★ VIRGINIA ★
DEPARTMENT of ELECTIONS

the Handbook

Chapter 7
Absentee Voting

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7. ABSENTEE VOTING 4

7.1 CHAPTER ORGANIZATION 4
7.2 IN GENERAL 5
7.2.1 REASONS THAT QUALIFY A VOTER TO VOTE ABSENTEE 5
7.2.2 SHARED RESPONSIBILITIES 6
7.2.3 THE 45 DAY ABSENTEE DEADLINE 6
7.2.4 REQUIRED TO SEND ABSENTEE BALLOT WITHIN 3 DAYS OF RECEIVING COMPLETE APPLICATION 6
7.2.5 ABSENTEE VOTING LOCATIONS MUST STILL FOLLOW POLLING PLACE RULES 7
7.3 ABSENTEE DEADLINES 8
7.4 ABSENTEE BALLOT RECORDS 9
7.4.1 COPIES REQUESTED FOR INSPECTION 9
7.4.2 ABSENTEE BALLOT APPLICATION CHAIN-OF-CUSTODY 9
7.5 SPECIAL BALLOTS 9
7.5.1 FEDERAL-ONLY ABSENTEE BALLOTS 10
7.5.2 PRESIDENTIAL-ONLY ABSENTEE BALLOT 10
7.5.3 FEDERAL WRITE-IN ABSENTEE BALLOTS (FWAB) 11
PART ONE: PRE-ELECTION DAY ABSENTEE VOTING 12
7.6 ABSENTEE BALLOT READINESS 12
7.6.1 WHEN AND HOW TO ORDER PRINTED BALLOTS 12
7.6.2 START ABSENTEE VOTING WHEN BALLOTS RECEIVED FROM PRINTER 12
7.6.3 THE 45 DAY ABSENTEE BALLOT DEADLINE 12
7.6.4 CERTIFY BALLOT READINESS TO ELECT 13
7.7 APPLICATIONS TO VOTE ABSENTEE BY MAIL 14
7.7.1 VIRGINIA ABSENTEE BALLOT APPLICATION (ELECT-701) 14
7.7.2 FEDERAL POST CARD APPLICATION (FPCA, STANDARD FORM 76) 21
7.7.3 FEDERAL WRITE-IN ABSENTEE BALLOTS (FWAB) 27
7.7.4 ANNUAL ABSENTEE BALLOT APPLICATION (DISABLED OR ILL VOTER ELECT-703.1; REASON CODE 2A OR 2C)35
7.7.5 EMERGENCY ABSENTEE BALLOT APPLICATION (HOSPITALIZED OR OTHERWISE INCAPACITATED VOTER ELECT-705; ON GREEN PAPER) 37
7.7.6 EMERGENCY ABSENTEE BALLOT APPLICATION (EMERGENCY TRAVEL FOR BUSINESS, HOSPITALIZATION OR DEATH IN IMMEDIATE FAMILY AND LATE ASSIGNMENT OF ELECTION OFFICER ELECT-705.1; BUFF/CREAM PAPER) 41
7.7.7 MAILING ABSENTEE BALLOTS 42
7.7.8 EMAILING OR FAXING THE BALLOTS 44
7.8 VOTING ABSENTEE IN-PERSON 45
7.8.1 IN GENERAL 45
7.8.2 COMPLETING THE ABSENTEE APPLICATION FOR VOTING IN-PERSON 45
7.8.3 VOTING MACHINES USED FOR ABSENTEE VOTING 46
7.8.4 ABSENTEE BALLOTS NOT FED INTO A COUNTER BY THE VOTER 47

7.8.5 VOTER LISTED AS AN ABSENTEE VOTER COMES TO VOTE IN PERSON 47
7.9 CHANGE OF ADDRESS ISSUES FOR IN-PERSON VOTERS 49
7.9.1 IN GENERAL 49
7.9.2 THE VOTER HAS MOVED TO A NEW ADDRESS WITHIN YOUR LOCALITY 49
7.9.3 THE VOTER HAS MOVED TO A NEW ADDRESS WITHIN YOUR LOCALITY BUT IS REGISTERED IN ANOTHER VIRGINIA LOCALITY 49
7.9.4 THE VOTER HAS MOVED TO A NEW ADDRESS IN ANOTHER STATE 50
7.9.5 THE VOTER HAS MOVED TO YOUR LOCALITY, BUT VERIS FLAGS A WARNING THAT THE VOTER HAS BEEN ISSUED A BALLOT FROM HIS OLD LOCALITY 50
PART TWO: UNIFORMED, OVERSEAS CITIZEN VOTERS 52
7.10 VOTERS FLAGGED IN VERIS – UOCAVA 52
7.10.1 IN GENERAL 52
7.10.2 UOCAVA VOTER COMES TO VOTE ABSENTEE IN PERSON BEFORE BOOKS CLOSE 52
7.10.3 UOCAVA VOTER COMES TO VOTE ABSENTEE IN PERSON AFTER BOOKS CLOSE 54
7.11 UOCAVA VOTERS' LATE VOTER REGISTRATION (AFTER BOOKS CLOSE) 54
7.11.1 ELIGIBILITY 54
7.11.2 DATE OF REGISTRATION 55
PART THREE: ELECTION DAY 56
7.12 VOTER NEEDS ASSISTANCE AT CENTRAL ABSENTEE PRECINCT 56
7.13 CURBSIDE VOTING ON ELECTION DAY 57
7.13.1 VOTING ON PAPER 57
PART FOUR: PROCESSING ABSENTEE BALLOTS 60
7.14 RECEIPT OF MAILED VOTED BALLOTS 60
7.14.1 IN GENERAL 60
7.14.2 RECEIPT OF THE BALLOT – MARKED OR UNMARKED 60
7.14.3 UOCAVA VOTERS WITH ONGOING BALLOTS 61
7.15 ISSUING REPLACEMENT BALLOTS 61
7.15.1 BALLOT NOT RECEIVED OR LOST (STATEMENT OF VOTER FORM (ELECT-708)" 61
7.15.2 BALLOT NOT RECEIVED OR LOST BY DISABLED, ILL, OR PREGNANT VOTER DESIGNATED REPRESENTATIVE (STATEMENT OF DISABLED, ILL, OR PREGNANT VOTER FORM (ELECT-703.2(1)) 62
7.16 PROCESSING BALLOTS BEFORE ELECTION DAY – EXPEDITED PROCEDURES 64
7.16.1 IN GENERAL 64
7.16.2 STEPS AUTHORIZED 64
7.17 UOCAVA BALLOTS RETURNED AFTER THE POLLS CLOSE 66
7.17.1 QUALIFICATIONS FOR COUNTING 66
7.17.2 ACTIONS TO BE TAKEN 66
7.17.3 PROCEDURE FOR COUNTING LATE UOCAVA BALLOTS 66

Appendix A: Absentee Ballot Charts
Appendix B: Frequently Asked Absentee Questions

7. Absentee Voting

REQUIRED FORMS	ADDITIONAL RESOURCES
Virginia Absentee Ballot Application Form (ELECT-701) Annual Absentee Ballot Application (ELECT 703.1) Absentee Envelope B (SBE 706.2) Absentee Envelope A (ELECT-706.1) *Virginia Absentee Ballot Application* (ELECT-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* (ELECT-703.1) *Emergency Absentee Ballot Application* (Green) (ELECT-705(1)), for the hospitalized or otherwise incapacitated *Emergency Absentee Ballot Application Business/Personal/Medical Emergency* (Buff/Cream) (ELECT-705.1, -705.2)	Instructions for Voting an Absentee Ballot (ELECT-706.4) Important Notice to Absentee Voters (ELECT HAVA-1) Instructions for Voting an Absentee Ballot for Uniformed and Overseas Voters (SBE 706.4) Request for Assistance in Voting an Absentee Ballot (ELECT 649) Statement of Designated Representative of Hospitalized or Otherwise Incapacitated Voter (ELECT 705.2) Emergency Absentee Ballot Application Hospitalized or Otherwise Incapacitated Voter (ELECT 705.1) Emergency Absentee Ballot Application emergency Travel for Business, Hospitalization or Death in Immediate Family (Cream) (SBE 705.1, 705.2) Instructions for Voting an Emergency Absentee Ballot (SBE-705(2)) (Green) Emergency Absentee Ballot Applicants List (SBE-710-Supp) Statement of Voter AB Ballot Not Received or Lost (SBE-708) Instructions for Voting a Replacement Absentee Ballot (SBE 703.2) Statement of Designated Representative of a Voter with a Disability, Illness or Pregnancy (ELECT 703.2(1))
REFERENCE	**REGULATIONS**
Virginia Acts of Assembly – 2014 Session, Chapter 604 Virginia Department of Elections Website – Military & Overseas Voting FVAP Virginia Voting Assistance Guide SBE Meeting May 2015 Materials	**1VAC20-20-20** *Electronic transmission of records containing sensitive personal information; encryption or redaction required* **1VAC20-45-20**: *Voter Registration* **1VAC20-45-30** *Electronic Submission of Federal Post Card Application* **1VAC20-45-40** *Material Omissions from Federal Write-In Absentee Ballots* **1VAC20-60-40**: *When Ballot Cast* **1VAC20-70-20:** *Material Omissions from Absentee Ballots* **1VAC20-70-40:** *Alternative Processing Procedures for Absentee Ballots Returned Before Election Day*

7.1 CHAPTER ORGANIZATION

This chapter serves as a guide to help registrars and electoral boards perform their responsibilities for absentee voting in accordance with the Code of Virginia, the Virginia Administrative Code, and the State Board of Elections' policies. 2015 legislation shifted much of the day-to-day responsibilities for absentee ballot processing from the electoral board to the general registrar.[1] The chapter follows the sequence of absentee ballot processes during an election cycle, and

[1] Chapters 1 and 2 (General Registrar and Local electoral boards) discuss these responsibilities in more detail.

explains steps and preparations both general registrars and local electoral boards must take to facilitate absentee voting.

This chapter begins with discussions and guidance for administering a locality's absentee program. §7.2 provides a list of the reasons people may vote absentee, highlights the 45 day deadline, and the 3 days within receipt deadline. §7.3 provides a list of important absentee deadlines at a high level. §7.4 addresses records, and §7.5 briefly outlines the three kinds of special ballots Virginia voters may use in certain circumstances.

Part One: Pre-Election Day Absentee Voting includes §7.6, discussing absentee readiness including ballot printing and certification. §7.7, the largest section in the Absentee Voting chapter, outlines the different types of absentee applications to vote by mail, the requirements of each application, and general processes related to each specific kind of absentee application. §7.8 addresses in-person absentee voting. Both §§7.7 and 7.8 discuss the procedures that must be taken by general registrars and local electoral boards, and establish requirements of voters to be eligible to vote either by mail or absentee in-person.

Part Two: Military and Overseas Voters includes §§7.10 and 7.11, which explain how to administer absentee voting with respect to military and overseas voters.

Part Three: Election Day addresses curbside voting, and provides guidance on what to do if a voter needs assistance voting at the absentee precinct.

Part Four: Processing Absentee Ballot outlines how to receive mailed ballots, issue replacement ballots, process ballots before election day and what to do if a UOCAVA voter's ballot has returned after the polls close.

7.2 IN GENERAL

7.2.1 Reasons that Qualify a Voter to Vote Absentee

The Code of Virginia requires an eligible voter to provide a reason that (s)he will not be able to visit the polls on election day.

The following reasons qualify a voter to vote by absentee ballot[2]:

- 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

[2] *See* the Code of Virginia §24.2-700; *see also* Virginia Absentee Ballot Application. A revision of the Virginia absentee ballot application is under consideration that may result in combining some of these reasons.

