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Chapter 11 of the GRE Book is a policy implementation guide to help Registrars and Electoral Boards perform their daily responsibilities in absentee processing in accordance with the *Code of Virginia*. Working with absentee ballots is a very challenging, complicated and detail-oriented process. To lessen the confusion, the Absentee Voting Chapter has been compiled in the sequence in which the processes occur during an election cycle. This chapter is not meant to replace the “VERIS Step-by-Step Guide.”

## 11.1 In General

- Ballots must be sent within 3 business days of receipt of a properly completed application following ballot ready deadline. Electoral boards have the statutory responsibility shared with the registrar under § 24.2-706.
- Absentee ballot applications should be processed on a regular schedule throughout the year.
- Applications should be examined and entered promptly into VERIS as they are received for the upcoming election. EXCEPTION: An absentee ballot application from an applicant who has registered to vote in person must be held and cannot be processed until five days after the registration application has been accepted. Military and overseas voters are exempt from this requirement ([§ 24.2-701](#)).
- Entering applications into VERIS allows the voter to check his absentee ballot status online and assures the voter that the application has been received.
- Absentee reports should be run regularly, the applications should be proofed against the report, and corrections should be made as needed.
- Ballots for all absentee applications on hand should be sent as soon as the ballots are ready, but not later than 45 days prior to all elections (some flexibility for nonfederal special elections but goal is still 45 days prior) ([§ 24.2-612](#)).
- Absentee voting is an Electoral Board responsibility. §§ 24.2-612, 24.2-706.
- Most duties may be delegated to the General Registrar and the Registrar’s staff.
- Delegations of duties should be adopted by recorded formal motion in a public meeting in the minutes of the Electoral Board ([§ 24.2-114](#); *see also*, GREB 2).
- Regular polling place rules apply to in-person absentee voting at all absentee voting locations.
  - Voters may not be accompanied into the voting booth by anyone other than an authorized assistant or his/her child age 15 or younger.
  - No political activity is permitted within 40 feet of the entrance of the polling place structure.
  - *See*, GREB 18 (referring to polling places).
- It may also be appropriate to offer absentee voters a provisional ballot; e.g., the voter’s record is marked “Verify ID” in VERIS and the voter does not have acceptable ID; or the voter is not listed in VERIS and voter says he/she registered at the DMV. *See*, GREB 29 (explaining provisional voting).
- Verify that your fax machine will allow international calls.

- A change to a person's name needs to be reported and changed in VERIS. The name change has no effect on the voter's eligibility to vote, but may affect identification and require provisional voting. *See* GREB 29.
- Caution: You must count a ballot that has been cast by a voter prior to his/her death. Department of Elections regulation [1 VAC 20-60-40](#) defines when an absentee ballot voted other than in person is cast.

## **11.2 Absentee Ballot Readiness**

### **11.2.1 Ordering Printed Ballots**

- As soon as the Electoral Board receives the certification of candidates from Department of Elections, the Board should verify that the printer has all the information required to print the ballots.
- Department of Elections includes information about ballot format with the certification of candidates.
- Place the order for your ballots as quickly as possible.
- *See*, GREB 15 for details on paper ballots.
- Consider the following when ordering ballots:
  - Number of ballots to order using past history from similar elections
  - Number of ongoing applications
  - Expected turnout for the race
  - Emergency ballots (paper supply for the precincts and at CAP)

### **11.2.2 Ballots Received From Printer**

- Certify the number of all ballots received from the printer, including the ballots to be used for absentee voting.
- File a copy of the receipt in the Electoral Board minutes ([§ 24.2-618](#)).
- The applications for absentee ballots must be entered into VERIS and proofed before the printed ballots are received.
- Begin absentee voting as soon as the ballots are received. Do not wait for the mandated 45-day deadline.

### **11.2.3 Absentee Ballot Deadlines**

- At least 45 days prior to any election
  - Ballots must be sent for all applications on file
  - Ballots must be ready for in-person absentee voting
  - *See* [§ 24.2-612](#).

- ① Exception: For non-federal special elections: if sufficient time is not available, then as soon as possible after the deadline

#### **11.2.4 Email Ballots**

- Have basic email files set up and ready to send to UOCAVA voters.
- The printer of the ballots can provide a PDF (portable document format) file of the ballot document
- Incorporate this PDF file into the email for UOCAVA voters
- Department of Elections may offer delivery of Virginia military and overseas ballots to electoral boards through a website instead of through e-mail on an opt-in basis. ([§ 24.2-455](#)).

#### **11.2.5 Electronic Machine Ballots**

- Have equipment ready for in-person absentee voting. *See* GREB 20.

#### **11.2.6 Ballot Readiness Certifications by Electoral Board**

- The Electoral Board must certify in writing to Department of Elections that ballots were ready by the required date and that all applicants on file were sent ballots by that date ([§ 24.2-612](#)).
- Department of Elections determines the reporting deadlines no later than 5 days after the 45-day deadline.
- Additional reporting may be required. Additional reporting was mandatory under a consent decree for federal elections through 2012 when this decree expired. Currently, for each election, the Department of Elections must administer at least one survey for the compliance deadline and review of ballot orders. Due to the time and volume involved, Department of Elections uses electronic surveys.

### **11.3 Virginia Absentee Voting Reasons**

The following are the Code-specific reasons for which an individual may qualify to vote by absentee ballot ([§ 24.2-700](#)):

- 1A Student
- 1B Spouse of Student
- 1C Business
- 1D Personal Business or Vacation

- 1E Working/Commuting to/from home for 11 or more hours between 6 am and 7 pm on Election Day
- 1F First Responders (law enforcement, fire fighters, emergency techs, search and rescue)
- 2A Disability or Illness
- 2B Primary Caregiver for Family Member
- 2C Pregnancy of Voter
- 3A Confined, Awaiting Trial
- 3B Confined, Convicted of a Misdemeanor
- 4A Electoral Board Member, Registrar, Officer of Elections or Voting Equipment Custodian
- 5A Religious Obligation
- 6A Active Duty Merchant Marine or Armed Forces
- 6B Spouse or Dependent Living with a Member of 6A
- 6C Temporarily Residing Outside the US
- 6D Temporarily Residing Outside the US for Employment/Spouse or Dependent of Same Residing With
- 7A Requesting a Ballot for President and Vice President Electors only
- 8A Designated Representative of Candidate or Party inside the Polls

Department of Elections Absentee and Policy staff is available to assist you with questions regarding application of absentee reasons. If an applicant disagrees with your interpretation, offer the applicant a provisional ballot to allow the electoral board an opportunity to research and resolve the matter in consultation with Department of Elections Absentee and Policy staff if appropriate. For example, Department of Elections staff have provided guidance that the 5A religious obligation reason may include an atheist who objects to entering a religious facility.

## **11.4 Absentee Application Types Permitted in Virginia**

- *Virginia Absentee Ballot Application* (SBE-701)
- *Federal Post Card Application* (FPCA or Standard Form 76)
- *Federal Write-In Absentee Ballot Application* (FWAB or Standard Form 186).
- *Annual Application for the Ill or Disabled* (SBE-703.1)
- *Emergency Absentee Ballot Application* (Green) (SBE-705(1)), for the hospitalized or otherwise incapacitated
- *Emergency Absentee Ballot Application Business/Personal/Medical Emergency* (Buff/Cream) (SBE-705.1, -705.2)

## **11.5 Voting by Mail**

Following are the types of applications and instructions used for voters requesting a ballot by mail.

## 11.5.1 Virginia Absentee Ballot Application (SBE-701)

### 11.5.1.1 In General

- A separate application shall be completed for each election in which the applicant offers to vote.
- Anyone may request an application.
- Applications must be returned to the Registrar's office completed in full and signed.
- Applications may be filed no more than twelve (12) months in advance of an election.
- **Applications for a ballot by mail must be received no later than 5:00 pm on the Tuesday prior to the election.**
- Applications may be received by mail, fax, in person, or by email as a signed and scanned attachment.
- Applicants applying in person may request a ballot be mailed.
- Ballots are mailed to applicants who apply by mail, fax, or scanned email attachment.
- Ballots are issued to any applicant who applies in person and chooses to vote at the time of completing the application (provided that in-person voting is available at that time).
- Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) citizens may apply on the Virginia application for the upcoming election only. They are eligible to have their ballots sent to them by email, fax or mail. *See below*, discussion on use of the *Federal Post Card Application (FPCA)*.
- Ballots should be mailed within 24 hours but no later than three (3) business days of receipt of a properly completed application. EXCEPTION: An absentee ballot application from an applicant who has registered to vote in person must be held and cannot be processed until five days after the registration application has been accepted. Military and overseas voters are exempt from this new requirement ([§ 24.2-701](#)).
- A ballot must be returned by the voter if delivered in person.

### 11.5.1.2 Eligibility

- All absentee applicants must be registered voters of the Commonwealth and meet the qualifications in [§24.2.700](#) to be eligible to receive a ballot by mail, email or in person.
- UOCAVA citizens who apply using the *Virginia AB Application* are eligible to have their ballots sent to them by email or fax, but only for the one election requested.

- If the absentee applicant is not currently registered and the books are not closed, the applicant may register in person but must then wait at least five days after his registration application is granted before his absentee ballot application can be processed ([§ 24.2-701](#)). Military and overseas voters are exempt from this requirement.
  - Some voters may be eligible for late registration, if they qualify under [§ 24.2-419](#) or [§ 24.2-420.1](#).

### 11.5.1.3 How to process the Virginia Absentee Application for a Ballot by Mail

Check each application for missing information. Each application must contain the following:

- The election for which the ballot is being requested
  - A reason for voting absentee with supporting information, if required
  - An address where the ballot is to be sent (the following are allowable addresses):
    - § The residence or mailing address as listed in VERIS; or the voter’s new registration address if requesting a change of address or transfer before close of books; or, if move is within the allowable time to vote, at the old address ([§ 24.2-401](#)).
    - § The address at which the voter will be while absent from his locality
    - § The address where the voter may be temporarily confined due to disability or illness
    - § The address where the voter is confined, awaiting trial or having been convicted of a misdemeanor (note this address is for sending the ballot; only the name of the institution of confinement is required to apply)
    - § The email address/fax number if the voter is an overseas citizen or spouse or dependent
    - § Ballots may *not* be sent “in care of” (c/o) any other person.
  - **Assistance to Vote.** If checked, indicate that in VERIS and be certain to send the *Request for Assistance in Voting an Absentee Ballot* form with the ballot (SBE-649 (AB))
  - Applicant’s signature, a date, last four digits of the SSN and valid residence address
  - Assistant’s Statement/Info. Required if voter has indicated he is unable to sign application. (Contact applicant if Assistance to Vote is not also marked.)
  - Change of name/address. If completed, the voter has moved or changed name.
    - § Enter change of name or address in VERIS if *AB Application* is received before the books close.
    - § Do not enter change of name or address in VERIS if the books have closed.

- Note: Moving conditions apply. See section on changes of address in this Chapter for details. Name change has no effect on the voter’s eligibility to vote, but may affect identification and require provisional voting. *See* GREB 29.
- Inquire voter in VERIS
  - Compare the information on the application with the data recorded in VERIS.
  - If the information matches, move to “Absentee History” in VERIS and check for any absentee application already on file.
  - If VERIS information for the voter shows “Vote in Person” or “Verify ID” flags, refer to these sections in this Chapter.
  - **If there is no absentee application on file, enter the absentee data and process the application.**
- Refer to VERIS Step-by-Steps for detailed processing instructions.
- Complete the “Office Use Only” block at the top of the form.
- The voter is now ready for a ballot to be mailed, emailed or faxed.
- Follow instructions for mailing, emailing and faxing ballots.

#### 11.5.1.4 Incomplete Virginia Absentee Ballot Application (SBE-701)

- Obtain missing information by phone, email or fax for anything other than the signature.
- Indicate the name of the person providing the information, the date and initial the form or attach a copy of the fax or email response.
- **Best Practice:** If no one can be reached within 3 business days, deny the application in VERIS.
  - If the voter is registered, send a new application to the voter with the letter generated by VERIS requesting the missing information. If the voter has provided a fax number or email, save time by faxing or emailing the letter and a new application.
  - If the voter is not registered, use one of the Department of Elections-provided templates from SharePoint or create your own to notify the voter.
- Social Security Number (SSN): The last four digits of the voter’s social security number are required for the application to be approved.
  - The voter’s full SSN is requested on the application to assist in finding the voter’s record, but it is *not* required.
  - A voter cannot be denied an absentee ballot for failure to provide the full SSN.
  - A voter must be denied for failure to give the last four digits of the SSN.
- Signature: The voter’s signature is required. The voter must be denied for failure to sign.
  - Send a new application to the voter with the denial letter generated by VERIS

#### 11.5.1.5 Must Vote In Person Requirement

- First time voters who registered by mail *must* vote in person (1B, 1C, 1D, 1E, 1F, 2B, 3A, 3B, 4A, 5A , 8A) unless one of the following exceptions applies ([§ 24.2-416.1](#)):
  - All number 6 reason codes--UOCAVA voters
  - 2A -- Voting Accessibility for the Elderly and Handicapped Act which include
    - § Voter with illness or disability, temporary or permanent
    - § If the voter is qualified to vote for any reason on the SBE-701 and is 65 years old or older, the voter is exempt from vote in person. **Age alone is not a qualifying reason to absentee vote.**
  - 1A -- Full-time students
  - 7A -- Presidential Only voters moving to another state fewer than 30 days before presidential election.
- VERIS will send an on-screen warning message if the applicant must vote in person.
- If this message is received, the application must be denied, and the voter must be notified.
- VERIS will create a letter for the notice to the voter.
  - **Best Practice:** Voter can be notified by phone or email and encouraged to vote in person.

#### 11.5.1.6 Help America Vote Act (HAVA) ID Requirements by Mail ([§ 24.2-706](#))

- In a federal election, first-time voters who registered by mail will be noted with “Verify ID” flag in VERIS.
- Permissible forms of ID for these voters *when voting by mail* include the following:
  - Virginia Voter Card
  - Virginia Driver’s License
  - A current and valid photo ID
  - Copy of a current utility bill, bank statement, government check, or paycheck that shows the voter’s name and address
  - Other government document that shows the name and address of the voter
- Exemptions from HAVA ID when voting by mail
  - UOCAVA voters
  - Other federal entitlement
  - Commissioner of Elections determines no accessible polling place available for voter with physical disability or age 65 or older ([42 USC 15483](#), [§24.2-706](#)).
  - § **Nonexempt first-time voters must be sent the HAVA ID notice (SBE-HAVA-1) with ballots for federal elections; this includes students**
  - Must return a copy of the required ID with his or her ballot
  - If HAVA ID is returned, edit absentee ballot information in VERIS to indicate that ID was returned by checking the “ID Provided” box in VERIS.

