maintenance and Support Fees        (Fees are Based Upon a 1-Year Customer Commitment to Subscribe to the Following Services)</b>		
<b>Annual Post-Warranty Hardware Maintenance and Support Fees:</b>		
6	HMA DS200 - Extended Warranty with Annual Maintenance	\$1,110.00
3	HMA ExpressVote BMD - Extended Warranty with Annual Maintenance	\$360.00
<b>Annual Post-Warranty Firmware License and Maintenance and Support Fees:</b>		
6	Firmware License - DS200	\$480.00
3	Firmware License - ExpressVote	\$195.00
<b>Total Annual Post-Warranty License and Maintenance and Support Fees</b>		<b>\$2,145.00</b>

**Footnotes:**

- This quote is an estimate and is subject to final review and approval by both ES&S and the Customer.
- Rates valid for 60 days and thereafter may change.
- Any applicable (City & State) sales taxes have not been included in pricing and are the responsibility of the customer.

**VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION**

**CHAPTER 668**

*An Act to amend and reenact §§ 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-706, 24.2-707, 24.2-709, and 24.2-1004 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-701.1, relating to absentee voting; no-excuse, in-person, beginning on second Saturday immediately preceding election.*

[H 2790]

Approved March 21, 2019

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

**1. That §§ 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-706, 24.2-707, 24.2-709, and 24.2-1004 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-701.1 as follows:**

**§ 24.2-452. Definitions.**

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

1. "Covered voter" means:

- a. A uniformed-service voter or an overseas voter who is registered to vote in this state;
- b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements, including subdivision A 2 of § 24.2-700;
- c. An overseas voter who, before leaving the United States, was last eligible to vote in this state and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements;
- d. An overseas voter who, before leaving the United States, would have been last eligible to vote in this state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements; or
- e. An overseas voter who was born outside the United States, is not described in subdivision c or d, and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements, if:

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

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

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

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

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

5. "Military-overseas ballot" means:

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

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

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

8. "Uniformed service" means:

- a. Active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States;
- b. The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
- c. The Virginia National Guard.

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

- a. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;
- b. A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;
- c. A member on activated status of the National Guard; or
- d. A spouse or dependent of a member referred to in this definition.

10. "United States," used in the territorial sense, means the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

## VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION CHAPTER 668 (continued)

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

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

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

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

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

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

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

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

A. The following registered voters may vote by absentee ballot in accordance with the provisions of this chapter in any election in which they are qualified to vote:

1. Any person who, in the regular and orderly course of his business, profession, or occupation or while on personal business or vacation, will be absent from the county or city in which he is entitled to vote;
2. Any person who is (i) a member of a uniformed service, as defined in § 24.2-452, on active duty, (ii) temporarily residing outside of the United States, or (iii) the spouse or dependent residing with any person listed in clause (i) or (ii), and who will be absent on the day of the election from the county or city in which he is entitled to vote;
3. Any student attending a school or institution of higher education, or his spouse, who will be absent on the day of election from the county or city in which he is entitled to vote;
4. 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 election because of his disability, illness, or pregnancy;
5. Any person who is confined while awaiting trial or for having been convicted of a misdemeanor, provided that the trial or release date is scheduled on or after the third day preceding the election. Any person who is awaiting trial and is a resident of the county or city where he is confined shall, on his request, be taken to the polls to vote on election day if his trial date is postponed and he did not have an opportunity to vote absentee;



## VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION CHAPTER 668 (continued)

6. Any person who is a member of an electoral board, registrar, officer of election, or custodian of voting equipment;
7. Any duly registered person who is unable to go in person to the polls on the day of the election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home;
8. Any duly registered person who is unable to go in person to the polls on the day of the election because of an obligation occasioned by his religion;
9. Any 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;
10. Any person who is 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;
11. Any 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 subsection C of § 24.2-604 and § 24.2-639; or
12. Any person granted a protective order issued by or under the authority of any court of competent jurisdiction.

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

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

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

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

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

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

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

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

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

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

1. An application completed in person shall be ~~made not less than three days prior to the election in which the applicant offers to vote and~~ completed only in the office of the general registrar. ~~The applicant shall sign the application and signed by the applicant~~ in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 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 subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision A 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

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

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;
2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision A 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;
3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and
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
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
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
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
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
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
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
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
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
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
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 subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated; or
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.