- 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
- 9A Protective Order[3]

Many of the permitted reasons for absentee voting require the voter to provide supporting information about his/her absence.[4]

7.2.2 Shared Responsibilities

Absentee voting is primarily a general registrar's responsibility in terms of day to day administrative tasks such as approving applications and sending ballots but electoral boards have overall supervisory responsibility.[5]

7.2.3 The 45 Day Absentee Deadline

Send ballots for all absentee applications on hand as soon as the ballots are received from the printer, but "**not later than 45 days prior** to any election **or within three business days of the receipt** of a properly completed absentee ballot application, whichever is later. In the case of [a nonfederal special election] if time is insufficient to meet the applicable deadline […], then the general registrar [must] make printed ballots available as soon after the deadline as possible."[6]

In-person absentee voting begins when printed ballots for the election are available and continues through the Saturday prior to election day.[7]

7.2.4 Required to send Absentee Ballot within 3 Days of Receiving Complete Application

Ballots must be sent within 3 business days of receipt of a properly completed application following the 45-day absentee deadline. Electoral boards and general registrars have shared statutory responsibilities under §§24.2-612 and 24.2-706 to send ballots out on time.

- Process absentee ballot applications on a regular schedule throughout the year.
- Enter absentee ballot applications promptly into VERIS as they are received for the upcoming election. Entering applications into VERIS allows the voter to check his absentee ballot status online and assures the voter that the application has been received.

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[3] HB1912 (2017) entitles a person to vote absentee if the person has been granted a **protective order** issued by or under the authority of any court of competent jurisdiction. Local election officials must be informed and prepared for these changes to take place by **July 1, 2017**.
[4] See the Code of Virginia §24.2-701.
[5] See the Code of Virginia §§24.2-612 and 24.2-706.
[6] See the Code of Virginia §24.2-612.
[7] See the Code of Virginia §24.2-707 and 24.2-701.

EXCEPTION: An absentee ballot application from an applicant who has registered to vote in person "[must] be held and processed no sooner than [five days] after the date that the applicant registered to vote." **Military and overseas voters are exempt from this requirement.**[8]

- Run absentee reports regularly, check the applications against the report, and make corrections as needed.

7.2.5 Absentee Voting Locations Must Still Follow Polling Place Rules

Remember that regular polling place rules apply to in-person absentee voting at all absentee voting locations:

- Voter photo ID is required.[9]
- Voters may not be accompanied into the voting booth by anyone other than an authorized assistant or his/her child age 15 or younger.[10]
- No political activity is permitted within 40 feet of the entrance of the polling place structure.[11] Such prohibited activity includes, "loiter[ing] or congregat[ing] within 40 feet of any entrance of any polling place […] within such distance to give, tender, or exhibit any ballot, ticket, or other campaign material to any person or to solicit or in any manner attempt to influence any person in casting his vote."[12]

Follow procedures for issuing provisional ballots: e.g., the voter does not have acceptable photo ID; or the voter is not listed in VERIS and voter says he/she registered at the DMV.[13]

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.[14] More about why or when a voter may have to vote a provisional ballot can be found in Chapter 13 Provisional Ballots. You **must count** a ballot that has been cast by a voter prior to his/her death. State Board of Elections' regulation 1 VAC 20-60-40 defines when an absentee ballot voted other than in person is cast.

Regulation Note

1VAC20-60-40: When Ballot Cast. A voter has not cast a vote until a permanent record of the person's vote is preserved. 20-60-40(B) provides that this can be done by **inserting an optical scan ballot** into a counter. A vote is not cast until the voter (or an officer of election or assistant if requested and desired by the voter) completes one of those actions.

Remember: No one else can cast a voter's ballot unless doing so at the direction of the voter. However, if a voter inserts a ballot into an optical scanner, leaves, and then the ballot is returned by the scanner due to an over vote or under vote, the officer of election can cast the ballot for that voter. Absentee voters are considered to have cast their ballots at the moment they personally deliver the ballot to the general registrar, electoral board, or an authorized carrier for returning the ballot.

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[8] *See* the Code of Virginia §24.2-701.
[9] *See* the Code of Virginia §24.2-643.
[10] *Id.*
[11] *See* the Code of Virginia §24.2-604; *see also* Chapter 11 (Election Day) *referring to polling places.*
[12] *Id.*
[13] *See* Chapter 13 (Provisional Ballots) *explaining provisional voting.*
[14] *See* Chapter 13 (Provisional Ballots)

7.3 ABSENTEE DEADLINES

- 5 days after registration: when absentee application can be processed after in person registration.[15]
- 22 days before the election: Deadline to register to vote.[16]
- 21 days before the election: Books are closed.[17]
  - 12 months before the election: Earliest to apply for an absentee ballot.[18]
  - 45 days before the election: Deadline for absentee ballots to be mailed or emailed for applications on file.[19]
  - 5 pm EST on Tuesday before the election: Deadline to apply for an absentee ballot by mail.[20]
  - Noon on Saturday before the election: Earliest that a person can learn of his/her need for an emergency absentee ballot. [21]
  - 5 pm on Saturday before the election: Deadline to apply in-person for an absentee ballot.[22]
  - 5 pm on Saturday before the election: Deadline for a disabled, ill or pregnant voter to request a replacement ballot using a designated representative.[23]
  - 2 pm on the day before the election: Deadline to request an Emergency Absentee Ballot Application for hospitalized or incapacitated voter; Green Form.[24]
    - 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.[25]
  - Election Day: electoral board members must deliver all returned absentee ballots to precincts or CAP.[26]
  - Close of Polls on Election Day: Deadline to receive mailed absentee ballots not eligible to be counted late.[27]
  - 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.[28]
  - Immediately after 7 pm on Election Day: Deliver any remaining returned ballots to precincts or CAP.[29]

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[15] See the Code of Virginia §24.2-701.
[16] See the Code of Virginia §24.2-414.
[17] See the Code of Virginia §24.2-416.
[18] See the Code of Virginia §24.2-701(A).
[19] See the Code of Virginia §24.2-612; *see also* 52 USC § 20302.
[20] See the Code of Virginia §24.2-701(B)(2).
[21] See the Code of Virginia §§24. 2-705.1 and 24.2- 705.2.
[22] See the Code of Virginia §24.2-701.
[23] See the Code of Virginia §24.2-703.2.
[24] See the Code of Virginia §24.2-705.
[25] See the Code of Virginia §§24. 2-705.1 and 24.2-705.2.
[26] See the Code of Virginia §24.2-710.
[27] See the Code of Virginia §24.2-709(A).
[28] See the Code of Virginia §24.2-702.1
[29] See the Code of Virginia §24.2-709.

- After the completion of the canvass: registrar must transmit original absentee ballot applications to the clerk of the circuit court.[30]
- 5 pm on second business day before State Board 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.[31]
- 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.[32]
- December 15: Registrar must send all previously enrolled applicants, who are still registered, a blank *Annual Absentee Ballot Application Due to Disability or Illness*.[33]

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

7.4 ABSENTEE BALLOT RECORDS

7.4.1 Copies Requested for Inspection

If copies of AB applications 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. "No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made for inspection or copying by anyone."[34]

- For Protected Voters, **redact the residence address in addition to all other personally identifying information.**
- Please see Chapter 9 Records Retention for the appropriate retention schedule.

7.4.2 Absentee Ballot Application Chain-of-Custody

The general registrar is required to deliver the original applications, under seal; to the clerk of the circuit court after the electoral board canvass is complete.

Exception: This does not include the original FPCAs and FWABs that are retained for registration. Retention for registration records is 4 years after cancellation.[35] Copies of these are sent to the Clerk.

7.5 SPECIAL BALLOTS

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

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

In ordering ballots, §24.2-646.1(6) allows using paper ballots for the federal only and presidential only ballot styles.

[30] See the Code of Virginia §24.2-710.
[31] See the Code of Virginia §24.2-709.
[32] See the Code of Virginia §24.2-710.
[33] See the Code of Virginia §24.2-703.1.
[34] See the Code of Virginia §24.2-706.
[35] See the Code of Virginia §24.2-114(8).

7.5.1 Federal-Only Absentee Ballots

7.5.1.1 *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 did not provide an employment reason for being overseas.[36] Voters must request a Federal only ballot using either the Virginia Absentee Ballot Application or the FPCA.

7.5.1.2 *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[37]
- Are not military voters, including spouses or dependents residing with the member of the military
- Did not provide an employment reason for moving overseas, or show that the applicant "is the spouse or dependent of a person employed overseas."[38]

7.5.1.3 *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.[39]
  - 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.
  - Issue the ballot in the usual manner

7.5.2 Presidential-Only Absentee Ballot

Federal and Virginia law require issuing an absentee voter a ballot limited to Presidential and Vice Presidential electors in **one situation only**:[40]

- 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 moving their residence to a new state shown on the application.[41]
- Reason code 7A should not be used unless the voter has a new address in another state. Applications lacking this information may qualify under a reason allowing a full ballot be issued. The registrar should contact the voter about his options.

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[36] See the Code of Virginia §24.2-453.
[37] See the Code of Virginia §24.2-101 for definition of residency.
[38] See the Code of Virginia §24.2-453.
[39] See VERIS Step-by-Steps (instructions for data entry).
[40] See 52 USC §§20302(a)(2) and §20310(5)(B),(C); *see also* the Code of Virginia §24.2-402. *See* Section 11.7. 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.
[41] See the Code of Virginia §§24.2-402 and 24.2-427(B)(iii).

- Keep an additional copy of completed 7A applications for your voter registration files to process as voter requests for cancellation after the election.

✱ **This provision does not apply to a Presidential Primary.**

✱ An application that indicates a voter is moving overseas rather than to another state must be processed under the procedures for UOCAVA voters; the FPCA may be a better choice for the voter.[42]

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.

7.5.3 Federal Write-In Absentee Ballots (FWAB)

7.5.3.1 In General

The FWAB is designed "for use in general, special, primary, and runoff elections for Federal office by absent uniformed services voters and overseas voters who make timely application for, and do not receive, States absentee ballots."[43] Applicants often mail a FWAB about the same time as an FPCA.

- "An absent uniformed services voter or overseas voter who submits a Federal write-in absentee ballot and later receives a State ballot, may submit the State absentee ballot" regardless of whether a FWAB has been received.[44] §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 for federal elections 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.

[42] See Federal Post Card Application (FPCA, Standard Form 76).
[43] See 52 U.S.C. §20303.
[44] See 52 U.S.C. §20303.

PART ONE: PRE-ELECTION DAY ABSENTEE VOTING

7.6 ABSENTEE BALLOT READINESS

7.6.1 When and How to Order Printed Ballots

When. As soon as the electoral board receives the certification of candidates and certification of referendums (if applicable) from Department of Elections, the board should verify that the ballot printer has all the information required to print the ballots. Remember that your ballots must be proofed and approved by ELECT before printing. The Department of Elections provides SBE's ballot standards that should be followed when producing ballots[45].

How Many. Consider the following when ordering ballots:

- Number of active registered voters[46]
- Historical election data, including voter turnout[47]
- 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)
- Authorization of paper ballots for limited ballot styles (federal only, presidential).

Note: The number of ballots to be printed is subject "to approval by the electoral board."[48]

7.6.2 Start Absentee Voting When Ballots Received From Printer

First certify the number of all ballots received from the printer, including the ballots to be used for absentee voting.[49] Remember to file a copy of the receipt in the electoral board minutes.[50]

- 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.

Best Practice
Conduct logic and accuracy testing on the ballots before you send out any absentee ballots.

7.6.3 The 45 Day Absentee Ballot Deadline

At least **45 days prior** to any election[51], **ballots must be sent for all applications on file, and ballots must be ready for in-person absentee voting.**

Exception: For **non-federal special elections**: " if time is insufficient to meet the applicable deadline [45 days before an election], then the general registrar [must] make printed ballots

[45] See Forms Warehouse, Election Management/Ballots/SBE Ballot Standards and Verification Procedures.
[46] See the Code of Virginia §24.2-612.
[47] *Id.*
[48] *Id.*
[49] See the Code of Virginia §24.2-618.
[50] *Id.*
[51] See the Code of Virginia §24.2-612.

available as soon after the deadline as possible."[52] The Department of Elections will send a survey at the deadline to verify compliance.

