2021 Special Session I

Budget Bill - HB1800 (Enrolled)

Bill Order » Office of Administration » Item 86

Department of Elections

Item 86	First Year - FY2021	Second Year - FY2022
Electoral Services (72300)	~~**$18,858,038**~~ ***$35,593,662***	~~**$16,823,166**~~ ***$16,910,479***
Electoral Administration, Uniformity, Legality, and Quality Assurance Services (72302)	$1,621,062	$1,621,062
Statewide Voter Registration System and Associated Information Technology Services (72304)	~~$13,422,132~~ *$30,157,756*	$11,386,990
Campaign Finance Disclosure Administration Services (72309)	$178,568	$178,568
Voter Services and Communications (72311)	$1,060,726	~~$1,060,726~~ *$1,148,039*
Administrative Services (72312)	$2,575,550	$2,575,820
Fund Sources:		
General	~~$15,805,788~~ *$32,541,412*	~~$13,770,916~~ *$13,858,229*
Special	$52,250	$52,250
Trust and Agency	$3,000,000	$3,000,000

Authority: Title 24.2, Chapter 1, Code of Virginia.

A. It is the intention of the General Assembly that all local precincts, other than central absentee precincts established under § 24.2-712, Code of Virginia, will use electronic pollbooks for elections held beginning in November, 2010.

B. Any locality using paper pollbooks for elections held beginning in November, 2010, shall be responsible for entering voting credit as provided in § 24.2-668. Additionally, any locality using paper pollbooks for elections held after November, 2010 may be required to reimburse the Department of Elections for state costs associated with providing paper pollbooks.

C. Municipalities will pay all expenses associated with May elections after June 30, 2009, including those costs incurred by the Department of Elections.

D. The State Board of Elections shall by regulation provide for an administrative fee up to $25 for each non-electronic report filed with the State Board under § 24.2-947.5. The regulation shall provide for waiver of the fee based upon indigence.

E. All unpaid charges and civil penalties assessed under Title 24.2 shall be subject to interest, the administrative collection fee and late penalties authorized in the Virginia Debt Collection Act, Chapter 48 of Title 2.2, § 2.2-4800 et seq.

F. Out of this appropriation, $212,687 the first year ~~and $212,687 the second year~~ from the general fund is provided for voter outreach and education required to inform voters about the photo identification requirements pursuant to Chapter 725 of the Acts of Assembly of 2013. It is the intent of the General Assembly that registration cards containing the voter's photograph and signature be provided free to any eligible voter upon request to the general registrar.

G. Out of this appropriation, $212,423 the first year and $212,423 the second year from the general fund is provided for conducting list maintenance mailings as required by the National Voter Registration Act.

H. Out of this appropriation, $6,800 each year from the general fund is provided to increase the membership of the State Board of Elections from three members to five members, consistent with the provisions of § 24.2-102, Code of Virginia.

I. *1.* It is the intent of the General Assembly that federal awards from the Help America Vote Act of 2002 (HAVA) under P.L. 116-93 be used to replace the Virginia Election and Registration Information System (VERIS) by July 1, 2022. Out of the amounts included in this item, ~~$2,035,142~~ *up to $18,770,766* the first year from the general fund *may be used to support VERIS replacement and* shall serve as the state's required match to receive the federal HAVA award.

2. All available HAVA funding and associated state matching funds required that are eligible for this purpose shall be exhausted prior to using other general fund appropriation provided in this Item.

3. Out of the general fund amounts provided in this paragraph, $16,735,624 shall be unallotted. The Secretary of Finance and Secretary of Administration shall approve the allotment of these funds to be used for VERIS replacement costs after the exhaustion of all available HAVA funding and the initial required state match component of $2,035,142.

4. Any balances remaining from the appropriation identified in this paragraph shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and made available to support VERIS replacement in the subsequent fiscal year.

J. Out of the amounts included in this item, $96,644 the first year and $96,644 the second year from the general fund and one position shall support a permanent, full-time director of operations position subject to the Virginia Personnel Act (§ 2.2-2900 et seq.) within the Department.

K.1 Notwithstanding Virginia Code §§ 24.2-506, 24.2-521, and 24.2-684.1, during a state of emergency as declared by the Governor due to the novel coronavirus (COVID-19) during 2021, any candidate for nomination by primary or any candidate for any office, other than a party nominee, may gather petition signatures as prescribed under Chapter 6 of Title 24.2 or by using the relevant form published by the Department of Elections as described under paragraph (2).

2. For local offices, offices of the General Assembly, statewide offices, constitutional offices, and referenda, the Department of Elections will develop and publish, not later than March 1, 2021, forms to be used for petition circulation that permit a qualified petition signer to sign a petition while not in the presence of a petition circulator, provided that, in using the form, the petition signer must provide the following information:
a. Affirmation that the signer is who they attest they are;
b. Affirmation that the signer is a resident of their jurisdiction, including a statement of their address; and
c. The last four digits of the signer's social security number.

3. If an individual signs a petition form published by the Department of Elections as described under paragraph (2), that individual shall transmit that form, either by mail, electronically, or physically, to the candidate, the candidate's campaign, or the petition circulator.

4. If a petition form is required to be submitted to the Chair or Chair of the several committees of the respective party of the candidate for whom the petition is signed, the candidate, the candidate's campaign, or the appropriate petition circulator shall submit the petition forms as prescribed under Title 24.2 of the Virginia Code.