- Failure to return proper HAVA ID requires Provisional Ballot processing. *See* GREB 29.
- Change the ballot status in VERIS to “Provisional” and note on the absentee ballot record that the ballot was cast as Provisional.

#### **11.5.1.7 Change of Address Scenarios for Ballots by Mail ([§ 24.2-401](#))**

- The action taken is dependent upon whether the books are open or closed.
- After the books close, the date voter moved is essential in determining whether the voter is qualified to vote in the election(s) in which he/she offers to vote.
- Ballots must be mailed within 3 business days upon receipt of a properly completed application (if the voter registered in person, count the 3 business days from acceptance of the registration application).
- Act on missing information or problems immediately and document your actions.
- If problems cannot be resolved quickly, deny the *AB Application* in VERIS.
- **Best Practice:** Refer to “What If” document for current moving conditions.

##### **11.5.1.7.1 The Voter has Moved to a New Address within Your Locality and Wants a Ballot by Mail ([§ 24.2-401](#))**

- Application received before the books close:
  - Change address in VERIS and process the application using the voter’s new address
- Application received after the books close:
  - Do not change address in VERIS
  - If the voter meets the moving conditions in [§ 24.2-401](#), process the application using the old address
    - § Keep a copy of the *AB Application* to make address change *after* the election
  - If the voter does not meet the moving conditions, the application must be denied
    - § Enter the denial in VERIS and state the reason
    - § Mail denial notice to the voter
    - § Voter may not vote by mail or in person
    - § Keep a copy of the *AB Application* to make address change *after* the election

##### **11.5.1.7.2 The Voter has Moved to a New Address Within Your Locality but is Registered in Another Virginia Locality and Wants a Ballot By Mail ([§ 24.2-401](#))**

- Application received before the books close

- Request a copy of the voter's alpha record from the other locality to be faxed to you immediately. SSN must be redacted unless encrypted ([1 VAC 20-20-20](#)).
- Update the voter's registration record in VERIS and process the application for a ballot by mail using the faxed alpha card.
  - § Make a comment in the VERIS voter record that you are waiting for the original voter registration record to be received from previous locality.
  - § Follow up to be certain the original alpha card is received.
  - § **Best Practice:** Due to the 3-day deadline, if the alpha card is not received in a timely manner, print the VERIS voter screen and use it, combined with the current information on the *AB Application*, to update the voter's registration.
- Application received after the books close
  - Send *AB Application* to old locality with SSN redacted.
  - Old locality will determine whether the voter is eligible to vote under moving conditions in [§ 24.2-401](#) or if application should be denied.
  - Keep a copy of the *AB Application* to request alpha card to update *after* the election.
  - Old locality is responsible for sending the denial notice, if needed.

#### 11.5.1.7.3 The voter has moved to a new address in another Virginia locality and wants a ballot By Mail ([§ 24.2-401](#))

- Application received before the books close
  - Immediately fax a copy of the voter's alpha card along with the *AB Application* to the new locality.
    - § Remember: full SSN must always be covered before faxing or emailing unless encrypted ([1 VAC 20-20-20](#)).
  - Send the original alpha card and *AB Application* by mail.
  - New locality will process the transfer, then process the *AB Application* and send ballot
  - **Do not send a ballot from the old locality**
- Application received after the books close
  - Confirm date voter moved to new address on *AB Application*
    - § If not listed on the *AB Application*, voter must be contacted
  - If the voter meets the allowable moving conditions in [§ 24.2-401](#) and is eligible to vote in old locality:
    - Inquire voter in VERIS
    - Check for any absentee ballot record
    - Process the *AB Application* for a ballot by mail using the voter's old address
  - If the voter does not meet the moving conditions, the application must be denied
    - § Enter the denial in VERIS and state the reason
    - § Mail denial notice to the voter

- § Voter may not vote by mail or in person
- § Keep a copy of the *AB Application* to make address change *after* the election
- After the election use a copy of the *AB Application* as authorization to transfer the voter to his/her new locality. Send the application copy with the alpha card to the new locality

**11.5.1.7.4 The Voter has Moved to a New Address in another State and Wants a Ballot by Mail (§§ 24.2-402, 24.2-427(B))**

- The *AB Application* should be denied and his/her voter registration cancelled
- The signed *AB Application* is your authorization to cancel the voter
- Send denial letter
- Exception for Presidential Election only:
  - If a voter has moved to another state less than 30 days before a Presidential General Election, he/she may be eligible for a Presidential Only ballot from his/her old Virginia address.
    - § After the election, the voter’s Virginia voter registration must be cancelled in VERIS
    - § Keep a copy of the *AB Application* as your authorization for the cancellation

**11.5.1.7.5 The Voter has Moved to Your Locality but VERIS Flags a Warning that the Voter has Been Issued a Ballot from His Old Locality and the Voter Wants a Ballot By Mail.**

- **Application received before the books close:**
  - Begin processing the transfer
  - Warning message will appear in VERIS depending on “Ballot Status”
  - **Status = Marked**
    - § Warning message will read “Warning: Active Absentee Application in \_\_\_\_\_ County/City will be cancelled.”
    - § Update voter’s registration.
    - § VERIS will automatically cancel/void any ballot in the old locality after the transfer is complete (The ballot cannot be counted in the old locality).
    - § Process the *AB Application* and send ballot from new locality.
  - **Status = On Machine**
    - § Warning message will read “Warning: Voted ballot in \_\_\_\_\_ County/City.”
    - § Voter cannot vote in new locality because ballot has already been cast.
    - § The application and the ballot from the old locality will remain unchanged as this voter has already cast his/her ballot.
    - § DO NOT process the new *AB Application* in VERIS.

- § New locality should notify voter that application has been denied because a ballot has already been cast in this election from his/her old locality.
- § Inform voter that his/her new address will be updated after the election.
- § Keep a copy of the application to request alpha card from the old locality and update after the election.

- **Application received after the books close:**

- Voter cannot vote in new locality.
- New locality should notify voter that application has been denied because a ballot has already been issued for this election from the old locality.
- Inform voter that his/her new address will be updated after the election.
- Keep a copy of the *AB Application* to request alpha card and update after the election.

#### **11.5.1.7.6 The Voter did not Complete the Change of Address and Wants a Ballot by Mail**

- If applicant did not specifically request a change of address and the residence address does not match the address listed in VERIS, call or email the voter to confirm he/she has moved.
  - Note the information provided by the voter on the *AB Application* and date and sign in red pen.
  - If the voter is qualified, send a ballot.
  - If the voter is not qualified, deny the *AB Application*.
- If applicant is not registered in your locality, call or email the voter to confirm whether to update his/her voter registration.
  - If the voter is qualified, send a ballot.
  - If the voter is not qualified, deny the *AB Application*.
- The *AB Application* can serve to transfer voter because it is a signed statement indicating a change of address.
- Prior address and date moved are not required to be stated on *AB Application* but may be needed after the books close to apply moving conditions of [§ 24.2-401](#).

### **11.5.2 Federal Post Card Application (FPCA, Standard Form 76)**

#### **11.5.2.1 In General**

- Most FPCAs are submitted by military members, overseas citizens and their families
- The FPCA serves as registration and/or absentee ballot application
- All revisions of the form containing the required information are acceptable

### 11.5.2.2 Attorney General 1971 Opinion on “Place of Abode” for Military

The Attorney General concluded in a 1971 opinion that service members who had a Virginia place of abode before assignment to active duty elsewhere retain that place of abode, unless they choose to change their place of abode, even if they no longer have a residence in Virginia (1971-72 Op. Va. Att’y Gen. 153). The military member’s residence is not determinative for the spouse (1975-76 Op. Va. Att’y Gen. 114b; See *also* [§24.2-417.1](#); [50 USC §595](#)).

### 11.5.2.3 Who is eligible to use FPCA

Block 1 of the FPCA identifies the following eligible classes of voters:

- A member of the uniformed services or merchant marine on active duty or an eligible spouse or dependent (VERIS Codes 6A, 6B, 6E, 6F)
- U.S. citizen residing outside the U.S. Temporarily (VERIS Code 6C or 6D)
- U.S. citizen residing outside the U.S. indefinitely (Voter has relinquished his/her place of abode in Virginia) (VERIS Code 6C or 6D)
- All registrations are permanent with full ballot eligibility dependent upon overseas employment ([§24.2-453](#)).

### 11.5.2.4 Federal Law Definitions ([42 USC § 1973ff-6](#))

- **“Absent Uniformed Services voter” means any of the following:**
  - A member of the uniformed services on active duty who, by reason of such active duty, is absent from his place of residence in Virginia where the member is otherwise qualified to vote.
  - A member of the merchant marine who, by reason of service in the merchant marine, is absent from his place of residence where the member is otherwise qualified to vote.
  - A spouse or dependent of the member referred to in the subparagraphs above who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.
- **“Uniformed Services” means:**
  - The Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service and the commissioned corps of the National Oceanic and Atmospheric Administration
- **“Member of the Merchant Marine” means:**
  - An individual (other than a member of the uniformed services or an individual employed, enrolled or maintained on the Great Lakes or the inland waterways) and either of the following:

- § Employed as an officer or crew member of a vessel documented under the laws of the U.S., or a vessel owned by the U.S., or a vessel of foreign-flag registry under charter to or control of the U.S.
- § Enrolled with the U.S. for employment or training for employment, or maintained by the U.S. for emergency relief service, as an officer or crew member of any such vessel.

- **“Overseas Voter” means any of the following:**
  - An absent uniformed services voter who, by reason of active duty or service is absent from the U.S. on the date of the election involved.
  - A person who resides outside the U.S. and is qualified to vote in the last place in which the person was domiciled before leaving the U.S.
  - A person who resides outside the U.S. and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the U.S.
- **Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and Uniform Military and Overseas Voting Act (UMOVA) (§§ [24.2-451](#), [24.2-470](#))**
  - Protects voting rights of absent military and overseas citizens
  - Permits U.S. citizens residing overseas, whose last residence in the U.S. was in Virginia but who no longer maintain an abode in Virginia, to receive absentee ballots for elections for federal office
  - Persons born overseas to Virginia parents may be eligible to vote in Virginia elections
  - Eligibility for full ballot is defined by state law ([Va. Const. Art. I, §1, §24.2-453](#)).

#### **11.5.2.5 Late Military Registration by Mail ([§24.2-419](#))**

- The applicant must
  - Be eligible to register and otherwise qualified to vote
  - Be a member of the uniformed services of the US on active duty, a member of the merchant marine or the spouse or dependent residing with the same, and
  - By reason of active duty or merchant marine service be normally absent from the city or county in which he/she resides
- Persons eligible for late voter registration may do so after the books are closed up to and including Election Day
- They must be given a registration date equal to the final day of registration (effective date).

#### 11.5.2.6 FPCA Duration of Eligibility - How Long Ballots Must be Sent ([§ 24.2-703](#))

FPCA applicants receive ballots for all elections for which they are eligible through December 31 of the year following the calendar year of their application.

#### 11.5.2.7 How to Process the FPCA

 Board regulation [1 VAC 20-45-30](#) allows accepting a faxed or scanned email attachment as an original application for registration and absentee ballot request (*See also* [§24.2-457](#)).

- FPCA may be returned by mail, in person, by fax or email attachment with signature.
- The FPCA is both voter registration and absentee ballot request.
  - Use the original for the active voter registration alpha file.
  - Make a copy of the FPCA for the absentee application
- The original FPCA is only required if used as a new voter registration application Overseas voters on vacation or business trips and not residing abroad should use the “Virginia Absentee Ballot Application,” not the FPCA.
- Do not wait to mail ballot because original has not yet been received.

#### 11.5.2.8 FPCA Acknowledgement

- If ballots are not ready to be mailed and the FPCA is properly completed and ready for a ballot, the “FPCA Acknowledgement Form” or a document of your design may be completed and sent to the voter.
  - The acknowledgement form should inform the voter of the type of ballot he or she will receive.
  - It should also indicate when and how you will send the ballot (i.e.: mail, email or fax).

#### 11.5.2.9 Checking the FPCA

- Section 1 Classification of the reason for voting absentee
  - Affects eligibility for full ballots
  - Citizens residing outside U.S. without a place of abode in Virginia, employment overseas or qualifying relationship are eligible for federal ballots *only*
- Sections 3 and for legal name and identification (SSN, date of birth)
  - **Social Security Number:** If the applicant is already registered, only the last four digits of the social security number (SSN) are needed. **If the person is not yet registered, the full SSN is required.**

- § If a voter does not have a SSN and “none” is written in the box, VERIS will assign an identification number. Department of Elections staff can check the DMV record to verify no SSN ([§46.2-208\(B\)\(9\)](#)).
- Section 7 for a valid residence address in your locality
- Section 8 for:
  - current military or overseas address to which ballot should be sent
  - an alternate address to mail the ballot
  - preferred method for sending the ballot (mail, fax, email)
- Section 2 for political party preference
  - If a party is provided, primary ballots are sent for that party primary.
  - If no party is provided, no primary ballot is sent.
- Section 9 for additional information about being employed overseas and for which elections the voter is requesting a ballot. Active duty military, eligible spouses and dependents must list the member’s branch of service ([§ 24.2-701\(C\)\(4\)](#)); *See* [1 VAC 20-45-20](#) on material omissions).
- Voter’s signature to the affirmation statement

#### 11.5.2.10 Processing the Properly Completed FPCA

- Perform a “Voter Search” in VERIS to determine if the voter is registered to vote at the address given in Part 7 Voting residence address.
  - If the voter is not registered and the books are open, process as a new registration in VERIS according to the VERIS Step-by-Steps. Use the original FPCA for registration and a copy for the absentee ballot application.
  - If the voter is registered, proceed to “Absentee History” and check for an application already on file. If no application has been processed, enter the data into VERIS according to the Step-by-Steps.
- If the voter is not registered and the books are closed, consider if the applicant is eligible for late military registration. *See above*, late military registration.
- If the FPCA is on a 1995 revision or earlier, attach the properly completed FPCA to a sheet of paper on which the “Office Use Only” section has been printed and complete the certification.
- Check VERIS to verify that the proper full or federal only ballot status is assigned based on the information provided.