7.6.3.1 Be Ready to Email Ballots

Localities should have a specific email address established for correspondence with eligible overseas and military voters. Once you have approved your ballots you should create template email files ready to send to UOCAVA voters. The ballot printer can provide a PDF (portable document format) file of all ballot styles used in your locality. Incorporate this PDF file into the email to UOCAVA voters along with the additional materials the voter will require to complete the ballot[53]. Department of Elections may offer to deliver Virginia military and overseas ballots to electoral boards through a website instead of through e-mail on an opt-in basis.[54]

7.6.3.2 Be Ready with Ballots for In-Person Absentee Voting[55]

In-person absentee voting may take place in the office of the general registrar, or at another location or locations in the county or city approved by the electoral board, before a registrar, or, if a ballot is cast at that time, before the officers of election appointed by the electoral board.[56]

Most absentee voters in the Commonwealth cast ballots in-person. Therefore, you should plan accordingly to ensure that a sufficient number of ballots are on-hand of each ballot style in your locality. If your locality uses ballot on demand technology please recall that ballots may be slow to print and there is no substitute for having a sufficient number of pre-printed ballots on-hand. Additionally, you should ensure that a sufficient number of absentee applications is available; writing implements, clip boards, and other materials that need to be available for in-person absentee voters. A well-documented process for entering absentee applications in VERIS should be adhered to by staff and officers of election conducting in-person absentee voting.

7.6.4 Certify Ballot Readiness to ELECT

The general registrar 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 the 45 day deadline.[57]

If the general registrar's office is closed on Saturday, the certification must be provided to the Department of Elections after the close of business on Friday. If the office is open on Saturday, the certification must be provided to the Department after the close of business on Saturday. If Friday is a holiday and the office is closed both Friday and Saturday, the certification must be provided on Thursday.

Additional reporting may be required. For each election, the Department of Elections will notify you when an electronic survey is available to collect the required certification of the compliance deadline and review of ballot orders.

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[52] *See* the Code of Virginia §24.2-612.
[53] See Forms Warehouse, Absentee Voting/Ballots-UOCAVA.
[54] *See* the Code of Virginia §24.2-455.
[55] *See* Chapter 12 Voting Equipment.
[56] See the Code of Virginia §24.2-707.
[57] *See* the Code of Virginia §24.2-612.

7.7 APPLICATIONS TO VOTE ABSENTEE BY MAIL

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

7.7.1 Virginia Absentee Ballot Application (ELECT-701)

7.7.1.1 *In General*

A separate application [must] be completed for each election in which the applicant offers to vote.[58] 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 before an election. The application must be submitted to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election, which would be the Tuesday preceding the election. An application may be made in-person through the Saturday immediately preceding any election if the voter casts an in-person absentee ballot.

Applications may be signed electronically, and can be received by mail, fax, in person, or by email with electronic signature. Applicants applying in person may request a ballot be mailed to them.

Ballots are sent by mail to applicants who apply by mail, fax, or email (see exception below). Ballots are issued to any applicant who applies in person and chooses to vote at the time they complete the application (provided that in-person voting is available at that time). Citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) 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.[59]

7.7.1.2 *Eligibility*

All absentee applicants must be registered voters of the Commonwealth and meet additional qualifications to be eligible to receive a ballot by mail, email or in person.[60]

- 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.[61] 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.

[58] See the Code of Virginia §24.2-701.
[59] See *below* discussion on use of the *Federal Post Card Application* (FPCA).
[60] See the Code of Virginia §24.2.700 for qualifications.
[61] See the Code of Virginia §24.2-701.

7.7.1.3 *How to Process the Virginia Absentee Application for a Ballot by Mail*[62]

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

- The election for which the ballot is being requested:
- The applicant's **printed name**, the **last four digits** of the applicant's **social security number**, and the **reason the applicant will be absent** or cannot vote at his polling place on [election day].
- The complete **address** to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when printed ballots are available and the applicant chooses to vote in person after completing the] application. The following are allowable addresses:
  - The address of the applicant on file in the registration records.
  - The address at which he will be located while absent from his county or city.
  - The address at which he will be located while temporarily confined due to a disability or illness.
  - In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement. **Note:** this address is for sending the ballot; only the name of the institution of confinement is required to apply.
  - In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education.
  - In the case of a person who will be absent on election day for business reasons, the name of his employer or business.
  - In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling.
  - The email address/fax number if the voter is an overseas citizen or a military voter or spouse or dependent .
  - Ballots may *not* be sent in care of any other person.
- Unless the applicant is disabled, all applications for absentee ballots must be signed by the applicant."
- Voter needs assistance: If checked, indicate that in VERIS and be certain to send the *Request for Assistance in Voting an Absentee Ballot* form with the ballot (ELECT-649 (AB)).
- If the voter has moved:
  - Enter change of address in VERIS if *AB Application* is received before the books close.
  - **Do not** enter change of address in VERIS if the books have closed.
  - **Note**: Moving conditions apply.[63]

- Then, look up 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.

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[62] See the Code of Virginia §24.2-701.

[63] See section on changes of address in this Chapter for details.

- 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 on the form.
- The voter is now ready for a ballot to be mailed, emailed or faxed.
- Follow instructions for mailing, emailing and faxing ballots.

7.7.1.4 *Incomplete Virginia Absentee Ballot Application (ELECT-701)*

"In reviewing the application for an absentee ballot, the general registrar [must] not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee."[64]

Best Practice
If information is missing from an application an absentee ballot, try to collect the 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. If no one can be reached within 3 business days, deny the application in VERIS.

Please note that the voter's full SSN is requested on the application to assist in finding the voter's record, but it is *not* required.[65] A voter cannot be denied an absentee ballot for failure to provide the full SSN.

Frequently Asked Questions

What if the voter forgets to include the last four digits of SSN?
§24.2-706 requires the general registrar to determine if the omission prevents determining qualification to vote absentee.[66]
What if the voter forgets to sign the application? The voter's signature is required. The voter must be denied for failure to sign.[67] You should send a new application to the voter with the denial letter generated by VERIS.

[64] See the Code of Virginia §24.2-706.
[65] See the Code of Virginia §24.2-701. §24.2-701(C) provides authority for the application to collect the last four digits of the voter's social security number.
[66] See also 52 USC §10101(a)(2)(B).
[67] See the Virginia Administrative Code 1VAC20-70-20.

Policy Note on Electronic Signatures for Absentee Ballot Applications

The State Board of Elections in May 2015 determined that applications requesting absentee ballots may be signed electronically.[1] Registrars are directed to accept electronic signatures *as long as* the applicant is required to affirmatively check a box confirming acknowledgement of the Affirmation Statement on the Absentee Ballot Application and the completed Application includes a disclaimer indicating that it includes an electronic signature.

Accepting electronic signatures increases voter convenience and makes it easier for currently registered voters who are qualified to cast an absentee ballot.

7.7.1.5 Must Vote in Person Requirement but has Applied to Vote by Mail

"Any person, who applies to register to vote by mail [...] and who has not previously voted in the county or city in which he registers to vote, [must] vote in person, either at the polls on election day or in-person absentee."[68] "However, this requirement to vote in person [does] not apply" in these circumstances:[69]

- 1A -- Full-time students
- 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 ELECT-701 and is 65 years old or older, the voter is exempt from vote in person. **Age alone is not a qualifying reason to vote absentee.**
- All number 6 reason codes--UOCAVA voters
- 7A -- Presidential Only voters moving to another state fewer than 30 days before a 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.

7.7.1.6 *Help America Vote Act (HAVA) ID Requirement by Mail*[70]

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[71]:
  - Virginia Voter Card
  - Virginia Driver's License
  - "Copy of a current and valid photo identification"[72]
  - "Copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter"[73]

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[68] See the Code of Virginia §24.2-416.1.
[69] *Id.*
[70] See the Code of Virginia §24.2-706.
[71] *Id.*
[72] See the Code of Virginia §24.2-706.
[73] *Id.*

- **Exemptions** from HAVA ID when voting by mail:[74]
  - Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters
  - Other federal entitlement
  - Commissioner of Elections determines no accessible polling place available for voter with physical disability or age 65 or older.

Nonexempt first-time voters must be sent the HAVA ID notice (ELECT-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.[75]
- Change the ballot status in VERIS to "Provisional" and note on the absentee ballot record that the ballot was cast as Provisional.

7.7.1.7 *Change of Address Scenarios for Ballots by Mail*[76]

The action taken is dependent upon whether the books are open or closed. After the books close, the date the 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).[77] Act on missing information or problems immediately, and document your actions. If problems cannot be resolved quickly, deny the *AB Application* in VERIS.

Use your resources. Refer to "What If" document for current moving conditions. Below are different change of address scenarios with guidance on how to process these applications.

7.7.1.7.1 The Voter has Moved to a New Address Within Your Locality and Wants a Ballot by Mail[78]

If the application is received **before** the books close, change address in VERIS and process the application using the voter's new address.

If the 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 in §24.2-401, 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.

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[74] See 52 USC §21083; see *also* the Code of Virginia §24.2-706.
[75] See Chapter 17 Provisional Ballots.
[76] See the Code of Virginia §24.2-401.
[77] See the Code of Virginia §24.2-612.
[78] See the Code of Virginia §24.2-401.

7.7.1.7.2 The Voter has Moved to a New Address Within Your Locality but is Registered in Another Virginia Locality and Wants a Ballot by Mail[79]

If the application is received **before** the books close, request a copy of the voter's record from the other locality to be sent to you immediately. Social Security number must be redacted[80] unless encrypted.[81]

- Update the voter's registration record in VERIS and process the application for a ballot by mail
- Make a comment in the VERIS voter record that you are waiting for the original voter registration record to be received from previous locality.

If the application is received **after** the books close, send *AB Application* to old locality with Social Security number redacted. The old locality will determine whether the voter is eligible to vote under moving conditions in §24.2-401 or if application should be denied. The old locality is responsible for sending the denial notice, if needed.

Regulation Note

1VAC20-20-20. Electronic Transmission of Records Containing Sensitive Personal Information; Encryption or Redaction Required.

Election officials must use encryption technology that meets the Security Requirements for Cryptographic Modules, FIPS PUB 140-2, with change notices through December 2002, of the National Institute of Technology of the United States Department of Commerce to transmit any records containing sensitive personal information. This includes e-mails and faxes including sensitive information. This regulation defines "sensitive personal information" as: more than four digits of a social security number or other identifier other than a voter identification number, day and month of birth, and the residence address of voters qualified for protection under 24.2-418. If encryption is not used, all sensitive personal information must be redacted before being electronically transmitted. "Redact" means to alter or truncate data so no sensitive personal information is accessible.

7.7.1.7.3 The Voter has Moved to a New Address in Another Virginia Locality and Wants a Ballot by Mail[82]

If the application is received **before** the books close, send a copy of the voter record with the *AB Application* to the new locality.

Remember: The **full** Social Security number must always be covered before faxing or emailing unless encrypted.[83]

- The new locality will process the transfer, then process the *AB Application* and send ballot.
- **Do not send a ballot from the old locality.**

If the application is received **after** the books close, confirm date voter moved to new address on *AB Application.*

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[79] See the Code of Virginia §24.2-401.
[80] Redact means to alter or truncate data so that no sensitive personal information is accessible.
[81] See the Virginia Administrative Code 1VAC20-20-20.
[82] See the Code of Virginia §24.2-401.
[83] See the Virginia Administrative Code 1VAC20-20-20.

- 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:
  - Look up 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 to the new locality.

7.7.1.7.4 The Voter has Moved to a New Address in Another State and Wants a Ballot by Mail[84]

"The general registrar may cancel the registration of any person for whom a notice has been submitted […] and forwarded to the general registrar that the voter has moved from the Commonwealth."[85] The signed *AB Application* is your authorization to cancel the voter. Thus, the *AB Application* should be denied and his/her voter registration cancelled.

- Before cancellation, the general registrar must "mail notice of such cancellation to the person at both his new address, […] and the address at which he had most recently been registered in Virginia."[86]
- Send denial letter and keep a copy of the *AB Application* as your authorization for the cancellation.

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.[87] After the election, the voter's Virginia voter registration must be cancelled in VERIS.

7.7.1.7.5 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."
  - **If 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.

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[84] See the Code of Virginia §§24.2-402 and 24.2-427.
[85] *Id.*
[86] *Id.*
[87] See the Code of Virginia §24.2-402.