*D. An application shall not be required for any registered voter appearing in person to cast an absentee ballot during the period beginning on the second Saturday immediately preceding the election in which he is offering to vote.*

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

*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.*

*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.*

*2. Any registered voter 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.*

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*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 forms of identification specified in subsection B of § 24.2-643, he shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.*

*B. Absentee voting in person shall be available during regular business hours. The electoral board of each county and city shall provide for absentee voting in person in the office of the general registrar. For purposes of this chapter, such office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections.*

*C. Additional locations in the county or city approved by the electoral boards may be available for absentee voting in person. Any such location shall be in a public building owned or leased by the county, city, or town within the county and may be in a facility that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. Any such location shall have adequate facilities for the protection of all elections materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.*

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

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

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

### **§ 24.2-702.1. Federal write-in absentee ballots.**

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

B. Notwithstanding any other provision of this title, a federal write-in absentee ballot submitted pursuant to subsection A shall be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot, provided that the ballot is received no later than the deadline for the return of absentee ballots as provided in § 24.2-709 for the election in which the voter offers to vote, and the application contains the following information: (i) the voter's signature; however, if the voter is unable to sign, the person assisting the voter will note this fact in the voter signature box; (ii) the voter's printed name; (iii) the county or city in which he is registered and offers to vote; (iv) the residence address at which he is registered to vote; (v) his current military or overseas address; and (vi) the signature of a witness who shall sign the same application.

C. This section shall not be construed to require that an absentee ballot be sent to the absentee voter on receipt of a federal write-in absentee ballot unless the voter has also submitted an absentee ballot application pursuant to § 24.2-701 or 24.2-703.

### **§ 24.2-703.1. Special annual applications for absentee ballots for certain ill or disabled voters.**

Any person who is eligible for an absentee ballot under subdivision A 4 of § 24.2-700 because of a disability or illness and who is likely to remain so eligible for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in a calendar year. His first such application shall be accompanied by a statement, on a form prescribed by the State Board and signed by the voter and his physician, provider as defined in § 37.2-403, or accredited religious practitioner, that the voter is eligible for an absentee ballot under subdivision A 4 of § 24.2-700 and likely to remain so eligible for the remainder of the calendar year.

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

The general registrar shall send each such enrolled applicant a blank application by December 15 for each ensuing calendar year, and upon completion thereof, the applicant shall be eligible to receive ballots for all elections in which he is eligible to vote in that calendar year.

If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable, or the general registrar knows that the applicant is no longer a qualified voter, no ballot for any subsequent election shall be sent to the voter until a new application is filed and accepted.

**§ 24.2-703.2. Replacement absentee ballots for certain disabled or ill voters; penalty.**

A voter seeking to cast an absentee ballot may obtain a replacement absentee ballot subject to the following conditions: (i) the voter applied for an absentee ballot under subdivision A 4 of § 24.2-700 because of a disability or illness; (ii) the application was approved and an absentee ballot mailed to the voter; and (iii) the voter did not receive or has lost the absentee ballot on or before the Saturday before the election. In such case, the voter may request a replacement absentee ballot by the close of business for the local elections office on the Saturday before election day and designate, in writing, a representative to obtain a replacement absentee ballot on his behalf from the general registrar and to return the properly completed ballot as directed by the general registrar no later than the close of polls on the day of election for which the absentee ballot is valid. The representative shall be age eighteen or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate. The voter and representative shall complete the form prescribed by the State Board to implement the provisions of this section. The form shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.

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

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

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

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

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

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

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."

2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

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

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

Date \_\_\_\_\_

Signature of witness \_\_\_\_\_"

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

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

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3. A properly addressed envelope for the return of the ballot to the general registrar by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

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

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

C. If the applicant ~~may~~ **completes** his application ~~to vote~~ in person under § 24.2-701 at a time when the printed ballots for the election are available, ~~the general registrar, on the determination of the qualifications of the applicant to vote, shall provide to the applicant the items set forth in subdivisions 1 through 4, and no item shall be removed by the applicant from the office of the general registrar he may request that the general registrar send to him by mail the items set forth in subdivisions B 1 through 4, instead of casting the ballot in person. On the request of the applicant, Such request shall be~~ made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, ~~and the general registrar may shall send the those items set forth in subdivisions 1 through 4 to the applicant by mail, obtaining a certificate or other evidence of mailing.~~

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

~~When the statement prescribed in subdivision 2 has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.~~

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

### **§ 24.2-707. How ballots marked and returned by mail.**

On receipt of a mailed absentee ballot, the voter shall, in the presence of a witness, (i) open the sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644 and 24.2-646 without assistance and without making known how he marked the ballot, except as provided by § 24.2-704.