#### 11.5.2.11 Processing the Incomplete FPCA

- Contact the voter to obtain any missing information. Email is the fastest method.
- Process the application as soon as the missing information is obtained.
  - **Best Practice:** If no one can be reached within 3 business days and the missing information is material, deny the application in VERIS. *See* [1 VAC 20-45-20](#) on material omissions.
- If the signature is missing, the voter must send a new completed FPCA.
  - Deny the application in VERIS.

- Send a new FPCA or the link to FVAP.
- Send the denial by email whenever possible.

### 11.5.2.12 Using the FPCA for Multiple Elections - Ongoing Application

The FPCA is valid for all elections in which the voter is eligible to vote through December 31 of the year following the calendar year of their application.

- Once the FPCA has been processed and approved, VERIS treats it as an ongoing application through the expiration date, and it does not have to be reentered for each eligible upcoming election.
- The application for ongoing ballots may be submitted at any time after the previous year’s November general election.
- The applicant must meet applicable deadlines for both voter registration and absentee ballot request.
- Ongoing applicants on file are eligible for ballots for special elections held in November or December provided their applications have not yet expired **unless otherwise specified in the FPCA**.
- Any voter sending in the FPCA after the November general election for the *next year* and at least 7 days before the special election are also eligible to receive ballots for that special election provided the voter has met the voter registration deadline.
- If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable, no other ballots shall be sent to the voter until a new application is filed and accepted ([§ 24.2-703](#)).
  - **Best Practice:**
    - § Double check mailing and email addresses.
    - § Default method to send ballot is by mail if nothing is selected ([§ 24.2-706](#)).

### 11.5.2.13 Activating the Ongoing Application

- Activating the ongoing applications will allow VERIS to generate a ballot line for the specified election in which the applicant is eligible for a ballot. All ongoing applications for a specified election are activated at one time.
- To activate ongoing applications take the following steps:
  - Click on the absentee link.
  - Click on the ongoing absentee ballots link.
  - Select the appropriate election from the dropdown menu.
  - Click on the “Generate Ballots” button.

** VERY IMPORTANT: You *must* activate your ongoing applications for every election before you set your ballot ready date for every election! All ongoing applications are activated at one time. Annual**

**applications will be updated along with any military or overseas voters, if you have them.**

- Print the Daily Absentee Ballots List.
- Copy each application that is eligible for a ballot and proof it against the report. The report and applications should match.
- Resolve any issues with missing applications or missing entries on the report.
- Complete this process in time to mail your ballots ([§ 24.2-612](#)).
- When ballots are ready and the ballot ready date is set, each ongoing ballot line will be updated to show the ballot sent date.
- Refer to VERIS Step-by-Steps for data entry details.

*See also*, section on Procedure for Mailing/Emailing/Faxing Ballots.

### **11.5.3 Federal Write-In Absentee Ballots (FWAB)** **(§§ [24.2-457](#), [24.2-458](#), [24.2-702.1](#))**

#### **11.5.3.1 In General**

- The FWAB is designed for use when the eligible military or overseas voter believes he may not receive his regular state ballot in time to vote and return it to the local Electoral Board in time to be counted in the election.
- Applicants often mail a FWAB about the same time as an FPCA.
- Federal law allows applicants who apply for and receive a regular state ballot the option to vote and return that ballot regardless of whether a FPCA has been received ([42 USC 1973ff-2](#)). §24.2-1004 clarifies there is no double voting since the FWAB is not counted if the regular state ballot is also received in time.
  - The regular state ballot will be easier to process and count than if the choices on the FWAB are handwritten.

 FVAP has developed technology on its website to enable voters to print a FWAB with their choices from ballot data provided by Department of Elections. This technology makes it less important for these voters to return the regular state ballot. The Department of Elections may offer similar technology to enable localities to issue ballots by sending links a voter can use to download and print a ballot for return by mail.

#### **11.5.3.2 What the FWAB is Used For**

- Voter Registration for permanent registration. 2012 legislation eliminated the provision limiting registration on FWAB to one election ([§§24.2-457\(B\)](#), [24.2-458\(D\)](#)).
- Absentee Ballot Application for the enclosed ballot only.

- Voted Ballot for one election only.

### 11.5.3.3 Who May Use the FWAB

“Covered voters” defined in [§24.2-452\(1\)](#) include:

- Absent uniformed services
- Former Virginia residents employed overseas (full ballot);
- Citizens residing overseas indefinitely with no Virginia place of abode or employment reason, qualified to vote in federal elections only; or,
- Eligible spouse and dependents residing with all the above.

### 11.5.3.4 When Can the FWAB be Used

Federal law mandates, and Virginia law allows, that UOCAVA applicants may use the FWAB as a back-up ballot ([42 USC 1973ff-2](#)).

FWABs may be used by UOCAVA voters in *all* elections in which the voter is eligible to vote ([§24.2-702.1](#)). A FWAB cannot be rejected on the basis that no FPCA can be found or because the applicant indicates on the FWAB that no FPCA has been submitted (§§ [24.2-457](#), [24.2-458](#)). However, no regular ballot can be sent without a FPCA or Virginia absentee application nor will ballots continue without a FPCA or Virginia annual absentee application. General registrars should encourage absent military and overseas citizens to submit a FPCA, using a FWAB only if concerned a regular ballot will not arrive on time. See [Department of Elections website](#) and [FVAP Virginia Voting Assistance Guide](#).

When the FWAB is received affects the action to take if no FPCA can be found:

- More than 45 days before election with sufficient time to submit FPCA—general registrar should contact voter to request FPCA so a regular ballot can be issued and ballots sent for future elections.
- Less than 22 days before election from an unregistered overseas citizen—FWAB is valid as registration for future elections only.
- Less than 7 days before election—if military or registered overseas citizen, voted ballot accepted based on declaration timely submitted FPCA; if unregistered overseas citizen, FWAB is valid as registration for future elections only.

### 11.5.3.5 The FWAB Declaration/Affirmation Requirements

- Complete all the information required.
- Affirm (items 5 and 6), under felony penalty, that he or she timely applied for a regular state absentee ballot but never received the requested ballot.
- Sign and date the affirmation statement.
- Have the witness sign and date the affirmation statement.

### 11.5.3.6 How the FWAB is to be Mailed

- Active duty military, their spouses and dependents may mail their FWAB from any location in the US or overseas.
- Federal law stipulates that non-military overseas citizens must mail their FWAB from outside the United States for the ballot to count.
- The FWAB instructions include addressing the voted ballot to the appropriate General Registrar or Electoral Board (§§ [24.2-701](#), [702.1](#), [709\(A\)](#)).
- FWABs may not be returned electronically as a voted ballot or absentee application. Any applicant sending a FWAB electronically should be notified immediately that this method of return is not authorized for any voted ballot and a FPCA is required to request ballots sent (§§ [24.2-702.1](#), [24.2-707](#); *See also [Virginia Voting Assistance Guide](#)*).

### 11.5.3.7 FWAB Mailing Deadlines Allowed ([§ 24.2-702.1](#))

- Remember the [§24.2-416.4](#) timely mailing rule if FWAB used for registration. There is no five day hold for mailed applications from military and overseas applicants eligible under [§24.2-700\(2\)](#) (*See [§24.2-706](#)*).
- **Before Books Close**
  - Allows accepting a completed FWAB received by the *registration* deadline as timely for registration, absentee ballot application and voted ballot.
- **After Books Close**
  - Allows accepting a completed FWAB received by the deadline for returning ballots (7 pm on Election Day) as timely for registration, absentee ballot application and voted ballot if the applicant is eligible for late registration. ([§ 24.2-419](#) addresses late military registration).
  - Allows accepting a completed FWAB received by the deadline for returning ballots, but after close of books, as timely for an absentee ballot application and voted ballot if the applicant is already registered to vote in the jurisdiction.
  - FWAB from overseas citizen not already registered and postmarked after registration deadline cannot be counted but effective for registration for next election.

### 11.5.3.8 FWAB Disqualifications ([§ 24.2-702.1](#))

- If the FWAB is received after the close of books and the applicant is not registered and not eligible for late registration:
  - The FWAB ballot is not counted
  - **However, the FWAB is effective as voter registration for future elections**
- A voter must submit a new FPCA in order to request ballots for future elections.

### 11.5.3.9 Additional Tools Available

- Processing Federal Write-in Absentee Ballot Step-by-Steps
- Department of Elections Regulation [1 VAC 20-45-40](#):“Material Omissions from Federal Write-in Absentee Ballots”.

### 11.5.3.10 Tables

- **Table 1** summarizes the action to be taken when only a FWAB is received.
- **Table 2** summarizes the action to be taken when both an FPCA and a FWAB are received for the same applicant.
- **Table 3** summarizes the action to be taken when both a voted state ballot and FWAB are received from the same applicant.
- **Table 4** summarizes the action to be taken when a FWAB is received after the election.

<b>Table 1—Instructions for Processing FWABs Alone</b>		
<b>Description</b>	<b>Action to Take with FWAB</b>	<b>Code</b>
Applicant is registered or meets applicable registration deadline and FWAB is received by the deadline for returning ballots.	<ul style="list-style-type: none"> <li>• Retain original FWAB Voter Declaration for registration file and make 2 additional copies of the Voter Declaration, one for AB Application and one to go with ballot to serve as the Statement of Voter.</li> <li>• Enter registrations that have made the applicable deadline for permanent registration (§§<a href="#">24.2-457(B)</a>, <a href="#">24.2-458(D)</a>)</li> <li>• Enter the FWAB as both AB Application and a received ballot.</li> <li>• Indicate the date, time received and the precinct code.</li> <li>• Indicate Congressional, Senate and House as needed.</li> <li>• Send FWAB to CAP or appropriate precinct on Election Day.</li> <li>• <b>No further ballots are issued under the FWAB.</b></li> </ul>	<a href="#">§ 24.2-416</a> <a href="#">§ 24.2-419</a> <a href="#">§ 24.2-702.1</a>

Unregistered applicant does not meet applicable registration deadline and is not eligible for late registration (e.g., a FWAB received for unregistered overseas citizen after COB deadline).	<ul style="list-style-type: none"> <li>• FWAB is eligible for registration; FWAB ballot not counted and no ballot sent without FPCA.</li> <li>• Keep original FWAB and make one or two copies of the FWAB Voter Declaration page for denied absentee application.</li> <li>• Write “VOID” on the original FWAB.</li> <li>• Place the ballot in the “Federal Write-In Absentee Ballots Voided” (SBE-FED) envelope provided for your locality.</li> <li>• Within 90 days of rejection, Electoral Board must</li> </ul>	<a href="#">§ 24.2-416</a> <a href="#">§ 24.2-419</a> <a href="#">§ 24.2-702.1</a>
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	<p>send applicant written explanation of the reason for rejection (e.g., no timely registration application, ballot received after election, etc.) (<a href="#">§ 24.2-711.1</a>).</p> <ul style="list-style-type: none"> <li>• The FWAB is effective for registration after the election.</li> <li>• Voter must submit a new FPCA in order to request ballots for future elections.</li> </ul>	
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**Table 2—FPCA and FWAB for Same Applicant—Ballot Issuance**

<b>Description</b>	<b>Action to Take with FPCA</b>	<b>Action to Take with FWAB</b>	<b>Code</b>
FPCA and FWAB are received together and meet Absentee Ballot Application deadline and applicant is registered or meets applicable registration deadline.	<ul style="list-style-type: none"> <li>• Process as AB Application.</li> <li>• Issue regular state absentee ballot, full or federal only, depending on registration status.</li> </ul>	<ul style="list-style-type: none"> <li>• Hold the FWAB until Election Day to allow time for the state ballot to be returned.</li> <li>• If the state ballot does not come back by 7 pm on Election Day, process the FWAB as a voted ballot and send to CAP or appropriate precinct.</li> </ul>	<a href="#">§ 24.2-702.1</a> <a href="#">§ 24.2-703</a> <a href="#">§ 24.2-706</a>
Neither FPCA nor FWAB meets applicable registration deadline and voter is <i>not</i> eligible for late registration (e.g., a FWAB is received for unregistered overseas citizen after COB deadline).	<ul style="list-style-type: none"> <li>• FPCA is not eligible for this election.</li> <li>• Retain FPCA to process after the election.</li> </ul> <p>After the Election</p> <ul style="list-style-type: none"> <li>• If not registered, use FPCA for registration.</li> <li>• Process FPCA as AB Application for future elections.</li> <li>• This application will continue as an ongoing AB Application for statutory period.</li> </ul>	<ul style="list-style-type: none"> <li>• FWAB is <i>not</i> eligible for registration, Absentee Ballot Application or voted ballot for current election.</li> <li>• Keep original FWAB and make one or two copies of the FWAB Voter Declaration page to keep for registration and denied absentee application.</li> <li>• Write “void” on the original FWAB going with ballot.</li> </ul>	<a href="#">§ 24.2-416</a> <a href="#">§ 24.2-419</a> <a href="#">§ 24.2-702.1</a> <a href="#">§ 24.2-703</a>

		<ul style="list-style-type: none"> <li>Place the ballot in the “Federal Write-In Absentee Ballots Voided” (SBE-FED) envelope provided for your locality.</li> <li>Within 90 days of rejection, EB must send applicant written explanation of the reason for rejection (e.g., no timely registration application, ballot received after election, etc.) (<a href="#">§ 24.2-711.1</a>).</li> </ul>	
FPCA and FWAB are received together but FPCA has NOT met regular AB Application deadline (7 days prior to Election Day).	<ul style="list-style-type: none"> <li>FPCA not eligible for this election</li> <li>Retain FPCA to process after the election.</li> </ul> <p>After the Election:</p> <ul style="list-style-type: none"> <li>If not registered, use FPCA for registration.</li> <li>Process FPCA as AB Application for future elections.</li> <li>This application will continue as an ongoing AB Application for statutory period.</li> </ul>	<p>If voter is registered or eligible for late registration:</p> <ul style="list-style-type: none"> <li>Process FWAB as AB Application and as a voted ballot.</li> <li><i>Do not</i> send a state ballot.</li> </ul> <p>If voter is not registered:</p> <ul style="list-style-type: none"> <li>Follow instructions under “Does not meet applicable registration deadline.”</li> </ul>	<a href="#">§ 24.2-702.1</a> <a href="#">§ 24.2-703</a>