- **If 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.
  - If the voter denies having already cast a ballot, offer a provisional ballot.

- **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.

7.7.1.7.6 The Voter Did Not Complete the Change of Address Option 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.

7.7.2 Federal Post Card Application (FPCA, Standard Form 76)

7.7.2.1 *In General*

Most FPCAs are submitted by military members, overseas citizens and their families. The FPCA can serve as both a registration application and an absentee ballot request.[88] All revisions of the form containing the required information are acceptable.

[88] See the Code of Virginia §24.2-703.

7.7.2.2 *Attorney General 1971 Opinion on "Place of Abode" for Military*

In a 1971 opinion, the Virginia Attorney General stated that servicemen who had a place of abode in Virginia prior to their assignment to active duty elsewhere must constructively retain the Virginia place of abode, otherwise these members of society would be deprived of the electoral franchise. Such servicemen should be permitted to register to vote as though he still resided at this old place of abode, and should be put in the precinct where such place of abode is located.[89]

7.7.2.3 *Who is Eligible to Use FPCA*

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

- "A member of a uniformed service on active duty who […] is absent from the place of residence where […] otherwise qualified to vote."[90]
- "A member of the merchant marine who […] is absent from the place of residence where […] otherwise qualified to vote."[91]
- "A spouse or dependent of a member [of a uniformed service or merchant marine] who […] is absent from the place of residence where the spouse or dependent is otherwise qualified to vote."[92] (VERIS Codes 6A, 6B, 6E, 6F)
- U.S. citizens residing outside the U.S. and is qualified to vote in the last place in which the person was domiciled before leaving the U.S.[93] (VERIS Code 6C or 6D)
- These registrations are permanent with full ballot eligibility dependent upon whether the application indicates:
  - the voter retains a place of abode in Virginia.
  - the voter is employed overseas or eligible family.[94]

7.7.2.4 *State Law Definitions – Uniform Military and Overseas Voting Act (UMOVA)*[95]

- Provides additional definitions expanding federal law protections on 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.[96]
- Persons born overseas to Virginia parents may be eligible to vote in Virginia elections.[97]
- Eligibility for full ballot is defined by state law based on retaining place of abode in Virginia or employment overseas.[98]

7.7.2.5 *Late Military Registrant By Mail*[99]

The applicant must:

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[89] See 1971-1972 Op. Atty Gen. Va. 153.
[90] See 52 U.S.C. §20310.
[91] *Id.*
[92] *Id.*
[93] *Id.*
[94] See the Code of Virginia §24.2-453.
[95] See the Code of Virginia §§24.2-451 and 24.2-470.
[96] See the Code of Virginia §24.2-452.
[97] *Id.*
[98] See Va. Const. Art. I, §1; see *also* the Code of Virginia §24.2-453.
[99] See the Code of Virginia §24.2-419.

- 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.[100]

Persons eligible for late voter registration may do so after the books are closed up to and including Election Day.[101] They must be given a registration date equal to the final day of registration (effective date).

7.7.2.6 *FPCA Duration of Eligibility – How Long Ballots Must be Sent*

"An application [...] that is received by the general registrar no later than 5:00 p.m. on the seventh day prior to the election shall be considered a standing request for absentee ballots through December 31 of the year following the calendar year of [their] application."[102]

7.7.2.7 *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.[103]

- FPCA may be signed electronically for registration and absentee ballot request.
- FPCA may be returned by mail, in person, by fax or email.
- The FPCA is both voter registration and absentee ballot request.
  - Make a copy of the FPCA for the absentee application.
- Overseas voters on short vacations or business trips less than a year should use the "Virginia Absentee Ballot Application," not the FPCA which provides continuing ballots through the next calendar year.

Regulation Note

1VAC20-45-30: Electronic Submission of Federal Post Card Application

An applicant who is eligible for registration and applies for registration and requests an absentee ballot on a Federal Post Card Application may apply for registration and the absentee ballot by facsimile or e-mail. Electronically submitted FPCA applications are sufficient for registration and requesting an absentee ballot if signed and otherwise complete.

7.7.2.8 *FPCA Acknowledgment*

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).

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[100] See *also* the Code of Virginia §24.2-425.
[101] See the Code of Virginia §24.2-419.
[102] See the Code of Virginia §24.2-703.
[103] See *also* the Code of Virginia §24.2-457.

7.7.2.9 *Checking the FPCA*

- Section 1 is the classification of voter type (uniformed services, etc.)(additional information in Section 9 determines ballot eligibility full or federal only).
- Section 2 is 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.
- Sections 3 and 4 are for name, suffix, previous name, date of birth and Social Security Number:
  - **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 Social Security number 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.[104]
- Section 5 is for contact information (telephone, email and fax).
- Section 6 is the ranked preference of method for receiving ballot (mail, fax, email).
- Section 7 is for a valid residence address in your locality.
- Section 8 is 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 9 is for additional information about branch of service, being employed overseas and for which elections the voter is requesting a ballot.[105]
- Voter's signature to the affirmation statement

Regulation Note

1VAC20-45-20: Voter Registration. No presumption for or against residence may be based on a person's presence or absence in the following circumstances: being employed in the service of the Commonwealth or the United States, whether military or civilian.

With respect to material omissions on Federal Write-In Absentee Ballots, the following omissions are **not material**: omitting service identification number, rank, grade, or rate on an application that declares active military duty status, employer name and address on an application that declares temporary overseas residence with no date of last residence, employer name and address on an application that declares temporary overseas residence with a date of last residence, and date of last residence on an application that declares indefinite overseas residence (20-45-20(B)(4)).

Eligibility for a full absentee ballot requires providing the name and address of an employer outside the United States (20-45-20(B)(3)). Lastly, the date of last residence for an application declaring indefinite overseas residence without indicating the date of last residence in the United States is the **date the application is signed** (20-45-20(B)(4)).

[104] See the Code of Virginia §46.2-208(B)(9).
[105] See the Virginia Administrative Code 1VAC20-45-20 on material omissions.

7.7.2.10 *Processing a Properly Completed FPCA*

- Perform a "Voter Search" in VERIS to determine if the voter is registered to vote at the address given in Part 3.
  - 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 you received for registration and a copy for the absentee ballot application.
  - If the voter is registered, proceed to "Absentee History" and check for an AB 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.[106]
- If needed you may attach the properly completed FPCA to a sheet of paper on which an "Office Use Only" section has been printed and complete that information.
- Check VERIS to verify that the proper full or federal only ballot status is assigned based on the information provided. Federal only ballots are for US citizens residing abroad who have no current place of abode in Virginia and who are neither employed overseas nor eligible family of a person employed overseas or a uniformed services voter. "To be eligible to vote in state and local elections, the application of an overseas voter who has given up his place of abode in Virginia must show that the applicant is employed overseas or the spouse or dependent of a person employed overseas."[107]

7.7.2.11 *Processing an 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.
- 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.

7.7.2.12 *Using the FPCA for Multiple Elections – Ongoing Application*

The FPCA is valid for all elections, and is "considered a standing request for absentee ballots through December 31 of the year following the calendar year of the date of the application."[108]

- 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.

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[106] See *above* late military registration.
[107] See Va. Const. Art, II, §1; see *also* the Code of Virginia §24.2-453.
[108] See the Code of Virginia §24.2-703.

- 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 [may] be sent" to the voter until a new application is filed and accepted.[109]
    - Double check mailing and email addresses.
    - The default method is to send ballot is **by mail** if nothing is selected.[110]

7.7.2.13 *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. "The general registrar [must] make printed ballots available for absentee voting not later than 45 days prior to any election or within three business days of the receipt of a properly completed absentee ballot application."[111]
- 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.[112]

[109] *Id.*
[110] See the Code of Virginia §24.2-706.
[111] See the Code of Virginia §24.2-612.
[112] See *also* section on Procedure for Mailing/Emailing/Faxing Ballots.

7.7.3 Federal Write-In Absentee Ballots (FWAB)

7.7.3.1 In General

The FWAB is designed "for use in general, special, primary, and runoff elections for Federal office by absent uniformed services voters and overseas voters who make timely application for, and do not receive, States absentee ballots."[113] Applicants often mail a FWAB about the same time as an FPCA.

- "An absent uniformed services voter or overseas voter who submits a Federal write-in absentee ballot and later receives a State ballot, may submit the State absentee ballot" regardless of whether a FWAB has been received.[114] §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 for federal elections 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.

7.7.3.2 *What the FWAB is Used For*

"A covered voter may use the […] federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if [the declaration accompanying the FWAB] is received by the applicable deadline."[115]

- "If the declaration is received after that date, [the FWAB] must be treated as an application to register to vote for subsequent elections."[116]
- "A covered voter may use the […] federal write-in absentee ballot as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot."[117]
- Absentee Ballot Application for the enclosed ballot only.
- Voted Ballot for one election only.

7.7.3.3 *Who May Use the FWAB*

"Covered voters" include[118]:

- "A uniformed-service voter or an overseas voter who is registered to vote in this state;"[119]
- "A uniformed-service voter […] whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements;"[120]

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[113] See 52 U.S.C. §20303.
[114] See 52 U.S.C. §20303.
[115] See the Code of Virginia §24.2-457(B).
[116] *Id.*
[117] See the Code of Virginia §24.2-458(D).
[118] See the Code of Virginia §24.2-452(1) (defining "covered voters").
[119] *Id.*
[120] *Id.*

- "An overseas voter who, before leaving the United States, was last eligible to vote in this state and, except for a state residency requirement, […] satisfies this state's voter eligibility requirements;"[121]
- "An overseas voter who, before leaving the United States, would have been last eligible to vote in this state had the voter been of voting age and, except for a state residency requirement, […] satisfies this state's voter eligibility requirements;"[122]
- "An overseas voter who was born outside the United States, is not described in [the bullets above] and, except for a state residency requirement, […] satisfies this state's voter eligibility requirements, if:"[123]
    - "The last place where a parent or legal guardian of the voter was, or […] would have been, eligible to vote before leaving the United States is within this state; and"[124]
    - "The voter has not previously registered to vote in any other state."[125]

7.7.3.4 *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.[126] A qualified absentee voter who is eligible for an absentee ballot under subdivision 2 of §24.2-700 may use a federal write-in absentee ballot in any election.[127] 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.[128] 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.[129] 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 can be accepted; if unregistered overseas citizen, FWAB is valid as registration for future elections only.[130]

7.7.3.5 *FWAB Mailing Deadlines Allowed*

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.[131] The FWAB

[121] *Id.*
[122] *Id.*
[123] *Id.*
[124] *Id.*
[125] See the Code of Virginia §24.2-452(1).
[126] See 52 USC §20303.
[127] See the Code of Virginia §24.2-702.1.
[128] See the Code of Virginia §§24.2-457 and 24.2-458.
[129] See Department of Elections website and FVAP Virginia Voting Assistance Guide.
[130] See the Code of Virginia §24.2-459.
[131] See 52 USC §20303.

instructions include addressing the voted ballot to the appropriate general registrar or Electoral Board.[132] FWABs may not be returned electronically as a voted ballot. 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.[133]

7.7.3.6 *How the FWAB is to be Mailed*

Remember the Code of Virginia §24.2-416.4 timely mailing rule if FWAB is used for registration. There is no five day hold for mailed applications from military and overseas applicants eligible under §24.2-700(2).[134]

- **Before Books Close:** "A covered voter may use the […] federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the [FWAB], if the declaration is received by the applicable deadline for registration."[135] This means that accepting a completed FWAB received by the ***registration*** deadline is timely for registration, absentee ballot application, and voted ballot.
- **After Books Close:** "If the [completed FWAB] is received after [the registration deadline], it must be treated as an application to register to vote for subsequent elections."[136] This means that accepting a completed FWAB received by the deadline for returning ballots (7 pm on Election Day) is timely for registration, absentee ballot application and voted ballot **only if** the applicant is eligible for late registration.[137] You can accept 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.[138]

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[132] See the Code of Virginia §24.2-462.
[133] See the Code of Virginia §§24.2-702.1 and 24.2-707; see *also* FVAP Virginia Voting Assistance Guide.
[134] See the Code of Virginia §§24.2-416.4 and 24.2-706.
[135] See the Code of Virginia §24.2-457(B).
[136] *Id.*
[137] See the Code of Virginia §24.2-419 (addressing late military registration).
[138] See the Code of Virginia §24.2-702.1.

