

THIRTEEN OF VIRGINIA'S ELECTION INTEGRITY BILLS REVIEWED

(S.B. 794, 844, 880, 900, 968, and H.B. 1377, 1444, 1467, 1499, 1847, 1877, 1901, 1947)

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**LOOK
AHEAD
AMERICA**
THE VOTER INTEGRITY PROJECT

Summaries of Bills

In 2020, faced with COVID-19, our country saw a dramatic increase in vote-by-mail ballots. Yet COVID-19 did not deter voters as approximately 155 million people voted, of which 69%, or 107 million voters, cast ballots by mail.^{1 2} This represents a significant increase from 2016, in which only 40% of voters used mail to vote. 2020 also brought about claims of massive voter and election fraud. While sensational levels of fraud seem unlikely, voter fraud indeed occurs.

Because of the hotly contested 2020 election, many states with both Republican and Democrat legislatures introduced a flurry of new bills aimed at changing election laws.

In 2023, Virginia's state delegates and senators have introduced several new laws pertaining to a number of subjects including early voting and absentee voting, voter identification, making permanent absentee lists into annual ones, cleaning up voter rolls, eliminating same day registration with some exceptions, removing no excuse absentee registration, making election day a hard cutoff for receipt of all ballots, eliminating drop boxes, eliminating third party contractors to print/assemble/mail ballots, requiring receipt of absentee ballots in the mail and not in person, requiring signatures and information on absentee ballots, and risk limiting audits.

In this report, Look Ahead America summarizes and analyzes each of these bills.

Summary of S.B. 880

Introduced by Republican Senators McDougle, Cosgrove, DeSteph, Hackworth, Newman, Norment, Obenshain, Ruff and Stanley, this bill amends 24.2-701.1.

As of this writing S.B.880³ is passed by indefinitely. This means that it allows a committee to reconsider legislation at a later meeting. If the committee takes no further action, the bill is dead. It is basically a soft pass, but the bill is not dead per se.⁴ Another bill with similar items

¹ DeSilver, D. (2021, January 28). *Turnout soared in 2020 as nearly two-thirds of eligible U.S. voters cast ballots for president*. Pew Research Center. <https://www.pewresearch.org/fact-tank/2021/01/28/turnout-soared-in-2020-as-nearly-two-thirds-of-eligible-u-s-voters-cast-ballots-for-president/>

² U.S. Census Bureau. (2021, April 29). *What Methods Did People Use to Vote in the 2020 Election?* The United States Census Bureau. <https://www.census.gov/library/stories/2021/04/what-methods-did-people-use-to-vote-in-2020-election.html>

³ <https://legiscan.com/VA/text/SB880/2023>

⁴ <https://sgr.virginia.edu/frequently-used-terms>

may be progressing and the members of the party of subcommittee are waiting to see if it dies or not before revisiting this one.

This bill reduces early voting from 45 days before Election Day to seven days before Election Day through the Saturday prior at 5 PM. (In other words, there are five days to vote early.)

Analysis of S.B. 880

In terms of reducing the window for fraud, it is an improvement; 45 days for early voting is absurd as that makes political debates and campaigns meaningless if one has already voted. It does not handle other security issues, but in terms of the length of time that one can manipulate the system it shrinks it significantly.

Summary of H.B. 1901, 1499, and 1877

These bills are for all intents and purposes the same bill with minor differences in specificity. The most specific of the bunch has progressed unlike the other two:

H.B. 1901 introduced by Republican Delegate Durant amends 24.2-701 and 24.2-701.1. It states that the registrar's office must be open a minimum of eight hours on the two Saturdays prior to all elections, and it removes specific times when the office must remain open. This bill reduces early voting from 45 days before Election Day to 14 days before Election Day through the Saturday prior to Election Day. (In other words, there are 12 days to vote early.)

H.B. 1499 introduced by Republican Delegates Runion, Anderson, Campbell, and Orrock amends 24.2-701 and it too is laying on the table.⁵ This bill reduces early voting from 45 days before Election Day to 14 days before Election Day until 5 pm the Saturday prior to Election Day. (In other words, there are 12 days to vote early.)

