



★ VIRGINIA ★  
STATE BOARD  
*of* ELECTIONS



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# Absentee Voting Report

November 12, 2019

## Executive Summary

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In accordance with the provisions of Chapters 668 and 669 of the 2019 Acts of Assembly (the Act), which reads,

*“That the State Board of Elections, on or before December 1, 2019, shall submit a report to the Governor, the General Assembly, and the House and Senate Committees on Privileges and Elections on the procedures and instructions promulgated by it for conducting absentee voting pursuant to the provisions of this act. The report shall include recommendations to be considered by the General Assembly for any further legislation that may be necessary for implementation of this act.”*

the State Board of Elections is pleased to provide to the Governor, the General Assembly, and the House and Senate Committees on Privileges and Elections this report on the procedures and instructions for conducting absentee voting pursuant to the provisions of the Act. This report includes recommendations to be considered by the General Assembly, including recommended legislation necessary for the implementation of the provisions of the Act.

The State Board of Elections and the Department of Elections are confident that Virginia will be able to implement the Act effectively and efficiently. The report below will demonstrate that the Act does not make sweeping changes to Virginia’s existing absentee voting procedures and instructions. Rather, the addition of no-excuse absentee voting is the newest of many expansions to Virginia’s absentee voting program. Further, this report will show that we have learned from the many states before us who have already passed similar laws.

Absentee voting first became a major issue during World War II, at which time Congress passed voting laws related to soldiers overseas.<sup>1</sup> Subsequently, the federal government passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and the Military and Overseas Empowerment (MOVE) Act, which have been instrumental in allowing service members to vote. During the 1980s, California became the first state to allow eligible voters to request absentee ballots for any reason.<sup>2</sup>

The November 2020 General Election will mark the first period in Virginia’s history where registered voters may vote absentee without providing an excuse. During their discussions of this Act, members of the legislature referred to this process as “no excuse in person absentee voting.” However, the General Assembly should note that many states use the term “early voting” to refer to the same process. In this report, we use the term “early voting” when that is the term that a state uses to describe its no-excuse absentee voting period. The National Conference of State Legislatures, cited on several occasions throughout this report, uses the term “early voting” as a shorthand for each state’s period of no-excuse absentee voting.<sup>3</sup>

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<sup>1</sup> MIT Election Date and Science Lab, “Voting by mail and absentee voting” accessed on October 1, 2019. Retrieved from <https://electionlab.mit.edu/research/voting-mail-and-absentee-voting>

<sup>2</sup> Id.

<sup>3</sup> See generally State Laws Governing Early Voting. (2019). Retrieved from [https:// http://www.ncsl.org/research/elections-and-campaigns/early-voting-in-state-elections.aspx](https://http://www.ncsl.org/research/elections-and-campaigns/early-voting-in-state-elections.aspx)

Thirty-nine states and the District of Columbia provide some form of no-excuse absentee voting.<sup>4</sup> Virginia and Delaware have recently become the 40th and 41st state to enact legislation that allows for no-excuse absentee voting prior to Election Day.<sup>5</sup>

In preparation for the rollout of Virginia’s no-excuse absentee voting, we have researched the laws, business practices, and historical data of other states. For example, in September 2019, representatives from the Virginia Department of Elections (ELECT), the Voter Registration Association of Virginia (VRAV), and the Virginia Electoral Board Association (VEBA), traveled to Mecklenburg County, North Carolina to witness their no-excuse absentee voting first-hand. The representatives of ELECT, VRAV, and VEBA all found this exercise extremely useful, in particular as a way to prepare general registrars for the task of administering no-excuse absentee voting in Virginia.

Leaders at ELECT have participated in a number of phone calls with representatives from other states, to discuss their Information Technology (IT) infrastructures for no-excuse absentee voting. Specifically, ELECT leaders participated in preliminary calls with representatives from Mecklenburg County, North Carolina before visiting their locality. ELECT leaders also participated in conversations with the Metropolitan Washington Council of Governments, which provided ELECT with insight into both Maryland and the District of Columbia’s IT setups for early voting.