Regulation Note

1VAC20-45-40: Material Omissions from Federal Write-in Absentee Ballots. Timely received FWAB applications are not valid unless an omission from the application is material. In order to be accepted as timely, the applicant must meet the applicable registration deadline, but §24.2-419 extends the mail in deadline for certain military applicants (20-45-40(B)).

The following are **always considered material omissions**; any application containing these omissions are invalid: the applicant did not sign or check the assistance box, the witness did not sign, there is no declaration/application page, information on the declaration/application page needed to determine the voter's identity or eligibility, which may include, but is not limited to, current military or overseas address.

The following are **immaterial omissions** that **do not render the application invalid**: not listing the applicant's name as "Last, First, Middle," listing a middle initial or maiden name instead of a full middle name, omitting the street identifier, such as "Street" or "Avenue", the county, city or zip code if the locality is clearly identifiable based on the address given, omitting the date the voter signed the ballot, omitting the address of the witness (20-45-40(D)(7)), omitting the date the witness signed the ballot (20-45-40(D)(8)), not sealing the ballot in the security envelope, so long as the outside envelope containing the ballot and declaration/affirmation page was sealed (20-45-40(D)(9)), and submitting a ballot containing offices or issues for which he is not eligible (20-45-40(D)(10)).

7.7.3.7 *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."

7.7.3.8 *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.

Table 1—Instructions for Processing FWABs Alone		
Description	**Action to Take with FWAB**	**Code**
Applicant is registered or meets applicable registration deadline and FWAB is received by the deadline for returning ballots.	• 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. • Enter declarations that have made the applicable deadline for permanent registration[139] • Enter the FWAB as both AB Application and a received ballot. • Indicate the date, time received and the precinct code. • Indicate Congressional, Senate and House as needed. • Send FWAB to CAP or appropriate precinct on Election Day. • **No further ballots are issued under the FWAB.**	§24.2-416 §24.2-419 §24.2-702.1
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).	• FWAB is eligible for registration; FWAB ballot not counted and no ballot sent without FPCA. • Keep original FWAB and make one or two copies of the FWAB Voter Declaration page for denied absentee application. • Write "VOID" on the original FWAB. • Place the ballot in the "Federal Write-In Absentee Ballots Voided" (SBE-FED) envelope for your locality. • Within 90 days of rejection, electoral board must "send a written explanation of the reason for rejection of an absentee ballot to the voter whose absentee ballot was rejected" (e.g., no timely registration application, ballot received after election, etc.).[140] • The FWAB is effective for registration after the election. • Voter must submit a new FPCA in order to request ballots for future elections.	§24.2-416 §24.2-419 §24.2-702.1

[139] See the Code of Virginia §§24.2-457(B) and 24.2-458(D).
[140] See the Code of Virginia §24.2-711.1.

Table 2—FPCA and FWAB for Same Applicant—Ballot Issuance			
Description	**Action to Take with FPCA**	**Action to Take with FWAB**	**Code**
FPCA and FWAB are received together and meet Absentee Ballot Application deadline, and applicant is registered or meets applicable registration deadline.	• Process as AB Application. • Issue regular state absentee ballot, full or federal only, depending on registration status.	• Hold the FWAB until Election Day to allow time for the state ballot to be returned. • 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.	§24.2-702.1 §24.2-703 §24.2-706
Neither FPCA nor FWAB meets applicable registration deadline and voter is *not* eligible for late registration (e.g., a FWAB is received for unregistered overseas citizen after COB deadline).	• FPCA is not eligible for this election. • Retain FPCA to process after the election. After the Election • If not registered, use FPCA for registration. • Process FPCA as AB Application for future elections. • This application will continue as an ongoing AB Application for statutory period.	• FWAB is *not* eligible for registration, Absentee Ballot Application or voted ballot for current election. • Keep original FWAB and make one or two copies of the FWAB Voter Declaration page to keep for registration and denied absentee application. • Write "void" on the original FWAB going with ballot. • Place the ballot in the "Federal Write-In Absentee Ballots Voided" (SBE-FED) envelope for your locality. • Within 90 days of rejection, electoral board must "send a written explanation of the reason for rejection of an absentee ballot to the voter whose absentee ballot was rejected" (e.g., no timely registration application, ballot received after election, etc.).[141]	§24.2-416 §24.2-419 §24.2-702.1 §24.2-703
FPCA and FWAB are received together but FPCA has NOT met regular AB Application deadline (7 days prior to Election Day).	• FPCA not eligible for this election • Retain FPCA to process after the election. After the Election: • If not registered, use FPCA for registration. • Process FPCA as AB Application for future elections. • This application will continue as an ongoing AB Application for statutory period.	If voter is registered or eligible for late registration: • Process FWAB as AB Application and as a voted ballot. • *Do not* send a state ballot. If voter is not registered: • Follow instructions under "Does not meet applicable registration deadline" found above.	§24.2-702.1 §24.2-703

[141] See the Code of Virginia §24.2-711.1.

Table 3—State Ballot Issued and FWAB Received for Same Applicant Before Election—Counting Ballots			
Description	**Action to Take with State Ballot**	**Action to Take with FWAB**	**Code**
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).	• Enter the state ballot as received, selecting "Marked" as the ballot status. • Send state ballot to CAP or appropriate precinct on Election Day.	• Write "VOID" on the FWAB. • Place the FWAB in the "Federal Write-In Absentee Ballots Voided" (SBE-FED) envelope for your locality.	§24.2-702.1 §24.2-703 52 USC §20303
Regular state ballot was issued but *not* received; only FWAB was received by deadline for returning ballots.	• No action needed	• Enter FWAB ballot as received, using the edit function. • Select "FWAB" as the ballot status. • Indicate the date, time received and precinct code. • Indicate Congressional, Senate and House as needed. • Place this ballot with all other ballots for the precinct.	§24.2-702.1 §24.2-709 52 USC §20303

Table 4—FWAB Received After Election		
State Ballot Sent on Time		
Description	**Action to Take with FWAB**	**Code**
FWAB is received after the election but VERIS shows state ballot was issued and received as a voted ballot.	• No action needed for FWAB as state ballot was already received. • Place the FWAB in envelope labeled "Ballots Received after Election" for Clerk of the Court.	§24.2-710
FWAB is received after the election but VERIS shows state ballot was issued on time but was *not* received as a voted ballot.	• **Best Practice:** 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. • Rejecting the ballot will allow the voter to check the status of the FWAB on the Department of Elections website after the election. • Place the FWAB in envelope labeled "Ballots Received after Election" for Clerk of the Court.	§24.2-710
State Ballot NOT Sent on Time		
Original state ballot requested by FPCA or ELECT-701 on or before, but *not* sent by, the 45-day deadline. State ballot NOT returned, only FWAB is received after election	• FWAB is received before 5 pm on the second business day before the State Board of Elections meets to ascertain the results of the election. • Process as a received "FWAB" ballot using the edit function on the ballot line. • Count FWAB or reject for material omission.[142]	§24.2-612 §24.2-709(B)
NO State Ballot Sent		
FWAB is received after the election and VERIS shows **NO** state ballot was issued.	• The FWAB is effective for registration after the election. • Voter must submit FPCA in order to request ballots for future elections. • **Best Practice:** Inform voter that FWAB was received after the election and that a FPCA must be submitted to request ballots for future elections. • Place the ballot in envelope labeled "Ballots Received after Election" for Clerk of the Court.	§24.2-702.1 §24.2-710

[142] See the Virginia Administrative Code 1VAC20-45-40.

7.7.4 Annual Absentee Ballot Application (Disabled or Ill Voter ELECT-703.1; Reason Code 2A or 2C)

7.7.4.1 *In General*

"Any person who is eligible for an absentee ballot [due to] disability or illness and who is likely to remain [incapacitated] for the remainder of the calendar year [is] eligible to file a special annual application to receive ballots for all elections in which he [or she] is eligible to vote in a calendar year."[143]

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

7.7.4.2 *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.[144] The "first such application [must] be accompanied by a [form that is] signed by the voter and his physician, provider as defined in §37.2-403, or accredited religious practitioner, that the voter is eligible for an absentee ballot."[145] The voter must apply annually.[146]

7.7.4.3 *Registrar Requirements*

- Keep the original certified application on file indefinitely.
- "The general registrar [must] send each such enrolled applicant a blank application by December 15 for each ensuing calendar year."[147]
- "If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable […] no ballot for any subsequent election [should] be sent to the voter until a new application is filed and accepted.[148]

7.7.4.4 *Processing the Application*

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

- Part A: Absentee Voter's Statement
  - Voter's county or city of residence;[149]
  - Has a disability or illness likely to continue;[150]
  - Calendar year in which applying;
  - Party affiliation, if any
    - If neither party is checked, ballots for primaries will not be sent;[151]
  - Whether assistance is needed;[152]
  - Where to mail the ballot;[153]
  - Printed name and address, last four digits of the SSN, and signature[154]

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[143] See the Code of Virginia §24.2-703.1.
[144] See the Code of Virginia §24.2-703.1.
[145] *Id.*
[146] *Id.*
[147] *Id.*
[148] *Id.*
[149] See the Code of Virginia §24.2-701(C)(6).
[150] See the Code of Virginia §§24.2-701(C)(6) and 24.2-703.1.
[151] See the Code of Virginia §24.2-703.1.
[152] See the Code of Virginia §24.2-704.
[153] See the Code of Virginia §24.2-701(C)(6).
[154] *Id.*

- "No action undertaken to fulfill any requirement [...] to register or vote [is] valid or complete when the action is based on the exercise of a power of attorney."[155]
- "No ballot [can] be sent to, or in care of, any other person."[156]

- Part B: Assistant's Statement (only if required)
  - Assistant's full name, residence address and signature;[157]
  - Voter unable to sign, if applicable.[158]
- Part C: Statement of Disability or Illness (Required for FIRST Annual Application only)[159]
  - Printed name of person certifying the disability or illness;
  - Signature of person certifying, date and phone number;
  - Signer must select his/her title.
- Part D: Change of Address
  - Look up 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.

7.7.4.5 *Activating Ongoing Applications*

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. 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.

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[155] See the Code of Virginia §24.2-123.
[156] See the Code of Virginia §24.2-701(C)(3).
[157] See the Code of Virginia §24.2-704.
[158] *Id.*
[159] See the Code of Virginia §24.2-703.1.

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.[160]
- 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.

7.7.5 Emergency Absentee Ballot Application (Hospitalized or Otherwise Incapacitated Voter ELECT-705; On Green Paper)

7.7.5.1 *In General*

"Any person registered and otherwise qualified to vote who becomes incapacitated on or after the seventh day preceding an election may request at any time prior to 2:00 p.m. on the day preceding the election that an emergency absentee ballot application be delivered to him."[161] Also, "a voter who becomes hospitalized on or after the fourteenth day preceding the election and who is unable […] to request an absentee ballot earlier than the seventh day preceding the election may request […]that an emergency absentee ballot be delivered to him."[162]

7.7.5.2 *Eligibility*

- Voter or designated representative must request the application be delivered to him or her "prior to 2:00 p.m. on the day before an election."[163]
- Voter became ill or incapacitated on or after the 7th day preceding the election.[164]
- Voter became hospitalized on or after the 14th day preceding the election, but has been unable, due to her condition, to request an absentee ballot earlier than the 7th day before an election and is still in the hospital.[165]
- "For purposes of this section 'incapacitated' means :
  - Hospitalized[166]
  - Ill and confined to his residence
  - Bereaved by the death of a spouse, child, or parent

[160] See the Code of Virginia §24.2-612.
[161] See the Code of Virginia §24.2-705.
[162] *Id.*
[163] *Id.*
[164] *Id.*
[165] *Id.*
[166] See full definition of "hospital" below.