H.B. 1877 introduced by Republican Delegates Scott, Runion, and Fowler amends 24.2-701 and 24.2-701.1.⁶ It has been recommended for reporting with a substitute, and the committee substitute has been printed. This means a redrafting of legislation that incorporates proposed changes in a new version, often referred to as a "substitute." Substitutes are offered by a standing committee, a member, a committee of conference, or the Governor.⁷ This bill requires that the registrar's office must be open 7 am – 7 pm on the two Saturdays prior to all elections. Additionally, it reduces early voting from 45 days before Election Day to 14 days before Election

⁵ <https://legiscan.com/VA/text/HB1499/2023>

⁶ <https://legiscan.com/VA/text/HB1877/2023>

⁷ <https://sgr.virginia.edu/frequently-used-terms>

Day until 7 pm the Saturday prior to Election Day. Finally, it allows absentee voting in person available only from Monday-Saturday between 7 am – 7 pm daily. (In other words, there are 11 days to vote early.)

Analysis of H.B. 1901, 1499, and 1877

Forty-five days for early voting is absurd as that makes political debates and campaigns meaningless if one has already voted. Of the bunch, H.B. 1877 is the strongest given that it has the least amount of early voting days and, more importantly, it gives specifics on times as to when early voting and registration occurs. While it does not handle other security issues, in terms of the length of time that one can manipulate the system it shrinks it significantly. This is more likely to pass than S.B. 880 as it is less restrictive, also it is more specific in its requirements.

Summary of S.B. 794, 900 and 968

These bills are for all intents and purposes the same bill with minor differences in specificity. The most specific of the bunch has progressed unlike the other two:

S.B. 794 introduced by Republican Senators McDougle and Dunnivant amends 24.2-404, 24.2-411.3, 24.2-643, 24.2-653, 24.2-653.01, 24.2-701, 24.2-701.1.⁸ As of this writing, it is passed by indefinitely. This bill adds a requirement of voter photo identification cards with a signature and photo, and that registrars will provide one for the voter if they cannot afford one or get the means themselves. The DMV may be able to assist with the production and manufacturing of said cards. It also deletes the use of voter confirmation documents as acceptable proof of identification to vote, which includes a current utility bill, bank statement, government check, paycheck, or other document containing the name and address of the voter. It also allows any valid student identification so long as it contains a photograph of the voter. Instead of signing an attestation form under perjury as is currently the case, the voter gets a provisional ballot.

S.B. 900 introduced by Republican Senators McDougle, Cosgrove, DeSteph, Dunnivant, Hackworth, Hanger, Newman, Norment, Obenshain, Peake, Pillion, Reeves, Ruff, Stanley, Stuart, Suetterlein, Vogel amends 24.2-404, 24.2-411.3, 24.2-643, 24.2-653, 24.2-653.01, 24.2-701 and 24.2-701.1 as well.⁹ As of this writing, it has been referred to the special privileges and elections committee. It has the same stipulations as S.B. 794 almost verbatim.

S.B. 900 introduced by Republican Senators Peake and Ruff amends 24.2-404, 24.2-411.3, 24.2-643, 24.2-653, 24.2-653.01, 24.2-701 and 24.2-701.1 as well. As of this writing, it has been

⁸ <https://legiscan.com/VA/text/SB794/2023>

⁹ <https://legiscan.com/VA/text/SB900/2023>

incorporated by the special privileges and elections committee. By that it means action has been taken to combine one or more measures into another. It has the same stipulations as S.B. 794 and S.B. 900 almost verbatim, and so likely there are elements of this bill worked into S.B. 900 given that S.B. 794 has been passed by indefinitely.

Analysis of S.B. 794, 900 and 968

These bills actually deal with election integrity and security. Photo identification cards with a signature and photo, including student photo ID, are a must. Voter confirmation documents can easily be faked and provide no evidence that the voter is who they say that they are. This would not be acceptable in other areas of government by themselves as they are considered secondary source documents, and therefore they have no place for use as evidence of primary identification in elections.