While the period preceding the November 2020 General Election will mark Virginia’s first no-excuse absentee voting period, the Commonwealth has already significantly expanded its pool of eligible absentee voters over the past two decades. The chart below shows the expansion of absentee voting in Virginia from 1998 through today.

| Year | Change to Va. Code 24.2-700. Person entitled to vote by absentee ballot  |
|------|--|
| 1998 | Added excuse 8: “Any duly registered person who is unable to go in person to the polls on the day of the election because of an obligation occasioned by his religion[.]” <sup>6</sup>   |
| 2000 | Added excuse 9: “Any person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work for eleven or more hours of the thirteen hours that the polls are open pursuant to § 24.2-603.” <sup>7</sup>                   |
| 2001 | Added language to reason 9 that allows voters to count their commute to and from work toward reason 9’s hour requirement. “Any person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and |

<sup>4</sup> State Laws Governing Early Voting. (2019). Retrieved from [https:// http://www.ncsl.org/research/elections-and-campaigns/early-voting-in-state-elections.aspx](https://http://www.ncsl.org/research/elections-and-campaigns/early-voting-in-state-elections.aspx)

<sup>5</sup> State Laws Governing Early Voting. (2019). Retrieved from [https:// http://www.ncsl.org/research/elections-and-campaigns/early-voting-in-state-elections.aspx](https://http://www.ncsl.org/research/elections-and-campaigns/early-voting-in-state-elections.aspx)

<sup>6</sup> Chapter 254 of the 1998 Acts of Assembly

<sup>7</sup> Chapter 378 of the 2000 Acts of Assembly

from his home to his place of work for eleven or more hours of the thirteen hours that the polls are open pursuant to § 24.2-603.”<sup>8</sup>

- 2002 Changed language in reason 2 to include an individual who temporarily reside outside of the United States. Previously, the excuse included only those individuals regularly employed in a business, profession, or occupation outside of the continental limits.<sup>9</sup>
- 2009 Added excuse 10: “Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1.”<sup>10</sup>
- 2010 Added excuse 11: “Any person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639.”<sup>11</sup>
- 2017 Added reason code 12: “Any person granted a protective order issued by or under the authority of any court of competent jurisdiction.”<sup>12</sup>
- 2019 added Virginia Code § 24.2-701.1(2). “Any registered voter may vote by absentee ballot in person beginning on the second Saturday immediately preceding any election in which he is qualified to vote.”<sup>13</sup>

For several decades, Virginia has permitted absentee voting for individuals who will be personal business or vacation on Election Day, active duty armed forces members, individuals attending an institution of higher education who will be absent from their county or city on Election Day, individuals with disabilities, individuals awaiting trial for a misdemeanor, and for individuals primarily responsible for caring for an ill or disabled family member.<sup>14</sup> As shown above, Virginia has a history of expanding its absentee voting practices to make voting more convenient and accessible for its registered voters.

## Procedures and Instructions

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The implementation of in person no excuse absentee voting is a historic development for Virginia. However, the Governor, the General Assembly, and the House and Senate Committees on Privileges and Elections should

<sup>8</sup> Chapter 631 of the 2001 Acts of Assembly

<sup>9</sup> Chapter 785 and 819 of the 2002 Acts of Assembly

<sup>10</sup> Chapters 405 and 873 of the 2009 Acts of Assembly

<sup>11</sup> Chapter 244 of the 2010 Acts of Assembly

<sup>12</sup> Chapter 631 of the 2017 Acts of Assembly

<sup>13</sup> Chapters 668 and 669 of the 2019 Acts of Assembly

<sup>14</sup> See Va. Code § 24.2-700.

note that the Act passed by the 2019 legislature makes very few changes to the existing processes and instructions for absentee voting. Therefore, the responsibilities of registrars and elections officials will not change significantly because of the new law.

The majority of the changes that the Act creates are found in the new Virginia Code section 24.2-701.1, and these changes apply chiefly to the newly implemented eight-day no excuse in person absentee voting period.

### *Applications*

Any registered voter may vote in their locality during the no-excuse absentee period, which lasts from the second Saturday before any election through the Saturday before the election.<sup>15</sup> In this way, the no-excuse absentee period is similar to Election Day. Just like on Election Day, a voter will need to provide only her name, residence address in the county or city in which she is offering to vote, and one of the forms of identification specified in subsection B of § 24.2-643 of the Virginia Code. This is unlike previous absentee periods, when voters were required to submit absentee ballot applications.