<b>Table 3—State Ballot Issued and FWAB Received for Same Applicant Before Election—Counting Ballots</b>			
<b>Description</b>	<b>Action to Take with State Ballot</b>	<b>Action to Take with FWAB</b>	<b>Code</b>
Regular state ballot was issued. Both state ballot and FWAB are received before Election Day (VERIS shows state ballot was sent but not yet received).	<ul style="list-style-type: none"> <li>Enter the state ballot as received, selecting “Marked” as the ballot status.</li> <li>Send state ballot to CAP or appropriate precinct on Election Day.</li> </ul>	<ul style="list-style-type: none"> <li>Write “VOID” on the FWAB.</li> <li>Place the FWAB in the “Federal Write-In Absentee Ballots Voided” (SBE-FED) envelope that has been provided for your</li> </ul>	<a href="#">§ 24.2-702.1</a> <a href="#">§ 24.2-703</a>  <a href="#">42 USC 1973ff-2</a>

		locality.	
Regular state ballot was issued but <i>not</i> received; only FWAB was received by deadline for returning ballots.	<ul style="list-style-type: none"> <li>No action needed</li> </ul>	<ul style="list-style-type: none"> <li>Enter FWAB ballot as received, using the edit function.</li> <li>Select “FWAB” as the ballot status.</li> <li>Indicate the date, time received and precinct code.</li> <li>Indicate Congressional, Senate and House as needed.</li> <li>Place this ballot with all other ballots for the precinct.</li> </ul>	<a href="#">§ 24.2-702.1</a> <a href="#">§ 24.2-709</a>  <a href="#">42USC 1973ff-2</a>

**Table 4—FWAB Received After Election**

<b>State Ballot Sent on Time</b>		
<b>Description</b>	<b>Action to Take with FWAB</b>	<b>Code</b>
FWAB is received after the election but VERIS shows state ballot was issued and received as a voted ballot.	<ul style="list-style-type: none"> <li>No action needed for FWAB as state ballot was already received.</li> <li>Place the FWAB in envelope labeled “Ballots Received after Election” for Clerk of the Court.</li> </ul>	<a href="#">§ 24.2-710</a>
FWAB is received after the election but VERIS shows state ballot was issued on time but was <i>not</i> received as a voted ballot.	<ul style="list-style-type: none"> <li><b>Best Practice:</b> Registrars may choose to process the FWAB as a ballot returned “LATE” on VERIS for tracking purposes. Use the edit function on the ballot line.</li> <li>A rejection notice is <i>not</i> required for ballots which cannot be counted because they are received after the election; however, using the above best practice will allow the voter to check the status of the FWAB on the Department of Elections website after the election.</li> <li>Place the FWAB in envelope labeled “Ballots Received after Election” for Clerk of the Court.</li> </ul>	<a href="#">§ 24.2-710</a>
<b>State Ballot NOT Sent on Time</b>		
Original state ballot requested by FPCA or SBE-701 on or before, but <i>not</i> sent by, the 45-day deadline. State ballot	<ul style="list-style-type: none"> <li>FWAB is received before 5 pm on the second business day before the Department of Elections meets to ascertain the results of the election.</li> <li>Process as a received “FWAB” ballot using the edit function on the ballot line.</li> </ul>	<a href="#">§ 24.2-612</a> <a href="#">§ 24.2-709(B)</a>

NOT returned, only FWAB is received after election	<ul style="list-style-type: none"> <li>Count FWAB or reject for material omission (<i>See <a href="#">1 VAC 20-70-30</a></i>).</li> </ul>	
<b>NO State Ballot Sent</b>		
FWAB is received after the election and VERIS shows <b>NO</b> state ballot was issued.	<ul style="list-style-type: none"> <li>The FWAB is effective for registration after the election.</li> <li>Voter must submit FPCA in order to request ballots for future elections.</li> <li><b>Best Practice:</b> Inform voter that FWAB was received after the election and that a FPCA must be submitted to request ballots for future elections.</li> <li>Place the ballot in envelope labeled “Ballots Received after Election” for Clerk of the Court.</li> </ul>	<a href="#">§ 24.2-702.1</a> <a href="#">§ 24.2-710</a>

**REMINDERS:**

FWABs do not have to meet the absentee application deadline if the applicant certifies on the FWAB Voter Declaration that a timely FPCA was submitted ([§ 24.2-702.1](#)).

- If applicant is not registered, the FWAB must meet applicable registration deadline, if any.
- Registration by FWAB is permanent registration ([§§24.2-457\(B\),24.2-458\(D\)](#))

### 11.5.4 Annual Absentee Ballot Application (Disabled or Ill Voter SBE-703.1; Reason Code 2A or 2C)

#### 11.5.4.1 In General

Any person who is eligible for an absentee ballot under [§ 24.2-700\(4\)](#), because of a disability or illness and who is likely to remain incapacitated for the remainder of the calendar year, may file a special annual application to receive ballots for all elections in which he/she is eligible to vote in a calendar year ([§ 24.2-703.1](#)).

-  If a voter with an annual application on file submits a new SBE-701 AB Application, you should contact the voter to confirm whether he/she intends to supersede the ongoing *Annual Absentee Ballot Application* (SBE-703.1).

#### 11.5.4.2 Eligibility

- The voter must be eligible to vote absentee due to disability or illness and is likely to remain so for the remainder of the calendar year.

- The voter must obtain certification of the disability from a physician, accredited religious practitioner or mental health professional attesting that the applicant is eligible pursuant to [§ 24.2-703.1](#). This certification is needed only for the first time the voter applies on the *Annual Absentee Ballot Application* (SBE-703.1).
- The voter must apply annually.

#### 11.5.4.3 Registrar Requirements

- Keep the original certified application on file indefinitely.
- Mail a new application to each annual applicant by December 15 of each ensuing year ([§ 24.2-703.1](#)).
- Do not send a subsequent ballot if an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable.

#### 11.5.4.4 Processing the Application

Confirm the application is properly completed and contains each of the following:

- Absentee Voter's Statement
  - Voter's county or city of residence
  - Has a disability or illness likely to continue ([§§ 24.2-701\(C\)\(6\)](#), [24.2-703.1](#))
  - Calendar year in which applying
  - Party affiliation, if any
    - § If neither party is checked, ballots for primaries will not be sent.
  - Whether assistance is needed
  - Where to mail the ballot
  - Printed name and address, last four digits of the SSN, and signature
    - § Power of Attorney is not permitted ([§ 24.2-123](#)).
- Assistant's Statement (only if required)
  - Assistant's full name, residence address and signature
  - Voter unable to sign, if applicable ([§ 24.2-704](#)).
- Statement of Disability or Illness (Required for FIRST Annual Application only)
  - Printed name of person certifying the disability or illness
  - Signature of person certifying, date and phone number
  - Signer must select his/her title
- Change of Address
  - Inquire voter in VERIS
  - Enter change of address in VERIS if Annual Application is received before the books close
  - Do not enter change of address in VERIS if the books have closed.
    - § **Note:** Moving conditions may apply

- Compare the information on the application with the data recorded in VERIS
- If the information matches, move to “Absentee History” in VERIS and check for any AB Application already on file
- If there is no AB Application on file, enter the absentee data and process the application
- Enter December 31, 20\_\_ as expiration date
- Refer to VERIS Step-by-Steps for detailed processing instructions
- Complete the “Office Use Only” block in the top right corner of the form
- The voter is now ready for a ballot to be mailed
- Follow instructions for mailing ballots

#### 11.5.4.5 Activating Ongoing Applications

Activating the ongoing will allow VERIS to generate a ballot line for the specified election in which the applicant is eligible for a ballot. All ongoing applications for a specified election are activated at one time. Follow the steps below to activate ongoing applications in VERIS:

- Hover cursor over absentee tab on VERIS menu bar.
- Click on the absentee link.
- Click on the ongoing absentee ballots in the drop down menu.
- Select the appropriate election from the dropdown menu.
- Click on the “Generate Ballots” button.

** VERY IMPORTANT: You *must* activate your ongoing applications for every election before you set your ballot ready date for every election! All ongoing applications are activated at one time. Annual applications will be updated along with any military or overseas voters, if you have them.**

- Print the “Daily Absentee Ballots List” after you activate the ongoing applications.
- Copy the applications that are eligible for a ballot and proof them against the report. The report and applications should match.
- Resolve any issues with missing applications or missing entries on the report.
- Complete this process in time to mail your ballots pursuant to [§ 24.2-612](#).
- When ballots are ready and the ballot ready date is set, each ongoing ballot line will be updated to show the ballot sent date.
- Refer to VERIS Step-by-Step instructions for data entry details.

### **11.5.5 Emergency Absentee Ballot Application (Hospitalized or Otherwise Incapacitated Voter SBE-705; on Green Paper)**

The *Code of Virginia* provides for certain voters who are hospitalized or incapacitated just prior to an election to obtain and vote an emergency absentee ballot ([§ 24.2-705](#)).

#### **11.5.5.1 Eligibility**

- Voter or designated representative must request the application be delivered to him or her by 2 pm on the day preceding the election.
- Voter became ill or incapacitated on or after the 7<sup>th</sup> day preceding the election.
- Voter became hospitalized on or after the 14<sup>th</sup> day preceding the election, but has been unable, due to her condition, to request an absentee ballot earlier than the 7<sup>th</sup> day before an election and is still in the hospital.
- For purposes of this section “incapacitated” means any of the following:
  - Hospitalized
  - Ill and confined to her residence
  - Bereaved by a family member as defined by [§ 24.2-705.1\(2\)](#).
  - Otherwise incapacitated by an emergency which is found by the Electoral Board to justify providing an *Emergency AB Application*
  - See full definition of “hospital” in next section

#### **11.5.5.2 Electoral Board Responsibility**

The General Assembly gives the Electoral Boards discretion to grant “otherwise incapacitated” emergency requests that fall outside the statutory definitions. “Otherwise incapacitated” emergency applications may require very quick decisions by the Electoral Board, and, because it may not be possible for the Electoral Board to provide notice and meet immediately, the Electoral Board can delegate this responsibility in writing to the Secretary of the Electoral Board.

The Electoral Board should keep good records from election to election about what the circumstances were emergencies approved or not approved by the Electoral Board (or the Secretary, if authority is delegated) under this section. This will provide guidance to future Electoral Boards to ensure consistency and to respond to any legal or other challenges to the Electoral Board’s use of its discretion in these matters.

Because the “otherwise incapacitated” decision requires a “finding” of the Electoral Board, this responsibility should never be delegated to the Registrar. The Registrar is not authorized to decide or advise the voter whether any particular “otherwise incapacitated” emergency will be submitted to or approved by the Electoral Board (or Secretary if authority is delegated). Every “otherwise incapacitated” emergency must be submitted to the Electoral Board prior to the issuance of the application.

### 11.5.5.3 Definition of a Hospital ([§ 24.2-705](#))

- As defined by [§ 32.1-123](#):
  - Any facility licensed in Virginia pursuant to [§§ 32.1-123 - 32.1-137](#).
  - The facility must be one in which the primary function is the provision of diagnosis, of treatment and of medical and nursing services, surgical or non-surgical for two or more non-related individuals.
  - The definition includes hospitals known by varying nomenclature or designation such as sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical and inpatient or outpatient maternity hospitals.
- As defined by [§ 37.2-100](#):
  - Any state hospital that provides care and treatment for people with mental illness
- The definition also includes any comparable hospital in the District of Columbia or any state contiguous to Virginia. [§ 24.2-705](#). The qualifications to use this absentee process are also limited by that definition.
- Notes
  - Does not include nursing homes (except for rehabilitation facilities)
  - A hospital more than one state away would not qualify
  - The applications must be delivered to the Registrar by the voter's representative, taken to the voter at the hospital or his/her residence, and the ballot must be returned by the close of polls on Election Day by the voter's representative

### 11.5.5.4 Request for Emergency Absentee Ballot Application (SBE-705)

- The voter or designated representative must ask the Registrar to provide an *Emergency Absentee Ballot Application* by phone or in writing at any time prior to 2 pm on the day preceding the election and provide the name of the person selected to be the representative.
- The designated representative must be eighteen (18) years of age or older and cannot be an elected official, candidate or deputy, spouse, parent or child of an elected official or candidate.
- The *Emergency Absentee Application* (SBE-705) is given to the designated representative for delivery to the hospitalized voter at the hospital or to the incapacitated voter at the voter's current residence as shown on the registration records.
- The *Emergency AB Application* may be faxed to the designated representative or to the voter.

#### 11.5.5.5 Return of Completed Application

- The designated representative must return the properly completed application in person in order for the representative to pick up the ballot.
- Upon receipt of the completed application, the Secretary of the Electoral Board, the Registrar or the Assistant Registrar must verify the following:
  - That the applicant is a qualified voter
  - That the name of the designated representative is listed
  - That the completed application is received not sooner than the seventh day preceding the election and not later than 5:00 pm on the day preceding the election
  - That the certificate portion has been completed and signed by one of the following:
    - § A hospital official, licensed physician or mental health provider
    - § A licensed physician, mental health provider or accredited religious practitioner if applicant is ill and confined to his/her residence
    - § A licensed physician, accredited religious practitioner or a funeral service licensee, if the applicant is bereaved
  - If the Electoral Board determines that the applicant has been “otherwise incapacitated” by an emergency which would justify providing an *Emergency Absentee Ballot Application*, that the certificate portion of the form is signed by the Secretary of the Electoral Board
  - That the hospitalized or incapacitated voter has properly completed and signed the application
  - That the designated representative has signed and completed the witness portion of the form
  - That the information provided indicates that the voter was hospitalized or incapacitated on or after the seventh day before the election, or
  - That the voter was hospitalized on or after the fourteenth day before the election in a condition that made the voter unable to request an absentee ballot sooner than the seventh day before the election

#### 11.5.5.6 Providing the Absentee Ballot for the Hospitalized/Incapacitated Voter

- Prepare the absentee ballot in the same manner as a mailed absentee ballot but include the *Instructions for Voting an Emergency Absentee Ballot* (SBE-705(2)).
- **Best Practice:** Request ID from the designated representative to assure that he/she is the person designated by the voter. Picture ID is preferred, but any item bearing the representative’s name is acceptable.
  - Failure to provide identification will not disqualify the application.
- Enclose the instructions with the ballot that advise the representative that the completed absentee ballot must be delivered to the Registrar’s office prior to 7:00 pm on Election Day.
- Enclose a *Request for Assistance* (SBE-649 (AB)) form if the voter indicates he/she will need assistance with the absentee voting materials.

- Enter the hospitalized or incapacitated applicant’s name on the Emergency Absentee Ballot Applicants List (SBE-710-Supp).

#### **11.5.5.7 Statement of Designated Representative**

Upon returning the absentee ballot, the representative must complete the *Statement of Designated Representative of Hospitalized or Incapacitated Voter (Green)* (SBE-705(2)) stating under oath that he

- Is the designated representative,
- Meets the qualifications of a representative,
- Personally delivered the ballot to the voter who applied,
- Was in the presence of the voter when he/she marked the ballot; that it was placed in the envelope provided; the envelope sealed and the statement on its reverse side completed by the voter, and
- Returned the sealed ballot to the Electoral Board at the Registrar’s office.