- Otherwise incapacitated by an emergency which is found by the general registrar to justify providing an emergency ballot application."[167] 2015 legislation reassigned this responsibility from the electoral board to the general registrar.[168]

7.7.5.3 *Definition of a Hospital*

"Hospital," for purposes of this section, means a hospital "as defined in §§32.1-123 or 37.2-100 and any comparable hospital in the District of Columbia or any state contiguous to Virginia.[169]

- In §32.1-123, "hospital" is defined as any licensed facility "in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals," including hospitals known by varying names or designations, such as children's hospitals, sanatoriums, and outpatient surgical hospitals.[170]
- "Hospital", as defined in §37.2-100, "means a state hospital and a licensed hospital that provides care and treatment for persons with mental illness."[171]

7.7.5.4 *Request for Emergency Absentee Ballot Application (ELECT-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.[172] The designated representative must "be age eighteen or older and [cannot] be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate."[173]

- "On receipt of the request, the general registrar shall provide an emergency absentee ballot application to the incapacitated voter's designated representative who [will] deliver the application to the voter."[174]
- The *Emergency Absentee Application* (ELECT-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.[175]

7.7.5.5 *Return of Completed Application*

"On receipt of the completed application and a determination of the qualification of the applicant to vote, the general registrar shall provide, in accordance with the applicable provisions of this chapter, an absentee ballot to the designated representative for delivery to the incapacitated voter."[176]

- The general registrar must verify the following:[177]

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[167] See the Code of Virginia §24.2-705.
[168] See H.B. 1433, Gen. Assemb., 2015 Sess. (Va. 2015).
[169] See the Code of Virginia §24.2-705.
[170] See the Code of Virginia §32.1-123.
[171] See the Code of Virginia §37.2-100.
[172] *Id.*
[173] See the Code of Virginia §24.2-705.
[174] *Id.*
[175] See the Code of Virginia §24.2-705.
[176] *Id.*
[177] *Id.*

- That the applicant is a qualified voter;
- That the name of the designated representative is listed;
- That the completed application is received "no 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 administrative official, a licensed physician attending the applicant, or [mental health] provider" if applicant is hospitalized.[178]
  - "A licensed physician, [mental health] provider […], or an accredited religious practitioner" if applicant is ill and confined to his/her residence.[179]
  - "A licensed physician, an accredited religious practitioner, or a funeral service licensee," if the applicant is bereaved.[180]
  - **NOTE:** "If the voter is otherwise incapacitated as determined by the general registrar, the general registrar shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day." In this case, the certificate portion of the form is signed by the general registrar.[181]
- 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.

7.7.5.6 *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* (ELECT-705(2)).
- 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 general registrar's office prior to 7:00 pm on Election Day.
- Enclose a *Request for Assistance* (ELECT-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 (ELECT-710-Supp).

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[178] *Id.*
[179] *Id.*
[180] *Id.*
[181] *Id.*

7.7.5.7 *Statement of Designated Representative*

Upon returning the absentee ballot, the representative must complete the *Statement of Designated Representative of Hospitalized or Incapacitated Voter (Green)* (ELECT-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.

7.7.5.8 *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.

7.7.5.9 *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*" (ELECT-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.

7.7.5.10 *Delivery of Ballots*

"The ballot shall be counted only if the ballot is received by the general registrar prior to the close of polls, and the general registrar shall deliver the ballot to the officers of election at each appropriate precinct."[182] (ELECT-710 Supp). "Before the polls close on [election day], the electoral board [must] deliver the absentee ballot containers to, and obtain receipt from, the officers of election at each appropriate precinct."[183] "Any ballot returned to the electoral board or general registrar prior to the closing of the polls, but

[182] See the Code of Virginia §24.2-705.
[183] See the Code of Virginia §24.2-710.

after the ballot container has been delivered, [must] be delivered in an appropriate container to the officers of election at each appropriate precinct."[184]

7.7.6 Emergency Absentee Ballot Application (Emergency Travel for Business, Hospitalization or Death in Immediate Family and Late Assignment of Election Officer ELECT-705.1; Buff/Cream Paper)

7.7.6.1 *Eligibility*

"Any person registered and otherwise qualified to vote who becomes obligated after 12:00 noon on the Saturday before an election to be absent from his county or city on election day" may be eligible.[185]

7.7.6.2 *Qualifying Reasons*

- 1C or 1F: Voter will be absent on "business, profession or occupation;"[186]
- 1D: "Death of a member of [voter's] immediate family;"[187]
- 2A: Voter or a member of voter's immediate family has been hospitalized;[188]
- 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.[189]

✱ **"Immediate family"** means the children including adopted children, grandchildren, grandparents, parents, legal guardian, siblings, whether whole or half blood, and spouse of the applicant."[190] **"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.[191]

Note: the general registrar may also determine an emergency qualifies under the "otherwise incapacitated" provision of §24.2-705.

7.7.6.3 *Voter Requirements*

"The applicant [must apply] in person for an absentee ballot on the Monday immediately preceding the election, before 2:00 p.m., at the principal office of the registrar."[192] Complete and sign the *Emergency Absentee Ballot Application Travel* (ELECT 705.1).[193] Vote absentee in-person.

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[184] *Id.*
[185] See the Code of Virginia §24.2-705.1.
[186] See the Code of Virginia §24.2-705.1.; *see also* the Virginia Department of Elections website on absentee voting.
[187] *Id.*
[188] See the Code of Virginia §24.2-705.1; *see also* the Virginia Department of Elections website on absentee voting.
[189] See the Code of Virginia §24.2-705.2..
[190] See the Code of Virginia §24.2-705.1.
[191] *Id.*
[192] *Id.*
[193] See the Code of Virginia §§24.2-705.1 and 24.2-705.2.

7.7.6.4 *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.

7.7.7 Mailing Absentee Ballots

7.7.7.1 *In General*

"The general registrar [must] make printed [absentee] ballots available [...] not later than 45 days prior to any election or within three business days of the receipt of a properly completed absentee ballot application, whichever is later."[194]

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.
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.

VERIS
VERIS reports are used for processing ballots for applications previously entered. Reports can be scheduled one time, daily, weekly, or monthly.

- 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.

[194] See the Code of Virginia §24.2-612.

7.7.7.2 *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 (ELECT-706-4).
- Seal the ballot set in the *Ballot Within Envelope A* (ELECT-706-1).
- Use *Envelope B - Statement of Voter* - for which there are two versions:
  - UOCAVA (for UOCAVA voters only).[195]
  - Statement of Voter (for all voters other than UOCAVA). (ELECT-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.

7.7.7.3 *Special Forms that may also be Included*

- *Request for Assistance Form* if needed (ELECT-649(AB))
- *HAVA ID Form* if needed (ELECT-HAVA-1)
- FPCA if needed[196]

7.7.7.4 *Certificate of Mailing*

- Print labels first
- Printing labels generates the "Certificate of Mailing"

7.7.7.5 *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 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. USPS will stamp the "Certificate of Mailing" as proof that the ballots were mailed.

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[195] See 52 USC §20302(b).

[196] See the Code of Virginia §24.2-706(5).

NOTE — the Code of Virginia authorizes expedited mailing of ballots through commercial carriers other than USPS and authorizes use of alternative forms of evidence of mailing that may be less costly such as intelligent mail bar coding. Work with your local administration and USPS on economies that may be available to lower absentee mailing costs.[197]

7.7.8 Emailing or Faxing the Ballots

The general registrar 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.[198]

7.7.8.1 *Procedures*

- Only UOCAVA voters may request ballots emailed or faxed.[199]
- 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.[200]
- Proof your daily email/fax ballot applications against the "Daily Absentee Applicants" or "Daily Absentee Ballots" list.
- 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.

7.7.8.2 *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[201]

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[197] See the Code of Virginia §24.2-706.
[198] *Id.*
[199] *Id.*
[200] *Id.*
[201] See the Code of Virginia §24.2-706(5).

7.8 VOTING ABSENTEE IN-PERSON

7.8.1 In General

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.[202]

- 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.[203]

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.[204]

Virginia law prohibits persons registering to vote in person from also voting absentee in person at the same time; "an application that is completed in person at the same time that the applicant registers to vote [must] be held and processed no sooner than the fifth day after the date that the applicant registered to vote."[205]

EXCEPTION: This **five-day waiting period does not apply to "covered" military and overseas voters voting absentee under §24.2-700(2).**[206]

7.8.2 Completing the Absentee Application for Voting In-Person

During the 2018 Legislative Session, the General Assembly removed the requirement for in-person absentee voters to include the last four digits of their social on the application.

Have the voter complete the *In-Person Virginia Absentee Ballot Application.* Provide assistance if necessary. Each application must contain the following:

- "The applicant's printed name, and the reason the applicant will be absent or cannot vote at his polling place on [election day];"[207]
- No mailing address is needed
- Voter needs assistance. If checked, indicate that in VERIS and be sure to give the voter a *Request for Assistance in Voting an Absentee Ballot* form (ELECT-649 AB)
- Applicant's signature, a date and residence address

[202] See Chapter 13 Provisional Ballots.
[203] See Chapter 3 Precinct or Polling Place Requirements and Procedures (discussing polling places).
[204] See Chapter 13 Provisional Ballots (discussing provisional voting).
[205] See the Code of Virginia §24.2-701.
[206] See the Code of Virginia §24.2-452.
[207] See the Code of Virginia §24.2-701.

7.8.2.1 *Procedures*

In-Person absentee voting may begin as soon as ballots are available.[208] The deadline to vote in person is close of business on the Saturday before the election.[209] Any eligible applicant may vote at the time of application, so long as ballots are ready.[210] The voter may choose to have ballot mailed, if mail application deadline has not passed.[211] If the voter's address has changed, refer to Change of Address Section for examples.

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.[212]
- Look up voter in VERIS to determine if the applicant is registered in your locality and at the address provided on the application.[213]
- Compare the information on the application with the data recorded in VERIS.[214]
- 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 marked to request assistance, 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.
- Just like on Election Day, if the voter is in line to vote in-person absentee when the General Registrar's office (or other location used for absentee voting) closes, the voter must be allowed to vote.

7.8.3 Voting Machines Used for Absentee Voting

- Follow the proper control procedures established for the equipment used in your locality.
- Provide the voter with a private place to vote.
- 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"

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[208] See the Code of Virginia §24.2-706.
[209] See the Code of Virginia §§24.2-705.1 and 24.2-705.2.
[210] See the Code of Virginia §24.2-706.
[211] See the Code of Virginia §24.2-419.
[212] See the Code of Virginia §24.2-706; *see also* Chapter 17 Provisional Ballots for acceptable ID changes and provisional voting for lack of acceptable ID and other reasons.
[213] See Late Voter Registration (describing eligibility for late registration).
[214] See Change of Address (describing procedures when information is inconsistent).

- Ballot status = "On Machine"

7.8.4 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.

7.8.5 Voter Listed as an Absentee Voter Comes to Vote in Person

7.8.5.1 *In General*

A voter who has already been issued an absentee ballot might come to the general registrar's office before Election Day, or to the Central Absentee Precinct (CAP) or regular precinct polling place on Election Day. 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.

To void a ballot, a general registrar or officer of election should mark the ballot as spoiled. 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.[215]
- If the absentee voter brings a voted ballot, he may ask the officer to void his absentee ballot and vote normally.[216]

[215] See the Code of Virginia §24.2-708.
[216] *Id.*

- 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.[217]
- 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.[218] This action can be noted on the SOR.

7.8.5.2 *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.
    - Look up 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.

* 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)
  - Look up 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* (ELECT-701) along with the *Statement of Voter* form (*Gold Form,* ELECT-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.

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

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[217] *Id.*

[218] See the Code of Virginia §24.2-709.

7.9 CHANGE OF ADDRESS ISSUES FOR IN-PERSON VOTERS

7.9.1 In General

The action to be taken depends 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.

- "A person who is qualified to vote except for having moved his residence from one precinct to another within the Commonwealth may vote in the precinct from which he has moved […] unless his registration has been transferred or cancelled as provided in" the Code of Virginia Chapter 4.[219]
- "A person may continue to vote in the precinct from which he has moved [for a limited period of time], provided that:
  - He has moved his residence from one precinct to another in the same registrar's jurisdiction and the same congressional district;
  - He has failed to respond to the notice provided […];
  - His registration has not been transferred or cancelled […];
  - He has affirmed […] his new address before an officer of election."[220]

7.9.2 The Voter has Moved to a New Address within Your Locality

7.9.2.1 *Application Received before the Books Close*

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

7.9.2.2 *Application Received after the Books Close*

- Do not change address in VERIS.
- If the voter meets the moving conditions, process the *AB Application* using the old address.[221]
  - 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.