While in-person voters will not have to submit absentee ballot applications during the no-excuse absentee period, absentee ballot applications are still required in certain circumstances. The following groups of voters will still need to submit absentee ballot applications: 1) individuals who vote absentee after the forty-fifth day before an election, but before the no-excuse absentee period; and 2) any individuals who vote mail-in absentee.<sup>16</sup> Therefore, general registrars will need to train staff to understand which absentee voters need to submit absentee ballot applications.

Currently, many general registrars choose to use voters' completed in-person absentee ballot applications as a means of reconciling the number of ballots cast and a list of those who have voted. While this process is voluntary and not required by law, many registrars find the process of comparing the number of ballots to a list of those who have voted very useful administratively. Because no absentee ballot applications are required during the no-excuse in person voting period, general registrars may need to devise a different method for tracking this information.

### *Voting Centers*

Virginia Code § 24.2-701.1(C) discusses "additional locations" that may be available for absentee voting in person. We note that the elections community has begun using a few different terms to refer to these "additional locations." Until recently, the common vernacular for these locations among members of the elections community has been "satellite locations." However, the Department of Elections notes that a number of general registrars have begun to refer to these additional locations as "voting centers," because that term may be more intuitive for voters. The State Board has considered that the term "satellite voting locations" may also be a more intuitive term to use to describe these additional locations. We recommend that the General Assembly consider

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<sup>15</sup>See Chapter 669 of the 2019 Acts of Assembly § 24.2-701.1(A)(1)

<sup>16</sup> See Chapter 669 of the 2019 Acts of Assembly § 24.2-701.1(A)(1) and §24.2-701.1(A)(2)

legislation to adopt a common term for these additional locations, with consideration of either “satellite voting locations” or “voting centers.” For this report, we will refer to these additional locations as voting centers.

As awareness of no-excuse absentee voting grows, localities may need to establish additional voting centers to manage the increased absentee voter turnout likely to accompany this law.<sup>17</sup> Localities that establish new voting centers will likely face additional expenses. Even localities with pre-existing voting centers may sustain additional expenses related to administering no-excuse absentee voting. A registered voter who chooses to vote during the no-excuse absentee voting period may cast their ballot at any voting center in their locality, regardless of whether they live in the precinct where that voting center is located.<sup>18</sup> Therefore, general registrars will need to train and prepare staff for increased traffic in the general registrar’s office and at any voting centers operating in their localities.

Subsection 701.1(E) of the new law requires the following: “At least two officers of election shall be present during all hours that absentee voting in person is available and shall represent the two major political parties...” Therefore, registrars are responsible for recruiting and training a sufficient number of officers of election to meet the Code requirement for the entire seven-day period of no excuse voting. Previously, these officers were required to be present only on Election Day.

These voting centers will need to be capable of all of the functions of a precinct polling place, plus some additional capabilities. For example, because all registered voters in a locality will be able to vote at any voting center, each voting center must have sufficient numbers of all ballot styles available. Registrars will need to adopt additional processes and procedures appropriate for their office and locality to accommodate these changes. Localities will also need to consider the number of parking spaces as well as physical space requirements of voting centers. As no-excuse absentee voting becomes more prevalent throughout the Commonwealth, many localities may find themselves requiring additional voting centers and/or more space in the registrar’s office. This means increased spending, and potentially the need for additional equipment including tabulators. Additionally, localities may find the need to increase the number of poll books for checking in voters. This may also increase localities’ burden on physical security. They may need additional methods for securely storing ballots, voting materials, and election equipment. These voting centers will also need to comply with all relevant federal law, including the Americans with Disabilities Act.

### *Election Security*

One of the concerns that has been raised by the Virginia elections community with regards to no-excuse absentee voting is the lack of real-time update options for additional voting centers. During ELECT’s research into the procedures of other states who have implemented no-excuse absentee voting, ELECT has catalogued different states’ best practices for preventing any potential cross-site voting. Although this does not seem to be a prevalent issue for states with no-excuse absentee voting, ELECT is taking all necessary steps to ensure that the

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<sup>17</sup> The Voter Registrars Association of Virginia (VRAV) has issued a Voter Turnout Projections User Guide that helps Virginia localities make fact-based projections of likely no excuse absentee turnout. This guide uses historical data from North Carolina’s early voting to inform its projections.

<sup>18</sup> See Chapter 669 of the 2019 Acts of Assembly § 24.2-701.1

proper protections are in place to discourage and ultimately prevent this practice. These best practices are in the process of being incorporated into a new set of formal electronic pollbook (EPB) certification requirements and procedures. They are being drafted to account for the operational needs of the Virginia elections community without weakening the Commonwealth’s election security posture. The State Board of Elections has not yet approved the EPB certification standards. However, the State Board of Elections is currently working with vendors to develop EPB certification standards and will publish those standards once they have been adopted.