#### **11.5.5.8 Registrar’s Certification**

- After the representative has executed the affidavit, the Registrar or Assistant Registrar must complete the lower portion of the form by inserting the following:
  - Application number,
  - Precinct name and number,
  - Date ballot returned, and
  - Time ballot returned.
- The Registrar or Assistant Registrar must sign the form and attach it to the *Emergency Absentee Ballot Application* for that voter.

#### **11.5.5.9 Delivery of Ballots**

The Electoral Board must deliver the ballots to either the appropriate precincts or the CAP on Election Day with a copy of the “*Emergency Absentee Ballot Applicants List*” (SBE-710 Supp) ([§ 24.2-710](#)).

#### **11.5.5.10 Entering into VERIS**

- Enter the application information into VERIS.
- The *Emergency AB Application* is listed as an application type in the absentee application drop down menu.
- Select “*Emergency Application*” (SBE-705).
- Received by method will automatically populate with “designated representative.”
- The reason type will populate and only allow “illness or disability.”

- Use “illness or disability” even if the reason is bereavement or otherwise incapacitated and use the comments field to explain.
- The ballot sent by method will self populate with “designated representative.”
- Complete the application process and the received ballot process.

### **11.5.6 Emergency Absentee Ballot Application (Emergency Travel for Business, Hospitalization or Death in Immediate Family and Late Assignment of Election Officer SBE-705.1; Buff/Cream Paper) (§§ [24.2-705.1](#), [24.2-705.2](#))**

#### **11.5.6.1 Eligibility**

- Voter finds out after 12 noon on the Saturday before the election that he will be unable to go to polls on Election Day.

#### **11.5.6.2 Qualifying Reasons**

- 1C or 1F: Voter will be absent on business, profession or occupation
- 1D: Death of a member of voter’s immediate family
- 2A: Voter has impending hospitalization
- 2A: Hospitalization of voter’s immediate family member
- 4A: An Officer of Election who is assigned after 12 noon on the Saturday before the election to work at a precinct outside his/her own voting precinct

 “Immediate family member” is defined as the child, including adopted children, grandchildren, grandparents, parent, legal guardian, siblings, whether of the whole or half blood, and spouse of the applicant. “Hospital” under this reason is defined the same as under “hospitalized or incapacitated” above. “Hospital” is limited to Virginia, D.C. or a state contiguous to Virginia. Note: under [§ 24.2-705](#), an electoral board may also determine an emergency qualifies under the “otherwise incapacitated” provision of [§24.2-705](#).

#### **11.5.6.3 Voter Requirements**

- Apply *in person* by 2 pm on the day preceding the election
- Complete and sign the *Emergency Absentee Ballot Application Travel* (Department of Elections 705.1)
- Vote absentee in-person

#### 11.5.6.4 Enter into VERIS

- Application type = emergency application
- Received by method = in-person or other
- Reason type = business, illness or disability or election official
- Ballot sent by method = in-person
- Complete the application process and the received ballot process.
- *See*, VERIS Step-by-Steps.

#### 11.5.7 Mailing Absentee Ballots

##### 11.5.7.1 In General

- Ballots for all absentee applications on hand must be sent as soon as the ballots are ready but not later than 45 days prior to all elections ([§ 24.2-612](#)).
- VERIS reports are used for processing ballots for applications previously entered. Reports can be scheduled one time, daily, weekly, or monthly.
- **Best Practice**
  - Proof applications against labels/reports for every mailing.
  - Check for “Needs Assistance (NA)” or “ID Required” on the label.
  - Be very careful when processing in-person applications versus applications for ballots to be mailed. You do not want labels generated for in-person voters.
- VERIS Reports
  - Daily Absentee Ballots List
  - Certificate of Mailing
  - Absentee Ballot Mailing Labels
  - Generated Ongoing Ballots List

-  If a voter has applied in-person for a ballot but would like the ballot to be mailed, be certain “MAIL” is selected in the “Ballot Sent By” field in VERIS.

##### 11.5.7.2 Assembling Ballots

Assemble as follows for each ballot to be mailed on the Certificate of Mailing (COM):

- Obtain *Instructions for Voting an Absentee Ballot* for ballot type (SBE-706-4).
- Seal the ballot set in the *Ballot Within Envelope A* (SBE-706-1).
- Use *Envelope B - Statement of Voter* - for which there are two versions:

- UOCAVA (for UOCAVA voters only). [42USC 1973ff-1](#) (b)
- Statement of Voter (for all voters other than UOCAVA). SBE-706-2.
- Self-address a return envelope with the VERIS generated return label.
- Use the left-hand label printed from VERIS for the “Return Envelope.”
- Insert the “Return Envelope” and all the above materials into the “Mailing Envelope.”
- Affix the right-hand label to the “Mailing Envelope” and seal.
- Use postage free “Mailing Envelope” for UOCAVA ballots.

### **11.5.7.3 Special Forms that May Also be Included**

- *Request for Assistance Form* if needed (SBE-649(AB))
- *HAVA ID Form* if needed (Department of Elections HAVA-1)
- FPCA if needed (See [§ 24.2-706](#) (5))

### **11.5.7.4 Certificate of Mailing**

- Print labels first
- Printing labels generates the “Certificate of Mailing”

### **11.5.7.5 Order for Printing Labels and Certificate of Mailing**

- Ballot Style – Full or Federal Only
- Congressional District
- Senate District
- House District
- Voting Precinct
- Alpha Order

Postage free ballots are listed after the “Certificate of Mailing” labels and are repeated in the same order.

Mail the absentee ballots using the “Certificate of Mailing.” The Certificate provides the Electoral Board with proof that the ballots were mailed and the address to which they were mailed. The number of ballots mailed must equal the number of names on the “Certificate of Mailing.” Make corrections and adjustments to the totals on the “Certificate of Mailing” accordingly.

Deliver the ballots and the “Certificate of Mailing” to the Post Office. The Post Office will stamp the “Certificate of Mailing” as proof that the ballots were mailed. 2012 legislation amends [§24.2-706](#) to broaden the types of certification of mailing permitted when sending absentee ballot materials to include certification of expedited

mailing or delivery by commercial delivery providers as well as the United States Postal Service.

## **11.5.8 Emailing or Faxing the Ballots**

Each Electoral Board is required to send the blank ballot, the form for the envelope for returning the marked ballot and instructions to the voter by these electronic procedures if the UOCAVA applicant so requests ([§ 24.2-706](#)).

### **11.5.8.1 Procedures**

- Only absent military and overseas voters may request ballots emailed or faxed.
- Absent military voters within Virginia who will be absent from the locality of voting residence on Election Day are also eligible for ballots by email or fax.
- Proof your daily email/fax ballot applications against the “Daily Absentee Applicants” or “Daily Absentee Ballots” list.

### **11.5.8.2 Best Practice**

- If practical, arrange for a time that the voter will be at the fax machine to receive his/her faxed ballot.
- If arranging for a time to send the ballot by fax is a problem, you can inform the voter that emailing the ballot is also an option.

### **11.5.8.3 E-mailed or Faxed Ballot Assembly**

Include the following with each e-mailed or faxed ballot:

- VotingInstructions.pdf
- BallotWithin.pdf = Envelope A
- ABEnvelope.pdf = Envelope B
- ReturnEnvelopeTemplate.pdf = Outside Return Envelope
- FPCA, if needed (*See*, [§ 24.2-706\(5\)](#))

## **11.6 Voting Absentee In-Person**

### **11.6.1 In General**

- NEW: 2012 legislation amends [§24.2-701](#) to prohibit persons registering to vote in person from also voting absentee in person at the same time; an in person applicant for registration must wait five calendar days before an absentee application can be processed. EXCEPTION: This five-day waiting period does not apply to “covered” military and overseas voters voting absentee under [§24.2-700\(2\)](#) (See [§24.2-452](#)).
- All other rules for voting at a polling place apply to In-Person Absentee Voting at the General Registrar’s office, including voter identification with the voter allowed until Friday noon following the election to provide a copy of acceptable identification to the electoral board (See GREB 29).
  - Voters may not be accompanied by anyone other than an authorized assistant or his/her child age 15 or younger
  - No political activity is permitted with 40 feet of the entrance of the polling place structure
  - See, GREB 13 (discussing polling places).
- Absentee voters may need to be offered a provisional ballot; *e.g.*, the voter does not have ID or is not listed in VERIS and claims to have registered at the DMV. See, GREB 29 (discussing provisional voting).

## 11.6.2 Completing the Absentee Application for Voting In-Person

- Have the voter complete the *Virginia Absentee Ballot Application* (SBE-701). Provide assistance if necessary
- Each application must contain the following:
  - A reason for voting absentee with supporting information if required
  - No mailing address is needed
  - **Assistance to Vote.** If checked, indicate that in VERIS and be sure to give the voter a *Request for Assistance in Voting an Absentee Ballot* form (SBE-649 AB)
  - Applicant’s signature, a date, last four digits of the SSN and residence address
  - Assistant’s Statement/Info. Required if voter has indicated he is unable to sign application.
- Change of name/address. If completed, the voter has moved or had a name change. See, Change of Address. Name change does not affect eligibility to vote, but may affect identification and require provisional voting. See GREB 29.
  - NOTE: A voter who is not already registered must wait five calendar days before his absentee ballot application can be processed; exception for military and overseas voters.

### 11.6.2.1 Procedures

In-Person absentee voting may begin as soon as ballots are available. The deadline to vote in person is close of business on the Saturday before the election. Any eligible applicant may vote at the time of application, so long as ballots are ready. The voter may

choose to have ballot mailed, if mail application deadline has not passed. If the voter's address has changed, refer to Change of Address Section for examples ([§§ 24.2-419, 420.1](#)).

Take the following steps for in-person absentee voting:

- Check the application for completeness.
- Ask the voter for *one* form of acceptable *photo* identification before the voter is allowed to vote. ID is for identifying the voter only.  
\*\*\*SEE GREB 29 FOR ACCEPTABLE ID CHANGES AND PROVISIONAL VOTING FOR LACK OF ACCEPTABLE ID AND OTHER REASONS\*\*\*
- Inquire voter in VERIS to determine if the applicant is registered in your locality and at the address provided on the application. *See*, Late Voter Registration (describing eligibility for late registration).
- Compare the information on the application with the data recorded in VERIS. *See*, Change of Address (describing procedures when information is inconsistent).
- Check for Military, Overseas, Verify ID, Vote in Person flags.
- Check Absentee History for any absentee application already on file.
- If there is no current absentee application on file, enter the absentee information and process the application.
  - Refer to VERIS Step-by-Steps for detailed processing instructions.
- If there is an application on file, see sections dealing with Voter Listed as Absentee, military and overseas voters.
- Complete the “Office Use Only” block.
- Complete the In-Person information for “On Machine” or “Marked” in VERIS.
- If **Assistance to Vote** is marked, be sure to check the “Assistance Requested” box in VERIS.
- The voter is now ready to use the voting equipment or a paper ballot. See next two sections for details.

### **11.6.3 Voting Machines Used for Absentee Voting**

- Follow the proper control procedures established for the equipment used in your locality.
- Instruct the voter on how to use the voting machine.
- Be sure to enter the ballot in VERIS as follows:
  - Ballot issued = “In Person”
  - Ballot received = “In Person”
  - Ballot status = “On Machine”

### **11.6.4 Absentee Ballots Not Fed into a Counter by the Voter**

- Provide the voter with a private place to vote.
- Issue a ballot packet to include:
  - The absentee ballot for the voter's district sealed in Envelope A

- Voting instructions
- Envelope B
- Outside return envelope
- Ballot marking device (pen, pencil or special tool as needed; never use a highlighter)
- When voting is finished, witness the voter's signature on the back of the completed Envelope B. Sign that you have witnessed. Place the marked ballot envelope inside an envelope addressed to the Electoral Board and deposit the ballot into a locked container.
- Be sure to enter the ballot issued as "In Person," the ballot received by method as "In Person," and the ballot status as "Marked" in VERIS.

## **11.6.5 Voter Listed as an Absentee Voter Comes to Vote in Person**

### **11.6.5.1 In General**

**NOTE: Legislation over the past several years has significantly changed the procedures followed. Absentee voters now have the right to vote in person at their regular polling place or the CAP, at the voter's option. Absentee voters who do not have a ballot with them can only vote provisionally unless return of their ballot before election day unused or defaced can be confirmed.**

- A voter who has already been issued an absentee ballot may come to the office before Election Day or on Election Day to the Central Absentee Precinct (CAP) or regular precinct polling place.
- The action to take depends on the "Ballot Status" in VERIS and whether the voter has the absentee ballot in hand. The following can occur:
  - Voter comes in with ballot already voted.
  - Voter comes in with blank ballot.
  - Voter comes in with or without a defaced ballot.
  - Voter comes in without the ballot because it has been lost, defaced or not received.
- Record the name, voter ID and precinct for all voided ballots on the *Statement of Results* or on a separate sheet to be attached to the *SOR*.
- What If problem 19 addresses the absentee voter who appears on Election Day at the CAP or regular polling place?
  - If the absentee voter surrenders a damaged ballot to the officer of election, the voter can vote normally on equipment.
  - If the absentee voter brings a voted ballot, he may ask the officer to void his absentee ballot and vote normally on equipment.
  - If the absentee voter has no ballot, he may cast a provisional ballot, unless the officer of election, general registrar or electoral board member can confirm return of the ballot unused or defaced before election day.

If an absentee voter abandons his ballot at the polling place with no communication with an officer of election, the ballot should be rejected so that voter can be sent a notice. This action can be noted on the SOR.

### 11.6.5.2 The Process in the Office before Election Day

- Voter brings a voted ballot to the office before Election Day
  - Follow your office procedures for receiving voted ballots.
  
- Voter brings the unmarked and/or defaced ballot
  - **Option A:** If unmarked, encourage voter to vote the ballot he/she has in hand. Offer to be the witness.
  - **Option B:** If the voter requests to vote on the machine proceed to the following:
    - § Confirm ballot belongs to voter.
    - § Inquire the voter in VERIS.
    - § Ballot status should be “Issued” for the current election.
    - § Write VOID across the ballot envelope and place in Envelope 4.
    - § Have the voter complete a new *AB Application*.
    - § Process the *AB Application* as “new” in VERIS for an in-person/on machine voter.
      - Add a comment in the “Status Change Reason” box that the voter returned the paper ballot “Unmarked”.
  - Voter may now proceed to vote normally on equipment.
  