7.9.3 The Voter has Moved to a New Address Within Your Locality but is Registered in Another Virginia Locality

7.9.3.1 *Before the Books Close*

- Voter should complete the name and address portions of the *Virginia Voter Registration Application* for his/her new address or otherwise provide the relevant address change information.

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[219] See the Code of Virginia §24.2-401.
[220] *Id.*
[221] See the Code of Virginia §24.2-401 (describing the moving conditions).

- 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.

7.9.3.2 *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, or offer another means for the voter to change her address.
- 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.

7.9.4 The Voter has Moved to a New Address in Another State

- The *AB Application* should be denied and his/her voter registration cancelled.
- The signed *AB Application* is your authorization to cancel the voter.

Exception for Presidential elections only: "A person who is qualified to vote except for having moved his residence from the Commonwealth after the [30th] day preceding a presidential election may vote in the precinct from which he has moved only in that election and only for [the offices of President and Vice President]."[222]

- 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.

7.9.5 The Voter has Moved to your Locality, but VERIS Flags a Warning that the Voter has been Issued a Ballot from his old Locality

7.9.5.1 *Application Received Before the Books Closed*

- 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 normally in new locality because ballot has already been cast. However, if the voter denies having voted, then a provisional ballot must be offered.
  - 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 or provide another method of address change.

[222] See the Code of Virginia §24.2-402.

7.9.5.2 *Application to Vote In-Person Received After the Books Close from Applicant not Eligible for Late Registration*

Voter cannot vote in new locality because registration has closed until after the election. Advise voter he may return to vote in old locality if eligible under moved voter rules or provisionally. If voter insists eligible in new locality, offer a provisional ballot.

PART TWO: UNIFORMED, OVERSEAS CITIZEN VOTERS

7.10 VOTERS FLAGGED IN VERIS – UOCAVA

7.10.1 In General

A UOCAVA 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 UOCAVA 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* (ELECT-701) is entered as an absentee ballot request using a reason code of 6A – 6D.

A UOCAVA 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 UOCAVA flag still shows.
- If an ELECT-701 AB Application is used, with a reason code of 6A – 6D, the UOCAVA flag is not automatically deleted after the election, even though the application is a one-time use only.

The UOCAVA flag is not automatically removed.

7.10.2 UOCAVA Voter Comes to Vote Absentee in Person before Books Close

7.10.2.1 *UOCAVA, 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 or provide another means for the voter to update her address.
  - Update the voter's record in VERIS.
  - Be certain to remove the UOCAVA flag.
  - Have voter complete an *AB Application* (ELECT-701) for the current election.
  - Allow the voter to vote routinely.
- If "no," do the following:
  - Have voter complete an *AB Application* (ELECT-701) for the current election.
  - Have voter complete a new FPCA for future elections.
  - Voter may now proceed to vote routinely.

7.10.2.2 *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 provide another means for the voter to update her address.
- Be certain to remove the UOCAVA flag.
- Have voter complete an *AB Application* (ELECT-701) along with the S*tatement 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 UOCAVA 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 or provide another means for the voter to update her address.
    - Be certain to remove the UOCAVA 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 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.

7.10.3 UOCAVA Voter Comes to Vote Absentee in Person after Books Close

For the applicable actions, determine which scenario is best suited to the voter from UOCAVA Voter Comes to Vote Absentee in Person before Books Close (§7.8.2) 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.[223]
    - 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.

7.11 UOCAVA VOTERS' LATE VOTER REGISTRATION (AFTER BOOKS CLOSE)

7.11.1 Eligibility

- "Any member of a uniformed service of the United States, as defined in §24.2-452, who is on active duty;"[224]
- "Any person who resides temporarily outside of the United States;"[225]
- "Any spouse or dependent residing with a person listed [above]."[226]
    - These individuals may apply by mail[227] or in-person.

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[223] See the Code of Virginia §24.2-420.1.
[224] See the Code of Virginia §§24.2-419 and 24.2-201.
[225] *Id.*
[226] *Id.*
[227] See the Code of Virginia §§24.2-419 and 24.2-201.

  - Registration on the FPCA also serves as an absentee ballot application.[228]
- "Any person who was on active duty as a member of a uniformed service […] and discharged from the uniformed service during the sixty days immediately preceding the election, and his spouse or dependent."[229]
  - These individuals must apply in person to register late.
- Persons who, by reason of active duty or temporary overseas residence who are "normally absent from the city or county in which they reside or […] have been absent from such city or county and returned to reside there during the twenty-eight days […] preceding the election."[230]
  - These individuals must apply in person to register late.

7.11.2 Date of Registration

Persons eligible for late voter registration may "be entitled to register in person up to and including the day of the election."[231] They must be given a date of registration equal to the final day of registration.

[228] See the Code of Virginia §24.2-419.
[229] See the Code of Virginia §24.2-420.1.
[230] *Id.*
[231] *Id.*

PART THREE: ELECTION DAY

7.12 VOTER NEEDS ASSISTANCE AT CENTRAL 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 (ELECT-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. "If [the voter] is unable to read and write or disabled for any cause other than blindness, [he or she] may designate an officer of election or some other person to assist […] other than the voter's employer or agent of that employer, or officer […] of the voter's union."[232]
- A blind voter may "designate an officer of election or any other person to assist him."[233]
- "In any precinct in which an electronic voting machine is available that provides an audio ballot, the officers of election shall notify a voter requiring assistance […] that such machine is available for him [or her] to use to vote in privacy without assistance."[234] However, 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.[235]
- ""Neutral observers" or "authorized representatives" from the party/candidate at the polling place "**shall not be allowed** in any case to provide assistance to any voter […] or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place."[236]
- If a voter requests that her ballot be translated and has not designated an individual to assist her take the following steps:
  - "An officer of election, before he assists as interpreter, [must] inquire of the representatives authorized to be present […] whether they have a volunteer available who can interpret for the voter."[237]
    - However, 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.[238]
  - "The voter may designate one of the volunteer party or candidate interpreters to provide assistance."[239]
  - Whoever assists must be qualified to assist and must complete the necessary parts of *Request for Assistance* form.

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[232] See the Code of Virginia §24.2-649(B).
[233] *Id.*
[234] See the Code of Virginia §24.2-649(E).
[235] See the Code of Virginia §24.2-649(B).
[236] See the Code of Virginia §§24.2-604(C),(I).
[237] See the Code of Virginia §24.2-649(C).
[238] *Id.*
[239] *Id.*

- If voter denies assistance, he/she must cancel the request on the *Request for Assistance* form.

7.13 CURBSIDE VOTING ON ELECTION DAY

Any voter age 65 or older or physically disabled may request and then shall be handed a printed ballot by an officer of election outside the polling place but within 150 feet of the entrance to the polling place" so long as he or she is otherwise qualified to vote absentee for reasons listed in §24.2-700.[240]

- 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 voter.

7.13.1 Voting on Paper

7.13.1.1 *The Packet*

- Prepare curbside voting materials in advance. The curbside voting packet should include:
  - *In-Person 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);.[241]
  - "I Voted" sticker.

7.13.1.2 *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* (ELECT-701).
- Verify his/her identification. If no acceptable photo identification, voter can only vote provisionally.[242]
- 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.

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[240] See the Code of Virginia §24.2-649(A).
[241] See Chapter 13 Provisional Ballots.
[242] See Chapter 13 Provisional Ballots for details.

  - 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* (ELECT-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.[243]
- Once you have determined that the voter is eligible to vote in a 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 the printed ballot in [your] presence but in a secret manner and, obscuring his [or her] vote," insert the ballot into Envelope B.[244]
- 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.

[243] See Chapter 13 Provisional Ballots (discussing provisional voting).
[244] See the Code of Virginia §24.2-649(A).

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.

- 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 or create your own to notify the voter.

PART FOUR: PROCESSING ABSENTEE BALLOTS

7.14 RECEIPT OF MAILED VOTED BALLOTS

7.14.1 In General

Voted absentee ballots may only be returned by mail or in person by the voter or a commercial delivery service.[245]

- Voted absentee ballots may not be returned by "a personal courier service or another individual except as provided by §§24.2-703.2 and 24.2-705."[246]
- 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.[247]

- Voted ballots must be returned to the general registrar before the closing of the polls on Election Day.[248] Any ballot found abandoned at the polling place must be rejected.

7.14.2 Receipt of the Ballot – Marked or Unmarked

- Complete the office 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" even if there are no marks on the ballot.
  - A ballot returned as "*UNDELIVERABLE*" is *unused* with a ballot status of "Unmarked."

* **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.

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[245] See the Code of Virginia §24.2-707.
[246] *Id.*
[247] See the Code of Virginia §§24.2-703.2 and 24.2-705.
[248] See the Code of Virginia §24.2-709.

"A voter who has returned his unused ballot before the day of the election [is[entitled to vote a regular ballot in person on election day at his proper polling place or at a central absentee voter precinct."[249]

7.14.3 UOCAVA Voters with Ongoing 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, ELECT recommends you 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.

7.15 ISSUING REPLACEMENT BALLOTS

7.15.1 Ballot not Received or Lost (Statement of Voter Form (ELECT-708)"

7.15.1.1 *In General*

- "If for any reason a person who has applied for and has been sent an absentee ballot does not receive the ballot or loses the ballot, he [is] entitled to cast another ballot."[250]
- The voter must complete the *Statement of Voter* form (ELECT-708).[251]
- 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, omission of that document may be material if the omission prevents determining eligibility;[252] provisional treatment may be needed if it cannot be determined whether the voter has already voted.[253]

7.15.1.2 *The Process*

- The voter must attest to the following information on the *Statement of Voter* form:[254]
  - Full legal name.
  - A choice of ballot not received or ballot lost or defaced.

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[249] See the Code of Virginia §24.2-708.
[250] *Id.*
[251] *Id.*
[252] See the Virginia Administrative Code 1VAC20-70-20.
[253] See the Code of Virginia §24.2-651.1.
[254] See ELECT-708.

  - 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 unless voting in-person).
  - The voter *must* sign the form or request assistance.
  - 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.

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*.

7.15.2 Ballot not received or Lost by Disabled, Ill, or Pregnant Voter Designated Representative (Statement of Disabled, Ill, or Pregnant Voter Form (ELECT-703.2(1))

7.15.2.1 *In General*

- An absentee voter who is disabled, ill or 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 (ELECT-703.2(1)).[255]
- If time allows for the routine replacement ballot process using the *Gold Form*, designating a representative may not be necessary.

7.15.2.2 *Conditions for Using*

"A voter seeking to cast an absentee ballot may obtain a replacement absentee ballot subject to the following conditions:

- The voter applied for an absentee ballot under subdivision 4 of §24.2-700 because of a disability or illness [2A or 2C];
- The application was approved and an absentee ballot mailed to the voter.
- The voter did not receive or has lost the absentee ballot on or before the Saturday before the election."[256]

7.15.2.3 *Deadlines*

- "The voter may request a replacement absentee ballot by the close of business for the local elections office on the Saturday before election day."[257]
- The voter must "designate, in writing, a representative to obtain a replacement absentee ballot on his behalf […] and to return the […] ballot […] no later than the close of polls on the day of election for which the absentee ballot is valid."[258]

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[255] See the Code of Virginia §24.2-703.2..
[256] *Id.*
[257] See the Code of Virginia §24.2-703.2..
[258] *Id.*

7.15.2.4 *The Process*

- "The voter may request a replacement absentee ballot by the close of business for the local elections office on the Saturday before election day."[259]
- The voter must then designate a representative to obtain the replacement absentee ballot on his/her behalf.[260]
- "The representative [must] be age eighteen or older and [must] not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate."[261]
- 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:[262]
  - That the voter did not receive or has lost the requested ballot.[263]
  - 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.[264]
  - That the designated representative meets the age and other qualifications noted above.
- The representative will receive the *Statement of Designated Representative* form (ELECT-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 (ELECT-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 election for which the absentee ballot is valid" along with the *Statement of Designated Representative* form and *Request for Assistance* form, if used.[265]

* Statements on the *Statement of Designated Representative* form and *Request for Assistance* form are subject to felony penalties for making false statements.[266]

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[259] *Id.*
[260] *Id.*
[261] *Id.*
[262] *Id.*
[263] *Id.*
[264] See the Code of Virginia §24.2-401.
[265] See the Code of Virginia §24.2-703.2.
[266] See the Code of Virginia §24.2-1016.