## Recommended Legislation

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Pursuant to this Act, the General Assembly has requested that the State Board of Elections provide any recommended legislative changes that are necessary for the implementation of the provisions of the Act. After carefully reviewing our own laws and the laws and data of other states, we respectfully submit the following proposed changes to Virginia law.

Below is a chart summarizing the recommended changes to the Act:

| Bill Topic            | Summary   |
|-----------------------|---|
| Technical Changes     | <ul style="list-style-type: none"> <li>• For special elections, absentee voting in person shall be available as soon after the deadline in 701.1(a) as possible.</li> <li>• Absentee ballot applications may be completed either at the general registrar’s office or at any of the additional locations for absentee voting.</li> </ul>  |
| Voting Centers        | <ul style="list-style-type: none"> <li>• Clarifies that any applicant who is in line to cast his ballot when a voting center closes shall be permitted to cast his ballot on that day.</li> <li>• Shifts the ability to establish voting centers from county or city electoral boards to the governing body of each county and city, by ordinance.</li> <li>• Establishes notice requirements for general registrars when voting centers are established or changed.</li> <li>• Makes voting centers equivalent to the office of the general registrar for the purposes of completing an absentee ballot application in person.</li> <li>• Clarifies the requirements concerning distributing campaign materials during the absentee voting period, with reference to Virginia Code § 24.2-604. (Prohibited activities at polls; notice of prohibited area; electioneering; presence of representative of parties or candidates; simulated elections; observers; news media; penalties).</li> </ul> |
| Timeframe Eligibility | <ul style="list-style-type: none"> <li>• Would replace excuse-based absentee voting with a full forty-five-day period of no-excuse absentee voting.</li> </ul>  |

### *Technical Changes*

We recommend a change to the language of § 24.2-701.1(A). The language in this subsection applies to “any” election held in the Commonwealth and requires in-person absentee voting to begin forty-five days before Election Day. However, for special elections, there is not always a full forty-five day period between the issuance of a writ of election and Election Day itself. Therefore, we recommend adding language to clarify that, in the case of a special election where the full forty-five days is not possible, no-excuse absentee voting should begin as soon as possible after the forty-five-day deadline. This will ensure that administration of the election is not out of compliance with the law in these cases. Special elections for federal offices should be exempted from this exception.

Our second recommended change concerns the use of locations other than the office of the general registrar (voting centers) in § 24.2-701.1(C). Language for this new subsection was copied from § 24.2-707. When the language was copied into the new subsection, a key sentence was omitted. The sentence read as follows: “Such location shall be deemed the equivalent of the office of the general registrar for the purpose of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706.” We recommended adding this sentence to the new § 24.2-701.1(C). As the language of § 24.2-701.1(C) currently stands, a voter may vote an absentee ballot in the office of the general registrar or at a voting center approved by the electoral board. Until the second Saturday before an election, voters are required to fill out an application in order to vote absentee in-person. However, without language such as that quoted above added to the subsection, voters will not be permitted to apply for an absentee ballot in person at a voting center. The voter would need to apply at the office of the general registrar (where they could also vote absentee in-person), then travel to the voting center to cast a ballot there. Effectively, this renders any voting center open prior to the second Saturday preceding the election of no use. The General Assembly should add language similar to that above and also make clear that it applies to § 24.2-701.1.

### *Voting Centers*

Currently, states have a number of different processes and mechanisms by which they allow localities to establish absentee “satellite offices”, or what we have referred to as voting centers. For example, in North Carolina their locations are determined by the office of county board of elections<sup>19</sup>. While the county board has authority to choose these locations, they are subject to approval by the state board of elections and must be open during the same hours.<sup>20</sup> In Maryland, the absentee voting centers are established by the State Board of Elections in collaboration with local boards.<sup>21</sup> There, the number of voting centers depends on county population and ranges from one to five per county.<sup>22</sup>

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<sup>19</sup> N.C.G.S.A §163A-1300 to §1631-1304

<sup>20</sup> *Id.*

<sup>21</sup> Maryland Election Law §10-301.1

<sup>22</sup> *Id.*

In Virginia, general registrars and local electoral board members have expressed concerns over the number of voting centers that will be necessary to successfully conduct no-excuse absentee voting. These groups have also expressed concerns over the need to fund any new or additional voting centers.