- ① Keep in mind that a ballot initially issued by mail in VERIS would be superseded by a ballot later issued in person/on machine
  
- Voter does not bring the ballot (ballot was lost, not received or defaced)
  - Inquire the voter in VERIS.
  - Ballot status should be “Issued” for the current election.
    - § If the ballot status is “Marked” or “On Machine,” the voter has already voted and cannot be reissued a second ballot.
    - § If the voter insists he/she has not voted, a provisional ballot should be offered.
  - If Ballot status is “Issued,” have the voter complete a new *AB Application* (SBE- 701) along with the *Statement of Voter* form (*Gold Form*, SBE-708). Both forms are advised.
  - Attach the *Gold Form* to the *AB Application*.
  - Process the application as “new” in VERIS for an in-person/on machine voter.
    - § Add a comment in the “Status Change Reason” box that the voter’s ballot was not received, was lost or was defaced and *Gold Form* was signed.
  - Voter may now proceed to vote normally.
  
- ① Keep in mind that a ballot initially issued by mail in VERIS would be superseded by a ballot later issued in person/on machine.

## **11.7 Voters in VERIS with a Flag Status – Military, Overseas or Federal Only (MOFO)**

### **11.7.1 In General**

A MOFO flag is added to a voter's registration in VERIS in the following circumstances:

- A *Virginia Voter Registration Application* (VA-NVRA-1) is entered with a military or overseas mailing address and the MOFO flag is checked.
- A *Federal Post Card Application* (FPCA) is entered for registration and/or absentee ballot request.
- A *Federal Write In Absentee Ballot* (FWAB) is entered for registration and/or absentee application and voted ballot.
- A *Virginia Absentee Ballot Application* (SBE-701) is entered as an absentee ballot request using a reason code of 6A – 6F.

A MOFO flag does not automatically mean an active ongoing absentee record is on file:

- If the FPCA or FWAB has expired and the voter has not updated his registration, the MOFO flag still shows.
- If a SBE-701 AB Application is used, with a reason code of 6A – 6F, the MOFO flag is not automatically deleted after the election, even though the application is a one-time use only.

The MOFO flag is not automatically removed.

### **11.7.2 MOFO Voter Comes to Vote Absentee in Person before Books Close**

#### **11.7.2.1 Military, Overseas, Federal Only Flags – Ballot Not Issued**

The voter should be asked “Have you returned to the U.S. permanently or separated from the Military?”

- If “yes”, do the following:
  - Have voter complete a new *Virginia Voter Registration Application* to update address.
  - Update the voter's record in VERIS.
  - Be certain to remove the MOFO flag.
  - Have voter complete an *AB Application* (SBE-701) for the current election.

- Allow the voter to vote routinely.
- If “no”, do the following:
  - Have voter complete an *AB Application* (SBE-701) for the current election.
  - Have voter complete a new FPCA for future elections.
    - § Do not process until after the election.
  - Voter may now proceed to vote routinely.

### 11.7.2.2 Military, Overseas, Federal Only Flags – Ballot Issued

The voter should be asked “Have you returned to the U.S. permanently or separated from the Military?”

- If “yes” and the voter did *not* receive the ballot, do the following:
  - Have the voter complete a new *Virginia Voter Registration* application to confirm address and other information.
  - Be certain to remove the MOFO flag.
  - Have voter complete an *AB Application* (SBE-701) along with the *Statement of Voter (Gold Form)* for the current election.
  - Attach the *Gold Form* to the *AB Application*.
  - Update voter’s registration in VERIS.
  - Process the *AB Application* as “new” in VERIS for an in-person/on machine voter.
    - § Add a comment in the “Status Change Reason” box that the voter’s ballot was not received or was lost and *Gold Form* was signed.
  - Voter may now proceed to vote routinely.

 Keep in mind that a ballot initially issued by mail in VERIS will be superseded by a ballot later issued in person/on machine.

- If “yes” and the voter has the ballot in hand, do the following:
  - **Option A:** If voter’s residence address has *not* changed
    - § Encourage voter to vote the ballot he/she has in hand. Offer to be the witness.
    - § Have the voter complete a new *Virginia Voter Registration Application* (VA-NVRA-1) to confirm address and other information.
    - § Be certain to remove the MOFO flag after the election.
  - **Option B:** If voter’s residence *has* changed
    - § Have the voter complete a new *Virginia Voter Registration* (VA-NVRA-1) application to update address and other information.
    - § Be certain to remove the MOFO flag.
    - § Update the voter’s registration in VERIS.
    - § Confirm that the voter’s voting districts are the same.
      - If they are the same
        - The voter may vote the ballot in hand.

- If they are *not* the same
      - Write “VOID” across the ballot envelope and place in Envelope 4.
      - Have the voter complete a new *AB Application*.
      - Process the *AB Application* as “New” in VERIS for an in-person/on machine voter.
      - Add a comment in the “Status Change Reason” box that the voter returned paper ballot “Unmarked” and has a new residence.
  - **Option C:** If the voter requests to vote on the machine and the voter’s residence has *not* changed
    - § Confirm ballot belongs to voter.
    - § Inquire the voter in VERIS.
    - § Ballot status should be “Issued” for the current election.
    - § Write “VOID” across the ballot envelope and place in Envelope 4.
    - § Have voter complete a new *Virginia Voter Registration Application*.
    - § Have the voter complete a new *AB Application* to confirm address and other information.
    - § Process the *AB Application* as “New” in VERIS for an in-person/on machine voter.
      - Add a comment in the “Status Change Reason” box that the voter returned paper ballot unmarked.
    - § Voter may now proceed to vote routinely.

 Keep in mind that a ballot initially issued by mail in VERIS will be superseded by a ballot later issued in person/on machine.

- If “no”
  - Choose the scenario best suited to the voter from the previous section above for the applicable action to be taken noting the following:
    - § Do *not* update voter’s registration prior to voting.
    - § No *Virginia Voter Registration Application* is needed.
  - Have the voter complete a new FPCA to request absentee ballots for future elections.
    - § Process this FPCA *after* the election.

### 11.7.3 MOFO Voter Comes to Vote Absentee In Person After Books Close

For the applicable actions, determine which scenario is best suited to the voter from GREB 11.7.2 above. Follow those procedures while noting the following:

- Do not update voter’s registration until after the election unless eligible for late registration.
- A Federal Only voter is not eligible to vote in a Non-Federal election unless returning permanently and voter qualifies for late registration.
- Moving conditions apply to any voter that has changed *permanent* residence and not eligible for late registration. [§ 24.2-420.1](#).

- Apply moving conditions beginning with the day the voter returned to the U.S.
- Moving conditions may not apply in the following circumstances:
  - The voter has returned to the U.S. for a short term assignment.
  - The voter is in temporary housing waiting to move into his/her new permanent residence. The moving conditions will not begin until the voter has acquired the new permanent residence.

## **11.8 Outside Polls/Curbside Voting at the Absentee Precinct**

- A voter may request to vote from his/her vehicle because he/she either has a physical disability or is 65 years of age or older and is otherwise qualified to vote absentee for reasons listed in [§ 24.2-700](#). [§ 24.2-649\(A\)](#).
- Make the process simple for the voter; avoid making multiple trips from the office to the car if possible.
- Make sure the voter resides in your locality.
- All change of address and other eligibility requirements apply to the “OP” Voter.

### **11.8.1 Voting on Paper**

#### **11.8.1.1 The Packet**

- Prepare “OP” materials in advance. The “OP” packet should include:
  - *Virginia Absentee Ballot Application*
  - The absentee ballot for the voter’s district sealed in Envelope A (Keep the ballots in Envelope A in a secure place until needed for the OP voter then join the ballot with the OP packet)
  - Voting instructions
  - Envelope B
  - Outside return envelope
  - Ballot marking device (pen, pencil or special tool as needed; never use a highlighter)
  - Clipboard
  - *Request for Assistance* form
  - *Provisional ballot materials* (Envelopes, Notice to Voter, Officer of Election Instructions). See GREB Chapter 29. *Change of Address form /VA Voter Registration Application*
  - “I Voted” sticker

#### **11.8.1.2 The Process**

- Perform a voter/absentee search in VERIS before going to the car if you have the voter's information and write it on a piece of paper.
- Have the voter complete the *Virginia Absentee Application* (SBE-701).
- Verify his identification. If no acceptable photo identification, can only vote provisionally. See GREB Ch. 29 for details.
- Compare the information provided by the voter on the application with the information you have from VERIS. Be certain to check for any change of address.
  - If the voter is not eligible to vote, withhold the ballot and explain why he/she cannot vote.
  - Ask the voter to complete a new *Virginia Voter Registration Application (VA-NVRA-1)*, if necessary, or use a copy of the *AB Application* (SBE-701) for a change of address.
  - It may be appropriate to offer the voter a provisional ballot; e.g., the voter's record is marked "Verify ID" in VERIS and the voter does not have the acceptable photo ID, or the voter is not listed in VERIS and voter says he/she registered at the DMV. See, GREB 29 (discussing provisional voting).
- Once you have determined that the voter is eligible to vote in your locality and the application is completed, give the voter his/her ballot.
- Complete the *Request for Assistance* form, if needed, both voter and assistant sections.
- Allow the voter to mark his/her ballot in private, but in your presence, and voter inserts the ballot into Envelope B.
- Assist the voter as needed.
- The person accompanying the ballot to the curb may be the assistant and the witness.
- Be sure that the voter signs and completes, and the witness signs, the *Statement of Voter* on Envelope B.
- Have the voter insert Envelope B into the return envelope.
- Give the voter his/her "I Voted" sticker.
- Return to the office immediately.
- Enter and approve the application in VERIS. This action adds the voter to the "Final Absentee Report" by VERIS.
- Mark the voter in VERIS as follows:
  - Ballot Status "Marked"
  - Ballot status reason is "Voted in Person – OP"
- Make a note in the "Approval Box" that the voter voted outside the poll.
- Complete the "Office Use Only" box at the top of the application.
- If you are keeping a pollbook for the Central Absentee Precinct, add the voter's name to the pollbook and mark "OP" beside his/her name.
- Deposit the ballot in a secure place.

### **11.8.2 Voting on the DRE**

### 11.8.2.1 The Packet

- Prepare “OP” materials in advance. The “OP” packet should include:
  - *Virginia Absentee Ballot Application* (SBE-701)
  - Clipboard
  - *Request for Assistance* form
  - *Provisional ballot materials* (Envelopes, Notice to Voter, Officer of Election Instructions). See GREB Chapter 29.
  - *Change of Address form /VA Voter Registration Application*
  - “I Voted” sticker
- Take the DRE with the “OP” packet to the voter.

### 11.8.2.2 The Process

- Perform a voter/absentee search in VERIS before going to the car if you have the voter’s information and write it on a piece of paper.
- Complete the required outgoing information on the *Machines Taken Outside to Voters* part of the *SOR* as required by [§§ 24.2-638](#) and [24.2-649](#).
  - Important Note: It is required by law to complete the *Machines Taken Outside to Voters* form when a voter is voting outside the polling place. Failure to do so could result in dismissal of an Officer of Election.
  - Important Note: Two Election Officers should take the DRE out to a curbside voter; however, if sending two Officers will result in too few Officers inside the polls to adequately run the absentee precinct, only one Officer should take the DRE out. See, [§§ 24.2-638, 24.2-649](#).
- Have the voter complete the *AB Application*.
- Verify his/her identification. If lacking, can only vote provisionally.
- Compare the information provided by the voter on the application with the information you have from VERIS. Be certain to check for any change of address.
  - If the voter is not eligible to vote, withhold the ballot and explain why he/she cannot vote.
  - Ask the voter to complete a new voter registration application, if necessary or use a copy of the *AB Application* for a change of address.
  - It may be appropriate to offer the voter a provisional ballot; *e.g.*, the voter does not have a permitted ID, or the voter is not listed in VERIS and voter says he/she registered at the DMV. See, GREB 29 (discussing provisional voting).
- Once you have determined that the voter is eligible to vote in your locality and the application is completed, give the voter the DRE.
- Complete the *Request for Assistance* form, if needed, both voter and assistant sections.
- Allow the voter to mark his/her ballot in private but in your presence.
- Assist the voter as needed.
- The person accompanying the DRE to the curb may be the assistant.

- Give the voter his/her “I Voted” sticker.
- Return to the office immediately, and return the DRE to its assigned location in the precinct.
- Complete the required incoming information on the *Machines Taken Outside to Voters* part of the *SOR*. [§§ 24.2-638, 24.2-649](#).
  - Important Note: It is required by law to complete the *Machines Taken Outside to Voters* form when a voter is voting outside the polling place. Failure to do so could result in dismissal of an Officer of Election.
- Enter and approve the application in VERIS. This action adds the voter to the *Final Absentee Report* by VERIS.
- Mark the voter in VERIS as follows:
  - Ballot Status = “Marked”
  - Ballot status reason = “Voted in Person – OP”
- Make a note in the “Approval Box” that the voter voted outside the poll.
- Complete the “Office Use Only” box at the top of the application.
- If you are keeping a pollbook for the Central Absentee Precinct, add the voter’s name to the pollbook and mark “OP” beside his/her name.

### 11.8.2.3 Best Practice

- Obtain the voter’s information from the voter by phone or from the person accompanying the voter to the absentee precinct.
- Write down the voter’s full name, address and SSN as it appears in VERIS. Compare that information to the application that the voter completes in the car.
- If the voter’s driver comes into the absentee precinct with the application completed, use that information to look up and verify the voter’s information.
- Wait until you return to the office to enter the voter into VERIS. If the voter has moved, he/she may not be eligible to vote.

## 11.9 Late Voter Registration (After Books Close) ([§§ 24.2-419](#) and [24.2-420.1](#))

### 11.9.1 Eligibility

- Uniformed U.S. Services on *active duty* or Merchant Marine and their spouses and dependents residing with them
  - These individuals may apply by mail or in-person.
  - Registration on the FPCA also serves as an absentee ballot application
- Uniformed U.S. Services *discharged* during the 60 days immediately preceding the election and their spouses and dependents residing with them
  - These individuals must apply in person.
- Persons residing temporarily outside the U.S., accompanying spouse and dependents who have normally been absent from their county or city or return

from being absent from their county or city of residence during the 28 days immediately preceding the election.

- These individuals must apply in person.

## 11.9.2 Date of Registration

Persons eligible for late voter registration may do so when the books are closed, up to and including Election Day. They must be given a date of registration equal to the final day of registration.