7.16 PROCESSING BALLOTS BEFORE ELECTION DAY – EXPEDITED PROCEDURES

7.16.1 In General

The general registrar is responsible for determining what preprocessing of absentee ballots is needed before election day. Preprocessing extends to mailed ballots that are not optically scanned such as FWABs and ballots sent by email.[267] 2015 legislation effectively reassigns most absentee administration duties to the general registrar, subject to general supervisory oversight of the electoral board.[268]

Law Note
SB 960 (2017) codified the practice of **expedited counting** of absentee ballots returned by mail prior to election day, providing that **if** a general registrar has **opted to expedite** the counting of absentee ballots returned by mail by opening the sealed ballot envelopes, the requirement that the absentee ballot returned envelope and unopened ballot envelope be deposited into an appropriate container **does not apply**.

7.16.2 Steps Authorized

- Examine the Statement of Voter on Envelope B and note its completion.[269]
- Mark the pollbook or the absentee applicant list that the voter has voted.[270]
  - 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.[271]
  - 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.

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[267] See the Code of Virginia §24.2-709.1.
[268] See H.B. 1433, Gen. Assembly, 2015 Sess. (Va. 2015).
[269] See the Code of Virginia §24.2-709.1.
[270] *Id.*
[271] *Id.*

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.

- 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 to notify the voter.

Regulation Note

1VAC20-70-40: Alternative Processing Procedures for Absentee Ballots Returned Before Election Day. 20-70-40 states requirements general registrars must take when expediting counting absentee ballots returned before election day. General registrars are to: ensure that the general registrar staff follow all previously prescribed instructions for processing and verifying absentee ballots (1VAC20-70-40(1)), secure all absentee ballots at the end of each day following principles of dual custody and chain of control (1VAC20-70-40(2)), ensure that the staff are following the requirements of 24.2-709.1 including the requirement that at least 2 officers of election (one from each party plus one) be present (1VAC20-70-40(3)), and give notice to the local political party chairs of the time and place for processing absentee ballots with sufficient time to allow these party representatives to be present (1VAC20-70-40(4)).

7.17 UOCAVA BALLOTS RETURNED AFTER THE POLLS CLOSE

7.17.1 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 if all of the following circumstances are met:[272]

- The ballot was "received after the close of the polls on any election day"[273] and
- The ballot was "received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election"[274] and
- The ballot was "requested on or before but not sent by the deadline for making absentee ballots available under §24.2-612"[275] and
- The ballot was "cast by an absentee voter who is eligible for an absentee ballot under [§24.2-700(2)]."[276]

7.17.2 Actions to be Taken

If any ballots meet all of the above criteria, the electoral board must immediately notify the Commissioner 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 (ELECT-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.[277]

7.17.3 Procedure for Counting Late UOCAVA Ballots

Determine if any UOCAVA voters are entitled to vote and to have their late ballot counted.[278] 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*.

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[272] See the Code of Virginia §24.2-709.
[273] *Id.*
[274] *Id.*
[275] *Id.*
[276] *Id.*
[277] See the Code of Virginia §24.2-671.
[278] See the Code of Virginia §24.2-709.

Prepare an amended abstract for each office that was changed by the counted ballots.[279] All electoral board members must certify the amended abstracts.[280] The electoral board secretary must prepare attested copies of the amended abstract(s). Fax the amended abstracts immediately to the Commissioner 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.[281]

VERIS Step by Steps

1. Absentee Processing explains in detail how to process absentee ballots and applications.
2. Add-Update Voter explains how to update and/or add a voter.

For further assistance, contact VERIS help

[279] *Id.*
[280] *Id.*
[281] See the Code of Virginia §24.2-711.1.

VERIS Index

Use this index to find the VERIS related information in this chapter by clicking on the page number and section.

Virginia Absentee Ballot Application (ELECT-701)

- See section 7.4.1.

How to Process the FCPA (Federal Post Card Application)

- See section 7.4.2.7
  - Processing a properly Completed FCPA, see section 7.4.2.10.
  - Activating the Ongoing Application, see section 7.4.2.13.

How to process the Federal Write-In Absentee Ballot (FWAB) Application

- See section 7.4.4.4.
  - Activating Ongoing Applications, see section 7.4.4.5.

Entering Into VERIS

- See section 7.4.5.9.

Procedures for Completing the Absentee Application for Voting In-Person

- See section 7.5.2.1.

Voters Flagged in VERIS- Military, Overseas or Fed Only (UOCAVA)

- See section 7.6.

How to process Accessible Absentee Voting

- On paper, see section 7.7.1.2.
- On the DRE, see section 7.7.2.2.

Change of Address Issues for In-Person Voters

- See section 7.10.

Absentee Voting Reports

- See section 7.16.

APPENDIX A
ABSENTEE REPORTS IN VERIS

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.

Name of Report	Recommended Order of use	What it is	When to use & when to Run	Helpful Tips
Daily Absentee Applications List	1st	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
Ongoing Absentee Applications List	As needed	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
Generated Ongoing Absentee Ballots list	As needed	Contains list of ballots generated in the ongoing process. The list also contains the following: ballot sent method, application type, date, reason code, status change & returned date	After you generate your ongoing and before you set your ballot ready date.	Use as a reconciliation tool, to ensure that the ongoing applications eligible to vote in the selected election are listed
Daily Absentee Ballots List	2nd	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
Certificate of Mailing (COM)	3rd	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
Final Absentee Report	As needed	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
Final Absentee Totals	As needed	Contains the final absentee totals for the selected election (such as total count	As needed	Run after Ballot Ready Date has been entered. Prior to that,

Name of Report	Recommended Order of use	What it is	When to use & when to Run	Helpful Tips
		of applicants, unused ballots returned and marked ballots returned by precinct)		no data will be produced. A great report to reconcile totals with on a daily basis once mail out has begun
Cumulative Control Totals	As needed	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	
Public Absentee Applications List – Cumulative (with or without email add)	As needed	Public inspection list of all absentee applications for an election	As needed	
Issued Absentee Ballots List	As needed	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
Absentee Email Labels	As needed			
Approved Absentee Applications list	As needed	The report displays absentee applications that were approved for a specified election and locality		
Absentee Application statistics	As needed	Number of Absentee applications received within a specified date range.		
Cancelled Absentee Applications due to transfer	Once a week	Absentee applications that have been cancelled because they have been transferred		This is a cumulative list
Deleted Ballots	As needed	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.

APPENDIX B
FREQUENTLY ASKED ABSENTEE QUESTIONS

1. **When does a voter's FPCA expire?**
   An FPCA expires on December 31 of the following year from the date received (§24.2-703). All applications received during this year (2018) will expire 12/31/2019. The applicant can also choose to specify an earlier date to end the standing request. **In the event that a second federal postcard application is received from the voter, any previous applications are considered superseded and the duration of the most recently received application will apply.**

2. **If a voter was born Overseas to US citizens can she vote? If so what is her classification and what address do we use?**
   Yes, an adult born overseas to US citizens can vote! The classification is Federal Only unless the application notes that his/her parents are overseas for employment. Then the voter could qualify for a full ballot. The parents' last legal residence in the U.S. should be used. For more, see §24.2-456, which states that a voter who was born outside the United States to parents who were/are eligible to vote in Virginia must be assigned to the voting precinct of the address of the last place of residence in Virginia of the parent or legal guardian of the voter.

3. **If reason 6A is given and the person does not put "Branch of Service" but signs with signature, rank and branch of service, do I deny the AB application?**
   No, the application should not be denied. The information is provided with the signature.

4. **Does a registration for an FPCA Federal Only application expire at the same time the absentee ballot application expires?**
   No! Registration is now permanent. §24.2-442 used to require that a Fed Only voter's registration would expire at the end of the FPCA's term. This law was repealed in 2012 and replaced with the Uniformed Military and Overseas Voter's Act. §24.2-451.

5. **Can a full time "care taker" complete an Annual AB Application if the Doctor signs? (recently I have had this question a lot).**
   A full-time care taker cannot complete an Annual AB application if the Doctor signs unless the voter is disabled or ill. If the voter calls – let them know that they do not qualify for the annual. The doctor is certifying that the person on the application is unable to go to the polls because of a disability or illness and is likely to remain so for the remainder of the year.

6. **If on Item 2 the date of the election is not complete do I deny the AB application?**
   Do not deny the AB application if the date of the election is missing. If your locality is holding a primary election when you receive the application, try to call or email the voter to determine the election they are applying for if they marked a primary and general election box. If the voter cannot be reached, process the application for the primary and send another AB application to the voter in July for the November Election. Applications received after the primaries but before the next General Election should be processed for the upcoming November Election (because applications can be received up to one year ahead of an Election.)

7. **Does the 5 day wait period apply to transfers of registration?**
   No! Only applies to voters new to Virginia.

8. **Please explain Code 8A. Many people are not sure if this includes other workers for candidates.**
   Code (24.2-701 C14) is specific for 8A stating the voter has been designated by a political party, independent candidate to be their representative **inside** the polling place on Election Day. Someone who may be working as a volunteer to hand out campaign materials would not qualify to use 8A, but may qualify to use 1D if they are volunteering outside of their county.

9. **Code 2C can the husband claim this reason as well?**
   ELECT's guidance is yes, a husband can use 2C as well.

10. **If I get a DMV OAB in my hopper for an election we are not having, what do I do with the application? How do I get rid of it?**
VERIS will allow you to process the application as a "Denied-Not Eligible" for the election not being held.

11. **I have a voter that brings their ballot to my office during In Person absentee voting period. Do I allow them to vote that ballot? What are the procedures?**
Yes! Try to convince voter to vote the ballot they have in their hand. If voter insists on putting their ballot through the scanner, the ballot must be rendered void, a new application completed and entered in VERIS. The new application will supersede the mailed ballot application, allowing the voter to mark and put ballot through scanner. Place the void ballot in Envelope #4. **Note:** Voter MAY NOT place a ballot received in the mail through the IN PERSON scanner at the registrar's office.

    If voter did **not receive or lost their ballot**, they must sign the gold form. This applies only to In Person absentee voting (does not apply to precincts on Election Day). They would still complete a new application for voting in person and once entered would supersede the original mailed ballot. Note in comments "gold form signed" and best practice: attach gold form to new application.

12. **I have a voter that brings their ballot to the precinct on Election Day; are they allowed to vote that ballot?**
No, a ballot brought to the precinct is considered void (place in Envelope 4) and using EPB instructions per locality the voter may be unchecked as issued an AB ballot and allowed to vote on scanner and issued a ballot from precinct ballot supply.

13. **I have a voter who comes to the polling place on Election Day. Their record is marked as voting Absentee in the pollbook but they do not have a ballot with them. Can they vote?**
Voter must vote provisional, UNLESS it is determined the ballot was returned to the Registrar's office unused. For more, see What If's question 19.

14. **When is a "mail" ballot considered cast?**
An absentee voter who votes other than in person shall be deemed to have cast his ballot at the moment he personally delivers the ballot to the general registrar or electoral board or relinquishes control over the ballot to the U.S. Postal Service or other authorized carrier for returning the ballot as required by law. Virginia Administrative Code **VAC20-60-40 When Ballot Cast**

15. **How many AB applications can I give to a voter requesting multiples?**
There is not a specific limit; however, if a large number of applications are being requested, suggest giving them some training. There is a registration training available through Elect but not AB at this time. It would be acceptable for registrar to give training on proper completion of application. Requestor can also make copies of the application vs. registrar's office having to provide.