After reviewing the different state systems summarized on the National Conference of State Legislatures (NCSL) website and the concerns expressed by electoral boards and general registrars, we recommend the legislative changes summarized below.

The State Board of Elections maintains that localities themselves are in the best position to determine the number of new voting centers to accommodate in person absentee voting. However, we do recommend changes to the law regarding the establishment of voting centers.

We first recommend that voting centers be established, abolished, and/or changed by a locality's governing body. The Virginia Code already allows the governing body of each county, city, and town to establish polling places by ordinance.<sup>23</sup> The code also requires the governing body of each county, city, and town to provide funds to enable general registrars to maintain adequate facilities at each polling place.<sup>24</sup> We recommend applying those same requirements to the establishment of voting centers, so that governing bodies have the authority to establish those centers by ordinance, but so that they are also responsible for adequately funding those voting centers.

Another benefit of this process change, is that it would allow for public notice and input on voting centers changes, because they would be controlled by local ordinance. This change would also benefit localities, by giving them independent flexibility to increase, decrease, or move locations as necessary.

While we recommend making the process for establishing voting centers similar to the process to establishing polling places, we do recommend one difference in notice requirements. Typically, registrars must notify registered voters of a polling place change by mail at least fifteen days prior to the next general, special, or primary election.<sup>25</sup> This standard accounts for the fact that each registered voter has only one polling place on Election Day. By contrast, the no-excuse absentee voting law allows registered voters to vote absentee in person at any voting center in their locality. Therefore, we recommend that localities be required to post notice of a voting center change on the locality's website or publish the information in a newspaper of general circulation.<sup>26</sup> This standard will still provide voters with adequate notice of a change, while reducing the administrative and cost burden on general registrars.

### *Voting Hours for Voting Centers*

Beginning with the November 3, 2020 General Election, Virginia's no-excuse absentee voting law requires voting centers to remain open for eight hours a day between 8 am and 5 pm.<sup>27</sup> To reduce voter confusion, we

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<sup>23</sup> See Va. Code § 24.2-307.

<sup>24</sup> See Va. Code § 24.2-310

<sup>25</sup> See Va. Code § 24.2-306(B)

<sup>26</sup> The Virginia Code already uses this notice standard when there is a change in a locality's office of the general registrar. See Va. Code § 24.2-306(B).

<sup>27</sup> See Va. Code § 24.2-701.1(B)

recommend that the General Assembly pass legislation requiring uniformity in the hours that localities operate their voting centers. One option is for the General Assembly to allow localities to set their own absentee voting hours, with the requirement that all voting centers within the locality maintain the same voting hours. Another option is for the General Assembly to pass legislation setting uniform absentee voting hours for all voting centers in the Commonwealth.

Adoption of either of these plans will generate different sets of costs and logistical concerns. Requiring uniform hours across the Commonwealth would deprive localities of the flexibility to adapt to their individual needs and could make it difficult for localities to maintain staff at all voting centers throughout the absentee voting period. On the other hand, allowing localities to set their own hours could create voter confusion, especially in densely populated regions with large numbers of voters who move from one locality to another between election cycles.

Any discussion of requiring localities to open voting centers for specified hours should take into consideration two factors. One is the goal of providing access to the option of absentee voting to the greatest number of voters. In the absence of additional state funding, the other is the need for local registrars and directors of elections to work within the resources provided to them by their localities.

The General Assembly should also note that other states have had legal issues arise related to the hours in which they conduct in person absentee voting. For example, Texas' law allows for different voting locations to stay open for different amounts of hours on the same day.<sup>28</sup> In 2018, county leaders in Prairie View Texas scheduled fewer early-voting hours at voting centers near the A&M University campus than in whiter communities nearby.<sup>29</sup> As a consequence, the NAACP Legal Defense and Educational Fund led a number of students in filing a lawsuit against the county.

The Virginia Law provides significantly more stability and consistency in voting hours for those voting in person absentee. Specifically, the current law requires voting centers to remain open for eight hours a day between 8 am and 5 pm<sup>30</sup>, whereas in Texas, some voting centers were open only three hours a day and others were open as many as twelve hours. However, as the legislature considers any changes to the current law, it should remain aware of potential civil rights issues that could come with significantly different voting hours in different areas. Requiring consistent hours within a locality would maintain uniformity and reduce the possibility of voter suppression.