## 11.10 Voter Needs Assistance at the Absentee Precinct

For any voter who needs assistance with using the voting equipment or reading or understanding the ballot and/or voting procedures take the following steps:

- The voter and assistant must complete the *Request for Assistance* form (SBE-649 (AB)).
- Follow the instructions on the form carefully.
- The voter may request assistance because of a physical disability or inability to read or write. The voter may choose anyone to assist except an employer or union representative. [§ 24.2-649\(B\)](#).
- A blind voter may choose anyone to assist him/her. [§ 24.2-649\(B\)](#).
- There must be an electronic voting device with an audio ballot available in each absentee precinct.
- A blind or sight-impaired voter must be notified of the availability of this equipment so that he/she may vote unassisted if the voter so chooses. The voter is not required to use this equipment.
- Blind or sight-impaired voters do not have to sign the assistance form; blind voter's assistant must sign.
- "Neutral observers" or "authorized representatives" from the party/candidate at the polling place may NOT assist any voter. [§§ 24.2-604\(C\), \(I\)](#).
- If a voter requests that her ballot be translated and has not designated an individual to assist her take the following steps:
  - Officer must first ask any authorized representatives of party/candidate in the polling place whether they have a volunteer available on site who can interpret for the voter.
    - § Authorized representatives or volunteer interpreters often will not be present at absentee voting locations.
  - If available, only one interpreter from each party shall be allowed to listen to interpretation by the Officer of Election.
  - Voter may choose Officer of Election or volunteer interpreter to be the assistant.

- Whoever assists must be qualified to assist and must complete the necessary parts of *Request for Assistance* form.
- If voter denies assistance, he/she must cancel the request made in the Assistance to Vote part of the absentee ballot application form.

## **11.11 Change of Address Scenarios for In-Person Voters**

### **11.11.1 In General**

The action to be taken is dependent upon whether the books are open or closed. After the books close, the date voter moved is key in determining whether the voter is qualified to vote in the election in which he/she offers to vote. Refer to “What If” document for current moving conditions.

### **11.11.2 The Voter has Moved to a New Address Within Your Locality and Comes to Vote In-Person ([§ 24.2-401](#))**

#### **11.11.2.1 Application Received Before the Books Close**

- Change address in VERIS and process the *AB Application* using the voter’s new address.

#### **11.11.2.2 Application Received After the Books Close**

- Do not change address in VERIS.
- If the voter meets the moving conditions under [§ 24.2-401](#), process the *AB Application* using the old address.
  - Keep a copy of the *AB Application* to make address change after the election.
- If the voter does not meet the moving conditions, the *AB Application* must be denied for the current election.
  - Voter may not vote in person.
  - Enter the denial in VERIS and state the reason.
  - Keep a copy of the *AB Application* to make address change after the election.
- If voter is not eligible to vote at the old address and the voter says he has changed address by mail or at DMV, a provisional ballot may be offered.

### **11.11.3 The Voter has Moved to a New Address Within Your Locality but is Registered in Another Virginia Locality and Comes to Vote Absentee In-Person ([§ 24.2-401](#))**

### **11.11.3.1 Before the Books Close**

- Voter should complete a new *Virginia Voter Registration Application* for his/her new address.
- Process the voter registration in VERIS as a new registrant.
- Process the *AB Application* in VERIS using the new address.
- The voter is now ready to use the voting equipment or a paper ballot.

### **11.11.3.2 After the Books Close**

- If eligible to vote in old locality under [§ 24.2-401](#), offer the voter the option of going there to vote absentee.
- Have the voter complete a *Virginia Voter Registration Application* before he/she leaves your office to be processed after the election.
- If voter is not eligible to vote at the old locality and the voter says he/she has changed address by mail or at DMV, a provisional ballot may be offered.

### **11.11.4 The Voter has Moved to a New Address in another State and Comes to Vote In-Person**

- The *AB Application* should be denied and his/her voter registration cancelled.
- The signed absentee ballot *AB Application* is your authorization to cancel the voter.
- Exception for Presidential elections only
  - If a voter has moved to another state less than 30 days before a Presidential General Election, she may be eligible for a Presidential Only ballot.
    - § After the election, the voter's registration must be cancelled in VERIS.
    - § Keep a copy of the *AB Application* as your authorization for the cancellation.

### **11.11.5 The Voter has Moved to Your Locality, but VERIS Flags a Warning that the Voter has been Issued a Ballot from His old locality and comes to vote In-Person**

#### **11.11.5.1 Application received before the books close**

- Begin processing the transfer.
- Warning message will appear in VERIS depending on "Ballot Status."
- Status = Marked
  - Warning message will read "Warning: Active Absentee application in \_\_\_\_\_ County /City will be cancelled."
  - Update the voter's registration.

- VERIS will automatically cancel/void any ballot in the old locality after the transfer is complete (the ballot cannot be counted in the old locality).
- Process the *AB Application* to allow voter to vote in-person.
- **Status = On Machine**
  - Warning message will read “Warning: Voted ballot in \_\_\_\_\_ County/City.”
  - Voter cannot vote in new locality because ballot has already been cast.
  - The *AB Application* and the ballot from the old locality will remain unchanged as this voter has already cast his/her ballot.
  - *Do not* process the new *AB Application* in VERIS.
  - Voter should complete a new *Virginia Voter Registration Application* to be processed after the election.

#### **11.11.5.2 Application Received After the Books Close From Applicant Not Eligible for Late Registration**

- Voter cannot vote in new locality because ballot has already been issued.
- Have the voter complete a new *Virginia Voter Registration Application* to be processed after the election.

### **11.12 Receipt of Mailed Ballots ([§§ 24.2-707, 24.2-708](#))**

#### **11.12.1 In General**

- Voted absentee ballots may only be returned by mail or in person by the voter or a commercial delivery service.
- Voted ballots must be returned to the General Registrar/Electoral Board by 7:00 pm on Election Day. Any ballot found abandoned at the polling place must be rejected.
- No other person may deliver an absentee ballot on behalf of the voter with the exception of hospitalized/incapacitated emergency applicant or disabled, ill or pregnant voter using a designated representative.

#### **11.12.2 Receipt of the Ballot - Marked or Unmarked**

- If the ballot is returned by the General Registrar to the Electoral Board, the Board shall give the General Registrar a receipt showing the time and date of the return.
- Complete the “Electoral Board Use Only” section on the top of the outer envelope.
- Slit open the outer envelope to determine whether the ballot was returned used or unused.
  - A ballot returned in Envelope A is *unused* with a ballot status of “Unmarked.”
  - A ballot returned in Envelope B is *used* with a ballot status of “Marked.”
  - A ballot returned as “UNDELIVERABLE” is *unused* with a ballot status of “Unmarked.”

**i** **Do not open Envelope B (Marked Ballot). Do not separate.** Keep ballot contents with outer return envelope.

- Perform an “Absentee Search” in VERIS and update the record by entering the date the ballot was received.
  - Enter the “Ballot Received by Method” and the “Ballot Status” to indicate whether the ballot was returned “Marked” or “Unmarked.”
  - Record undeliverable ballots as “Unmarked” with a comment noting “Undeliverable” in the ballot status reason box.
- Secure the ballots in an appropriate locked container or secured location.
- The “*Daily Absentee Ballots List*” will include all applicants whose records are updated with returned ballots.
  - Proof the report to assure all records are properly updated.

**i** A voter who has returned his/her ballot as “Unmarked” may vote at the polling place if he chooses to do so.

### **11.12.3 UOCAVA Voters with Ongoing AB Ballots**

- If a ballot is returned as “UNDELIVERABLE”, no other ballots shall be sent under that application.
- *Do not* expire the application until after the election is over because this action would cancel the ballot line and remove the voter from the “Final Absentee Report.” The report should reflect the return of the “Unmarked/Undeliverable” ballot.
- **Best Practice:** If a UOCAVA voter returns a ballot as unused in *Envelope A* and his ongoing AB application has not expired, it is recommended to contact the voter to see if he will continue to need ballots for the remainder of the ongoing application. It could be that the voter has returned the ballot unused because he chose not to vote in that particular election or maybe he has returned from overseas or military duty and no longer requires absentee ballots.

## **11.13 Replacement Ballots**

### **11.13.1 Ballot was NOT Received or was Lost (*Statement of Voter form (SBE-708)*; the “Gold Form”) ([§ 24.2-708](#))**

#### **11.13.1.1 In General**

- A person who has applied for and has been sent an absentee ballot but does not receive the ballot or loses the ballot is entitled to a replacement ballot.
- The voter must complete the *Statement of Voter form (SBE-708)*.

- The *Statement of Voter* can be completed and signed in-person, by mail, email attachment or fax. If time is short for sending the *Statement of Voter*, it may be included with the replacement ballot.
- If a replacement ballot is mailed with the *Statement of Voter* included, the voted ballot can only be counted if the *Statement of Voter* is returned with the ballot, in the outside return envelope, signed and properly completed without material errors or omissions.

### 11.13.1.2 The Process

The voter must attest to the following information on the *Statement of Voter* form:

- Full legal name
- A choice of ballot not received or ballot lost or defaced
- City or county of residence
- Current legal residence address
- Date of birth, if not yet 18 years of age
- Social Security number (last four (4) digits required)
- The voter *must* sign the form.
- Fill in the date signed

The Absentee Precinct staff must take the following steps:

- Enter the precinct name and code.
- Reissue the ballot in the manner requested by the voter.

### 11.13.1.3 Best Practice

- Check the form for complete information and signature.
- Check the voter's absentee record in VERIS to be sure a ballot has not been returned before reissuing a ballot.
- Send the replacement ballot by the voter's chosen method; in person, by mail or by email or fax, if qualified.
- Follow VERIS Step-by-Step instructions for data entry.
- Attach the *Statement of Voter* to the *AB Application*.

## 11.13.2 Ballot was Not Received or was Lost by Disabled, Ill or Pregnant Voter Designated Representative (*Statement of Disabled, Ill or Pregnant Voter* form (SBE-703.2(1)) ([§ 24.2-703.2](#)))

### 11.13.2.1 In General

- An absentee voter who has a disability, illness or is pregnant may request a replacement ballot and designate a representative to obtain the replacement ballot on his/her behalf using the *Statement of Disabled, Ill or Pregnant Voter* form (SBE-703.2(1)).
- If time allows for the routine replacement ballot process using the *Gold Form*, designating a representative may not be necessary.

### 11.13.2.2 Conditions for using (SBE-703.2(1))

- The voter applied for an absentee ballot under subdivision 4 of [§ 24.2-700](#) because of a disability, illness or pregnancy, 2A or 2C.
- The application was approved and an absentee ballot mailed to the voter.
- The voter did not receive, has lost or has spoiled the absentee ballot on or before the Saturday before the election.

### 11.13.2.3 Deadlines

- The voter must request the replacement ballot and designate a representative in writing by 5:00 pm on the Saturday before the election.
- The designated representative must personally return the voted ballot by the time the polls close (7:00 pm on Election Day).

### 11.13.2.4 The Process

- The voter must request a replacement absentee ballot, in writing, by the close of business of the local elections office on the Saturday before the election.
- Designate a representative to obtain the replacement absentee ballot on his/her behalf.
- The representative must be eighteen or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, child of an elected official or candidate.
- The voter and representative, if assistance is required, must complete the *Statement of Disabled, Ill or Pregnant Voter* form and sign to the following information:
  - That the voter did not receive or has lost the requested ballot.
  - That the voter is a citizen of the U.S. and is registered and qualified to vote in the city or county.
  - That the voter is a resident or qualified to vote under the allowable moving conditions. See, [§ 24.2-401](#).
  - That the designated representative meets the qualifications listed in number 3 above.

- The representative will receive the *Statement of Designated Representative* form (SBE-703.2(2)) with the ballot that he/she must complete and sign stating that the instructions for the representative were followed.
- If the voter needs assistance in marking his/her ballot, a *Request for Assistance* form (SBE-649(AB)) will also be given to the representative with the ballot.
- The voter and the representative must complete the *Request for Assistance* form.
- The representative must return the properly completed ballot no later than the *close of polls on the day* of the election for which the absentee ballot is valid along with the *Statement of Designated Representative* form and *Request for Assistance* form, if used.

 Statements on the *Statement of Designated Representative* form and *Request for Assistance* form are subject to felony penalties for making false statements. [§ 24.2-1016](#).

## 11.14 Processing Ballots Before Election Day - Expedited Absentee Procedures ([§ 24.2-709.1](#))

### 11.14.1 In General

- 2013 legislation assigns to the general responsibility for determining what preprocessing of absentee ballots is needed before election day. Formerly this responsibility was assigned to the Electoral Board. Under [§24.2-709.1](#), preprocessing extends to mailed ballots that are not optically scanned such as FWABs and ballots sent by email.

### 11.14.2 Steps authorized

- Examine the Statement of Voter on Envelope B and note its completion.
- Mark the pollbook or the absentee applicant list that the voter has voted.
  - Selecting the status of “Marked” in VERIS will automatically notate the Daily Absentee Ballot List that the ballot was returned marked.
  - You may also assign Pollbook Count Numbers to the *Final Absentee Report* or other similar report that indicates the voter has voted.
- If your locality uses a CAP for the election, open the voted ballot envelopes (B) and insert optical scan ballot into the tabulator.
  - Two officers of election, one representing each political party, must be present to complete this step for a general election.
  - The “Ballot Status” must be updated to “On Machine” in VERIS for any ballot that is inserted into the counter prior to Election Day.
  - **No vote totals may be initiated on the tabulators.**
  - By law, no person present while ballots are unsealed and inserted may disclose any information concerning the ballots.
  - **Best Practice**

- § Do not begin this practice before the close of books or while large numbers of applications/transfers that made the close of books are still being entered. Once the ballot is in the tabulator it cannot be voided even if the voter is later found to have transferred.
- § Notify the local political party chairs and the candidates who would individually be entitled to representation in the polling place on Election Day of the time and place for this step and allow their observers to attend if they wish.
- § Maintain secrecy of each voter's ballot at all times.

## **11.15 UOCAVA Ballots Returned After the Polls Close** **([§24.2-709](#))**

### **11.15.1 Qualifications for counting**

Absentee ballots from a UOCAVA voter received after the polls close on Election Day must be counted according to the procedures set forth in [§§ 24.2-700 - 24.2-713](#) in the following circumstances ([§ 24.2-709](#)):

- The voter is eligible for an absentee ballot under [§ 24.2-700\(2\)](#).
- The ballot was requested but not sent on or before the deadline for sending absentee ballots under [§ 24.2-612](#).
- The ballot arrives after the polls close on Election Day and before 5 pm on the second business day before the State Board meets to certify the election.