After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the back of the envelope in the presence of a witness, who shall sign the same envelope, (d) enclose the ballot envelope and any required assistance form within the envelope directed to the general registrar, and (e) seal that envelope and mail it to the office of the general registrar or deliver it personally to the general registrar. A voter's failure to provide in the statement on the back of the envelope his full middle name or his middle initial shall not be a material omission, rendering his ballot void, unless the voter failed to provide in the statement on the back of the envelope his full first and last name. A voter's failure to provide the date, or any part of the date, including the year, on which he signed the statement printed on the back of the envelope shall not be considered a material omission and shall not render his ballot void. For purposes of this chapter, "mail" shall include delivery by a commercial delivery service, but shall not include delivery by a personal courier service or another individual except as provided by §§ 24.2-703.2 and 24.2-705.

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~~An applicant who makes his application to vote in person at a time when the printed ballots for the election are available shall follow the same procedure set forth above except that he may complete the procedure in person in the office of the general registrar, or at another location or locations in the county or city approved by the electoral board, before a registrar, or, if a ballot is cast at that time, before the officers of election appointed by the electoral board. Any such location shall be in a public building owned or leased by the city, the county, or a town within the county, with adequate facilities for the protection of all records concerning the absentee voters, the absentee ballots, both voted and unvoted, and any voting equipment in use at the location. Such location may be in a facility owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities and for an office of the general registrar. Such location shall be deemed the equivalent of the office of the general registrar for the purpose of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar may send the items set forth in subdivisions 1 through 4 of § 24.2-706 to the applicant by mail, obtaining a certificate or other evidence of mailing.~~

~~Failure to follow the procedures set forth above in this section shall render the applicant's ballot void.~~

~~The general registrar of any county or city using a central absentee voting precinct may provide for the casting of absentee ballots on voting equipment prior to election day by applicants who are voting in person. The Department of Elections shall prescribe procedures for the use of voting equipment. The procedures shall provide for the casting of absentee ballots prior to election day by in-person applicants on voting equipment which has been certified, and is currently approved, by the Department of Elections. The procedures shall be applicable and uniformly applied by the Department of Elections to all jurisdictions using comparable voting equipment. At least two officers of election, one representing each political party, shall be present during all hours that absentee voting is available at any location at which absentee ballots are cast prior to election day.~~

~~The requirement that officers of election shall be present if ballots are cast on voting equipment prior to election day shall not be applicable when the voting equipment is located in the office of the general registrar and the general registrar or an assistant registrar is present.~~

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

A. Any ballot returned to the office of the general registrar in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to the general registrar before the closing of the polls. The registrar receiving the ballot shall (i) seal the ballot in an envelope with the statement or declaration of the voter, or both, attached to the outside and (ii) mark on each envelope the date, time, and manner of delivery. No returned absentee ballot shall be deemed void because the inner envelope containing the voted ballot is imperfectly sealed so long as the outside envelope containing the ballot envelope is sealed.

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

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

### **§ 24.2-1004. Illegal voting and registrations.**

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

B. Any person who intentionally (i) votes more than once in the same election, whether those votes are cast in Virginia or in Virginia and any other state or territory of the United States, (ii) procures, assists, or induces another to vote more than once in the same election, whether those votes are cast in Virginia or in Virginia and any other state or territory of the United States, (iii) votes knowing that he is not qualified to vote where and when the vote is to be given, or (iv) procures, assists, or induces another to vote knowing that such person is not qualified to vote where and when the vote is to be given is guilty of a Class 6 felony.

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

## Information Sources:

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North Carolina Data <https://www.ncsbe.gov/index.html>

National Conference of State Legislatures <http://www.ncsl.org>

Virginia Legislative Information Services – Code of Virginia  
<https://law.lis.virginia.gov/vacode/title24.2/>

Voter Registrars Association of Virginia No Excuse Early Voting Committee

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