### *Timeframe-Eligibility Expansion*

The National Conference of State Legislatures (NCSL) website provides a number of facts and statistics about early voting throughout the United States. Of the thirty-nine states and the District of Columbia that allow for early voting (now including Virginia and Delaware), the average no-excuse absentee voting period is nineteen days in length and starts twenty-two days before Election Day. A number of states allow for no-excuse absentee

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<sup>28</sup> See Tex. Elec. Code 85.001 and 85.002.

<sup>29</sup> The Washington Post Politics, "In rural Texas, black students' fight for voting access conjures a painful past." September 24, 2019. Retrieved from [https://www.washingtonpost.com/politics/in-rural-texas-black-students-fight-for-voting-access-conjures-a-painful-past/2019/09/24/fa18e880-ca69-11e9-a1fe-ca46e8d573c0\\_story.html](https://www.washingtonpost.com/politics/in-rural-texas-black-students-fight-for-voting-access-conjures-a-painful-past/2019/09/24/fa18e880-ca69-11e9-a1fe-ca46e8d573c0_story.html)

<sup>30</sup> See Va. Code § 24.2-701.1(B)

voting for forty or more days before an election. These states include Maine, Michigan, Minnesota, New Jersey, South Dakota, Vermont, and Wyoming.<sup>31</sup>

As noted in this report's Executive Summary, Virginia has gradually expanded its pool of eligible absentee voters over the past several decades. These twelve-categories of excused absentee voters already account for a large number of registered voters in the Commonwealth of Virginia. Because so many Virginia voters are already eligible to vote in-person absentee, the inclusion of no-excuse absentee voting does not ~~drastically~~ significantly change the pool of individuals who may vote in-person before Election Day. Rather, the no-excuse period makes the administration of absentee voting more transparent and efficient by removing the task of categorizing voters into these categories through the submission of absentee ballot applications.

As the Commonwealth moves toward increasing voting choices for its registered voters, one option for Virginia is to eliminate excuse-based absentee voting and move toward allowing for a forty-five-day period of no excuse in person absentee voting.

There are a number of benefits that would come with extending no-excuse absentee voting to all forty-five days of absentee voting. First, allowing for all no-excuse absentee voting would reduce voter confusion. The current Virginia Absentee Ballot Application form lists twenty reasons that qualify a voter to vote using an absentee ballot. The absentee voting process as it stands to be enacted for the November 2020 General Election is bifurcated and will likely prove confusing to voters. When applying to vote absentee by mail, a voter must claim one of the twenty reasons. For the first thirty-five days of absentee voting, those who vote absentee in person are also required to claim one of the twenty reasons, whereas for the final seven days, voters need no reason to vote absentee in person.

As the law stands, an individual voting in person absentee on the seventh day before an election would not need to provide an excuse. By contrast, an individual voting absentee by mail during that period would have to provide one of the twenty excuses under 24.2-701. Providing for only no-excuse absentee voting would eliminate this double-standard.

If the legislature does not wish to extend no-excuse in person voting for the entire forty-five day absentee period, there are still benefits to extending the no-excuse period.<sup>32</sup> According to a report from American Progress, early voting can increase voter participation by two to four percent.<sup>33</sup> Additionally, eliminating early voting has been found to decrease turnout in communities of color.<sup>34</sup> In its 2014 report, the Bipartisan

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<sup>31</sup> Colorado, Oregon, and Washington provide for all mail voting.

<sup>32</sup> See Center for American Progress's report "Increasing Voter Participation in America" by Danielle Root and Liz Kennedy (2018) available at <https://www.americanprogress.org/issues/democracy/reports/2018/07/11/453319/increasing-voter-participation-america/>

<sup>33</sup> Paul Gronke and others, "Convenience Voting," *Annual Review for Political Science* 11 (19) (2008): 437–455, available at [http://earlyvoting.net/files/2012/05/Gronke2008-Convenience\\_Voting.pdf](http://earlyvoting.net/files/2012/05/Gronke2008-Convenience_Voting.pdf)

<sup>34</sup> Vann R. Newkirk II, "What Early Voting in North Carolina Actually Reveals," *The Atlantic*, November 8, 2016, available at <http://www.theatlantic.com/politics/archive/2016/11/north-carolina-early-voting/506963/>

Presidential Commission on Election Administration recommended that states adopt early voting policies, in part to reduce long lines on Election Day.<sup>35</sup>

The average period of early voting is nineteen days. The average starting time for early voting is twenty-two days before an election. Additionally, early voting typically ends just a few days before Election Day. Further, of the states that allow early in-person voting, twenty-four and the District of Columbia allow for some weekend early voting. Specifically, twenty states plus the District of Columbia provide for Saturday voting. Additionally, five states allow for some Sunday voting.