### **11.15.2 Actions to be taken**

- If any ballots meet all three of the above criteria, the Electoral Board must immediately notify the Election Services Division at the Department of Elections that qualifying late ballots have been received.
- If the Electoral Board has ascertained the results of the election and the absentee applications and provisional ballot materials have already been sent to the circuit court, permission from the Commissioner of Elections must be obtained to retrieve these materials, using the *Request to Inspect Sealed Election Materials* form (SBE-659-669).
- The qualified late ballots must be considered by the Electoral Board in a canvass according to the provisions of [§ 24.2-671](#). Set this canvass after the time for receiving such ballots has passed.
- Notify the political party chairs and independent candidate(s) of the time, place and purpose of the meeting so they may attend.

### **11.15.3 Procedure for Counting Late UOCAVA Ballots ([24.2-709](#))**

- Determine if any UOCAVA voters are entitled to vote and to have their late ballot counted.
- Prepare a separate pollbook marked “Late UOCAVA Ballots.”
- Prepare an amended *Statement of Results*.
- Record the name of each voter in the pollbook whose ballot will be counted.
- Determine that the sealed envelope containing the ballot is properly completed and the oath is signed.
- Open the envelope to be sure that only one ballot or ballot set has been enclosed.
- Without looking at or disclosing how the ballot has been marked, place the ballot or ballot set in the ballot container. Repeat this process for all ballots to be counted.
- Count the ballots and certify on the *Statement of Results*.
- Prepare an amended abstract for each office that was changed by the counted ballots.
- All Electoral Board members must certify the amended abstracts.
- The Electoral Board Secretary must prepare attested copies of the amended abstract(s).
- Fax the amended abstracts immediately to the Elections Services Division of the Department of Elections.
- Send a copy of the attested document(s) immediately by overnight delivery or hand deliver to the Department of Elections.
- Distribute the remaining copies as directed by [§ 24.2-675](#).
- Place the pollbook and one copy of the SOR in Envelope #2 labeled “Late UOCAVA Ballots” and send it to the circuit court for retention as provided in [§ 24.2-668](#).
- Place the counted ballots considered by the Electoral Board in Envelope # 3 labeled “Late UOCAVA Ballots” and send it to the circuit court for retention as provided in [§ 24.2-669](#) and [24.2-710](#).
- Within 90 days send written rejection notice to voter(s) whose ballot could not be counted. [§ 24.2-711.1](#).

## 11.16 Special Ballots

Virginia provides special ballots to certain voters in certain situations. The four special ballots are

- Statewide early absentee ballot
- Federal-only absentee ballot
- Presidential-only absentee ballot
- Federal write-in absentee ballot (FWAB)

## 11.16.1 Statewide Early Absentee Ballots ([§ 24.2-702](#))

Virginia provides early absentee ballots for the general election for Governor, Lieutenant Governor and Attorney General only.

### 11.16.1.1 Eligibility

- UOCAVA voters who state “I am unable to vote in any other manner due to overseas military service or due to living in an isolated or extremely remote overseas area.”
- The voter must write the above statement on the *AB Application* form (SBE-701) or the FPCA in Block 6, Additional Information, as directed by the *Federal Voting Assistance Guide*.
- Any valid ongoing FPCA requesting an early ballot must be honored.
- Early ballots must be requested not later than 90 days before the statewide election.

### 11.16.1.2 General Registrar Action

- Check the early ballot box in VERIS. This box only appears when the election selected is the general election for Governor, Lieutenant Governor or Attorney General.
- Continue processing the AB Application in VERIS according to the Step-by-Steps.
- **No additional ballot or ballots shall be provided to such applicants for that election date.**

### 11.16.1.3 Electoral Board Action

- Upon receipt of the AB Applications and at least 90 days before the election, issue the ballot only for Governor, Lieutenant Governor or Attorney General.
- If the Statewide Early Ballot voter attests that he/she has not received or has lost the ballot, he/she may be issued a replacement statewide ballot only.

## 11.16.2 Federal-Only Absentee Ballots

### 11.16.2.1 In General

- Some overseas voters only qualify for ballots for Federal offices. These are voters who have moved overseas, have no place of abode in Virginia and do not provide an employment reason for being overseas. [§24.2-453](#). Request a Federal only ballot using either the Virginia Absentee Ballot Application or the FPCA

### 11.16.2.2 Eligibility

Federal-only ballots are issued to applicants residing overseas who meet the following qualifications:

- No longer have a Virginia place of abode but their last place of residence in the U.S. was in Virginia
- Are not military voters, including spouses or dependents residing with the member of the military
- Do not provide an employment reason for moving overseas. Va. Code [§ 24.2-453](#).

### 11.16.2.3 General Registrar Action

- Mark these applications with “Federal-Only Ballots” in the upper right corner of the form.
- Enter into VERIS in the usual manner.
  - Select the applicable reason code.
  - Enter all information concerning registration and last date of residence.
  - Registration is permanent under 2012 legislation.
  - VERIS will limit the ballot to Federal-Only.
  - *See*, VERIS Step-by-Steps (instructions for data entry).

### 11.16.2.4 Electoral Board Action

- Issue the ballot in the usual manner.

## 11.16.3 Presidential-Only Absentee Ballot ([24.2-402](#))

Federal and Virginia law require issuing an absentee voter a ballot limited to Presidential and Vice Presidential electors in one situation only:<sup>1</sup>

- A registrant who has moved from the Commonwealth of Virginia fewer than thirty days before a Presidential Election. Enter these applications into VERIS using the reason code 7A for “Presidential-Only,” which is available for selection during the presidential election.
  - After the election, these Presidential-Only voters must be cancelled based on the moving their residence to a new state shown in change of address. [§ 24.2-402](#), [24.2-427\(B\) \(iii\)](#).

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<sup>1</sup> The *presidential only* ballot differs from a *federal only* ballot required in federal elections for an overseas citizen eligible to vote absentee under UOCAVA or UMOVA who has no Virginia place of abode. [42 USC 1973ff-1\(a\) \(2\)](#), [1973ff-6\(5\) \(B\)](#) and (C); Va. Code [§24.2-453](#). See Section 11.7.

- Reason code 7A may not be used without completion of change of address showing a new address in another state. Applications lacking this information must be denied as incomplete with a notice explaining that 7A may only be used by voters moving from Virginia to another state less than 30 days before the election.
- Keep an additional copy for your voter registration files of completed applications with the address information as your authority to cancel the voter.

**i** This situation does not apply to a Presidential Primary

**i** An application that indicates a voter is moving overseas rather than to another state must be processed under the procedures for military and overseas citizens; the FPCA may be a better choice for the voter. See 11.5.2.

Like federal only ballots required for certain overseas citizens, these presidential only ballots for departing citizens moving to other states require special handling to assure voters entitled to full ballots are not disenfranchised on the one hand, and voters ineligible for other elections do not vote illegally on the other.

## 11.17 Absentee Voting Reports

The following chart may help in deciding which VERIS absentee reports to turn to produce first, the intended purpose and content of each report, and when it is to be used.

<b>Recommended Order of use</b>	<b>Name of Report</b>	<b>What it is</b>	<b>When to use &amp; when to Run</b>	<b>Helpful Tips</b>
1 <sup>st</sup>	<b>Daily Absentee Applications List</b>	Contains list of absentee applicants processed, received or updated on a specified date or within a specified range (used to reconcile ballots with applications)	Daily	Use as a proofing tool
As needed	<b>Ongoing Absentee Applications List</b>	Contains list of Ongoing absentee applications processed as well as date & method application received, type, reason	Before you generate your ongoing and before setting ballot ready date	Use as a proofing tool
As needed	<b>Generated Ongoing Absentee Ballots list</b>	Contains list of ballots generated in the ongoing process. The list also contains the	After you generate your ongoing and before you set	Use as a reconciliation tool, to ensure that the ongoing

<b>Recommended Order of use</b>	<b>Name of Report</b>	<b>What it is</b>	<b>When to use &amp; when to Run</b>	<b>Helpful Tips</b>
		following: ballot sent method, application type, date, reason code, status change & returned date	your ballot ready date.	applications eligible to vote in the selected election are listed
2 <sup>nd</sup>	<b>Daily Absentee Ballots List</b>	Contains list of absentee applicants processed as well as ballot types, ballot status, and returned date of ballots received or updated on a specified date or within a specified range (used to reconcile ballots with applications)	Daily	May also be used as a proofing tool
3 <sup>rd</sup>	<b>Certificate of Mailing (COM)</b>	Contains a list of absentee voters who were sent ballots. Additionally used as proof of mailing	Daily	Labels must be printed prior to running COM. This report should only be run once per day or names may be repeated on second COM
As needed	<b>Final Absentee Report</b>	Contains details on all absentee applications and ballots for the selected election	As needed	Run after Ballot Ready Date has been entered. Prior to that, no data will be produced. Can be used as a reconciliation document
As needed	<b>Final Absentee Totals</b>	Contains the final absentee totals for the selected election (such as total count of applicants, unused ballots returned and marked ballots returned by precinct)	As needed	Run after Ballot Ready Date has been entered. Prior to that, no data will be produced. A great report to reconcile totals with on a daily basis once mail out has begun

<b>Recommended Order of use</b>	<b>Name of Report</b>	<b>What it is</b>	<b>When to use &amp; when to Run</b>	<b>Helpful Tips</b>
As needed	<b>Cumulative Control Totals</b>	Real-time statistics on all applications received, ballots sent (broken down by Ballot Sent By Method), and ballots received (broken down by Ballot Received by Method) by precinct for the selected Election	As needed	
As needed	<b>Public Absentee Applications List – Cumulative (with or without email add)</b>	Public inspection list of all absentee applications for an election	As needed	
As needed	<b>Issued Absentee Ballots List</b>	List of voters that have been issued an absentee ballot for a given date or date range. The report also lists the current status of the ballot (e.g., marked, on machine)	As needed	Run after Ballot Ready Date has been entered. Prior to that, no data will be produced
As needed	<b>Absentee Email Labels</b>			
As needed	<b>Approved Absentee Applications list</b>	The report displays absentee applications that were approved for a specified election and locality		
As needed	<b>Absentee Application statistics</b>	Number of Absentee applications received within a specified date range.		
Once a week	<b>Cancelled Absentee Applications due to transfer</b>	Absentee applications that have been cancelled because they have been transferred		This is a cumulative list

Recommended Order of use	Name of Report	What it is	When to use & when to Run	Helpful Tips
As needed	<b>Deleted Ballots</b>	The report displays the names and addresses of voters whose absentee ballots for the specified election have been deleted		

Town absentee reports are separate and must be selected when having a town election

### 11.18 Inspection of Absentee Ballot Applications ([§ 24.2-706](#))

- If copies are requested for inspection by a Virginia registered voter, they must have the social security number, day and month of birth redacted so they are not visible.
- For Protected Voters, the residence address must be redacted as well.
- **Best Practice:** Do not keep copies longer than administratively necessary. *See*, GREB 6 (discussing access and retention of absentee applicant lists).

### 11.19 Absentee Ballot Application Chain-of-Custody (Transmission of Original Applications to Clerk of Court)

The Registrar is required to deliver the original applications, under seal; to the Clerk of the Circuit Court after the Electoral Board canvass is complete (Department of Elections provides an envelope for this purpose)

- **Exception:** This does not include the original FPCAs and FWABs that are retained for registration. Retention for registration records is 4 years after cancellation. [§ 24.2-114](#)(8). Copies of these are sent to the Clerk.

### 11.20 Absentee Deadlines

- 5 days after registration: when absentee application can be processed after in person registration. [§24.2-701](#).
- 22 days before the election: Deadline to register to vote ([§ 24.2-414](#))
- 21 days before the election: Books are closed ([§ 24.2-416](#))
- 12 months before the election: Earliest to apply for an absentee ballot ([§ 24.2-701\(A\)](#))

- 90 days before the election: Deadline to apply for a state-wide early ballot ([§ 24.2-702](#))
- 90 days before the election: Deadline for Electoral Board to issue state-wide early ballot ([§ 24.2-702](#))
- 45 days before the election: Deadline for absentee ballots to be mailed or emailed for applications on file ([§ 24.2-612](#); [42 USC 1973ff-1](#))
- 5 pm EST on Tuesday before the election: Deadline to apply for an absentee ballot by mail ([§ 24.2-701](#)(B)(2))
- Noon on Saturday before the election: Earliest that a person can learn of his/her need for an emergency absentee ballot ([§§ 24.2-705.1](#), [705.2](#))
- 5 pm on Saturday before the election: Deadline to apply in-person for an absentee ballot
- 5 pm on Saturday before the election: Deadline for a disabled, ill or pregnant voter to request a replacement ballot using a designated representative ([§ 24.2-703.2](#))
- 2 pm on the day before the election: Deadline to request an Emergency Absentee Ballot Application for hospitalized or incapacitated voter; Green Form ([§ 24.2-705](#))
  - 5 pm on day before election: Deadline for designated representative to return with completed application for hospitalized voter and to pick-up ballot
- 2 pm on the day before the election: Deadline for late in-person Business/Personal/Emergency voters to vote; Buff/Cream Form ([§§ 24.2-705.1](#), [705.2](#))
- Election Day: Electoral Board members must deliver all returned absentee ballots to precincts or CAP ([§ 24.2-710](#))
- Close of Polls on Election Day: Deadline to receive mailed absentee ballots not eligible to be counted late ([§ 24.2-709](#)(A))
- 7 pm Election Day: Deadline for FWAB to be received and serve as the absentee application and ballot based on voter affirmation of timely completed FPCA, if registered or eligible for late registration
- Immediately after 7 pm on Election Day: Deliver any remaining returned ballots to precincts or CAP.
- After the completion of the canvass: Registrar must transmit original absentee ballot applications to the Clerk of the Circuit Court. [§ 24.2-710](#).
- 5 pm on second business day before Department of Elections meets to certify results: Deadline to return voted ballot or FWAB late if ballot requested but sent late after 45 day deadline in [§ 24.2-612](#) ([§ 24.2-709](#))
- After the Election on date instructed by Department of Elections (normally 30 days after): Deadline to send late ballots received after the election to the Clerk of the Circuit Court, provided the ballots were not eligible to be counted late ([§ 24.2-710](#))
- December 15: Registrar must send all previously enrolled applicants, who are still registered, a blank *Annual Absentee Ballot Application Due to Disability or Illness*. [§ 24.2-703.1](#).

- ① Deadlines stated as a time of day must be adjusted for daylight savings time when applicable.