5. If a petition form is required to be submitted to a general registrar, the candidate, the candidate's campaign, or the appropriate petition circulator shall submit the petition forms as prescribed under Title 24.2 of the Virginia Code.

6. If a petition form is required to be submitted to the State Board of Elections, the candidate, the candidate's campaign, or the appropriate petition circulator shall submit the petition form to the State Board of Elections either by mail, electronically, or physically. Any such petition forms shall be required to be received by the State Board of Elections by the relevant deadline under Virginia Code Title 24.2.

7. If a petition is required to be submitted to a court or other appropriate authority pursuant to Virginia Code § 24.2-684.1, the individual circulating such petition shall submit the petition to the court or other appropriate authority as prescribed under Title 24.2 of the Virginia Code.

L.1. For the special elections and primaries to be held prior to July 1, 2021 upon receipt of an absentee ballot returned four days prior to the date of the election, each general registrar shall examine the ballot envelopes to verify completion of the required voter affirmation.

2. If the general registrar finds during the examination of a returned absentee ballot envelope that the required voter affirmation was not correctly or completely filled out or that a procedure required by § 24.2-707 of the Code of Virginia was not properly followed, and such error or failure shall render the ballot void by law, the general registrar shall, within three days of such finding, notify the voter of the error or failure. However, notwithstanding the provisions of §§ 24.2-706 and 24.2-707 of the Code of Virginia, the failure of an absentee voter marking and returning a mail absentee ballot for special elections and primaries, or ballot measures held prior to July 1, 2021, to have a witness sign the statement on the back of the absentee ballot return envelope shall not be considered a material omission and shall not render his ballot void. Such notice shall be made by phone, email, or in writing and shall provide information to the voter as to how to correct the issue so his ballot may be counted. The voter shall be entitled to make such necessary corrections before noon on the third day after the election, and his ballot shall then be counted pursuant to the procedures set forth in § 24.2-709.1 of the Code of Virginia if he is found to be entitled to vote. Notwithstanding any other provision of law to the contrary, no absentee ballot needing correction shall be delivered to the officers of election at the appropriate precinct until the voter is provided the opportunity to make the necessary corrections pursuant to this subparagraph.

3. The general registrar may issue a new absentee ballot to the voter if necessary and shall preserve the first ballot with other spoiled ballots.

M.1. Notwithstanding any other provision of law, for special elections and primaries to be held prior to July 1, 2021, mailed absentee ballots shall be returned (i) by mail to the office of the general registrar, (ii) by the voter in person to the general registrar, (iii) to a drop-off location, or (iv) by commercial delivery service.

2. Mailed absentee ballots shall provide instructions that include information on the locations of all drop-off locations available in the locality at the time such ballots are mailed by the general registrar.

3. The general registrar of each county or city shall establish at the office of the general registrar and each voter satellite office in operation for an election a drop-off location for the purpose of allowing voters to deposit completed absentee ballots for such election. On the day of the election, there shall also be a drop-off location at each polling place in operation for the election. The general registrar may establish additional drop-off locations within the county or city as he deems necessary. All drop-off locations shall be accessible; be on public property,

unless located at a polling place; and otherwise comply with any criteria for drop-off locations set by the Department of Elections.

4. The Department of Elections shall set standards for the establishment and operation of drop-off locations, including necessary security requirements. The Department of Elections shall submit such standards to the Chairs of the House and Senate Committees on Privileges and Elections, the Senate Committee on Finance and Appropriations, and the House Committee on Appropriations within 30 days of the effective date of this act.

5. The general registrar of a county or city utilizing drop-off locations shall post notice of the locations of the drop-off locations in the locality in the office of the general registrar and on the official website for the county or city. Such notice shall remain in the office of the general registrar and on the official website for the county or city for the duration of the period during which absentee ballots may be returned.

6. Absentee ballots shall be collected from drop-off locations in accordance with the instructions provided by the Department of Elections. Such instructions shall include chain of custody requirements and recordkeeping requirements. Absentee ballots shall be collected at least daily, by two officers of election representing the two major political parties, when practicable, or by two employees from the office of the general registrar, unless the drop-off location is in the office of the general registrar, in which case the general registrar or an assistant general registrar may collect the absentee ballots.

7. Any ballot returned to a drop-off location in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to a drop-off location before the closing of the polls. Any voter who is in line to return the voter's absentee ballot at a drop-off location by 7:00 p.m. on the day of the election shall be permitted to deposit the absentee ballot.

N. The general registrar shall include with the absentee ballot prescribed in § 24.2-706 of the Code of Virginia, an envelope, properly addressed and postage prepaid, for the return of the ballot to the general registrar by mail for special elections and primaries to be held prior to July 1, 2021.

O. The provisions of paragraphs L., M. and N. shall expire June 30, 2021.

P. The Department shall use remaining funds provided in Chapter 1, 2020 Special Session I Acts of Assembly to reimburse localities for the cost of prepaid postage for the return of absentee ballots. The Department of Elections shall reimburse localities for return absentee ballot prepaid postage by validating qualifying amounts through proper documentation. These funds shall not be used or otherwise obligated for any other purposes.

Q. Out of the amounts in this item, $300,000 in the second year from the general fund is provided for voter outreach and education about new voting laws enacted by the 2020 General Assembly and 2021 General Assembly.