## Conclusion

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The State Board of Elections and the Department of Elections are confident that Virginia will successfully implement the provisions of this Act and successfully conduct its first period of no excuse in person absentee voting. The Commonwealth has the benefit of learning from the thirty-nine states and the District of Columbia which already provide some form of in-person early voting. Further, Virginia has already added several acceptable absentee voting excuses over the past two decades. Registrars and Election Officials have experience adjusting to changes in absentee voting law, and should not find this change significantly more burdensome than previous changes to the law. To assist the General Assembly as well as the Virginia elections community, The State Board of Elections and Department of Elections are providing this table, summarizing the recommendations made throughout this report:

**TABLE OF RECOMMENDATIONS**

| RECOMMENDATION  | RELEVANT AUTHORITY  |
|---|---|
| 1) We recommend that the General Assembly consider legislation to adopt a common term for what is now referred to as “additional locations” under 24.2-701.1(C). As discussed in this report, colloquially these locations are also referred to as “satellite locations” or “voting centers.” | Virginia Code § 24.2-701.1(C) and discussed in this report under <i>Voting Centers</i> , pages 5-6. |
| 2) We recommend that general registrars and local election boards begin considering the need for voting centers/additional locations/satellite offices, to  | Virginia Code § 24.2-701.1(C) and discussed in this report under <i>Voting Centers</i> , pages 5-6. |

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<sup>35</sup> 2014 report, the bipartisan Presidential Commission on Election Administration also recommended that states adopt early voting policies. Presidential Commission on Election Administration, “The American Voting Experience”; Lawrence Norden, “How to Fix Long Lines” (New York: Brennan Center for Justice, 2013).

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| accommodate increased absentee voter turnout in 2020.  |   |
| 3) We recommend that general registrars prepare to recruit and train a sufficient number of officers of election for each voting center/additional location/satellite office. Under the code, “[A]t least two officers of election shall be present during all hours that absentee voting in person is available and shall represent the two major political parties...”                       | Virginia Code § 24.2-701.1(E) and discussed in this report under <i>Voting Centers</i> , pages 5-6.   |
| 4) We recommend that general registrars consider the needs of each voting center/additional location/satellite office, including the need for physical space, parking spaces, equipment (including tabulators), and poll books.  | Virginia Code § 24.2-701.1(C) and discussed in this report under <i>Voting Centers</i> , pages 5-6.   |
| 5) We recommend that the General Assembly adopt the proposed technical changes bill, which is summarized in the chart on page 7 of this report.  | Amends Virginia Code § 24.2-701.1(A),(C) and discussed in this report under <i>Technical Changes</i> , page 8.  |
| 6) We recommend that the General Assembly adopt the proposed voting centers bill, which is summarized in the chart on page 7 of this report.   | Amends Virginia Code § 24.2-701.1(B)-(F) and adds Virginia Code 24.2-701.2. This topic is discussed in this report under <i>Voting Centers</i> , pages 8-9. |
| 7) We recommend that the General Assembly consider an amendment to current law that either requires the voting centers/additional locations/satellite offices within a locality to maintain the same hours of operation during the absentee voting period, or requires uniform voting hours for all voting centers/additional locations/satellite offices within the Commonwealth of Virginia. | Virginia Code § 24.2-701.1(B) and discussed in this report under <i>Voting Hours for Voting Centers</i> , pages 9-10.                                       |
| 8) We recommend that the General Assembly adopt the proposed timeframe eligibility bill, which would extend the no-excuse absentee voting period to the full forty-five day period of absentee voting.   | Virginia Code § 24.2-701.1(A) and discussed in this report under <i>Timeframe Eligibility Expansion</i> , pages 10-11.                                      |

Respectfully Submitted by the State Board of Elections:

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Robert H. Brink, Chairman

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John O'Bannon, Vice Chair

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Jamilah D. LeCruise, Secretary