Summary of H.B. 1947

H.B. 1947 introduced by Republican Delegate Bloxom amends 24.2-703.1.¹⁰ As of this writing, is has been referred to the committee on privileges and elections. This bill changes the process of an application for receiving an absentee ballot from being a one-time, permanent process to an annual one that only applies for a calendar year (January 1 – December 31). The registrar will send a new application every December 15 to a voter who wishes to renew for the following year, with no ballot sent to the voter until they file a new one. The application requires the voter's printed name, date of birth, and the last four digits of his social security number at a minimum.

Analysis of H.B. 1947

This bill is an improvement over the current system as it prevents people who have permanently moved out of state with no intention to return to continue to vote in a state where they have no formal interest. Until Virginia makes better use of the National Change of Address (NCOA) database to investigate and remove ineligible voters, this prevents people from taking advantage of this no excuse, permanent absentee ballot system and requires people to show that they intend to remain as an absentee, as it also prevents the likelihood of someone stealing absentee ballots every year for elections and filling them out.

Summary of H.B. 1377

¹⁰ <https://legiscan.com/VA/text/HB1947/2023>

H.B. 1947 introduced by Republican Delegate Greenhalgh amends 24.2-427.¹¹ As of this writing, it has passed the House and referred to the Committee on Privileges and Elections in the Senate. The bill states that the general registrar will cancel each person's registration within seven days of discovering that the person is no longer entitled to be registered. The current law states that a voter's registration may be cancelled at any time during the year in which the general registrar discovers that the person is no longer entitled to be registered. Reasons to disqualify include the voter being dead or disqualified due to a felony conviction, being declared mentally incompetent, or is not a US citizen under SAVE, or if the voter signs a notice of moving out of VA, or if another registration official does this.

Analysis of H.B. 1377

This bill touches on LAA's election integrity public policy objective #2: Mandated and Public Voter List Hygiene. The objective mentions use of the Social Security Death Index (SSDI), and Master Death File Matching, as well as using the USCIS's SAVE Database. This is a good bill and seeing as how it passed the House, this is a good sign. Including the NCOA and shared interstate residency databases would improve the strength of this bill, but overall this is a great step towards election integrity. If it passes the Senate, then it is quite likely that Governor Younkin will sign it into law, which will be ideal as this bill of all the ones analyzed in this report comes closest to accomplishing the six election integrity objectives from LAA.

Summary of S.B. 844

S.B. 844 introduced by Republican Senator Chase amends 24.2-101, 24.2-115.2, 24.2-124.1, 24.2-402, 24.2-404, 24.2-406, 24.2-411.3, 24.2-420.1, 24.2-427, 24.2-452, 24.2-518, 24.2-603.1, 24.2-604.3, 24.2-609, 24.2-611, 24.2-612, 24.2-613, 24.2-625 through 24.2-630, 24.2-632 through 24.2-646, 24.2-647, 24.2-649, 24.2-649.1, 24.2-651, 24.2-652, 24.2-653, 24.2-653.01, 24.2-654, 24.2-661 through 24.2-668, 24.2-671.2, 24.2-700, 24.2-701, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-706, 24.2-707, 24.2-709, 24.2-709.1, 24.2-710, 24.2-712, 24.2-802, 24.2-802.1, 24.2-802.2, 24.2-814, 24.2-1004, 24.2-1009, and 24.2-1010; adds a section 24.2-709.2; and repeals 24.2-631, 24.2-646.1, 24.2-648, 24.2-657, 24.2-658, 24.2-659, 24.2-701.1, and 24.2-701.2.¹² As of this writing, it has been referred to the committee on privileges and elections.

The bill adds three definitions: "ballot," "ballot marking device," and "ballot system." It also deletes five definitions: "direct recording electronic machine," "machine-readable ballot," "paper ballot," "printed ballot," and "voting system." References to paper, printed, and machine-readable ballots in the bill are instead "ballots" without any adjectives.

¹¹ <https://legiscan.com/VA/text/HB1377/2023>

¹² <https://legiscan.com/VA/text/SB884/2023>

It also changes the use of “election machine” to “election equipment” through the bill. The bill removes mentions of “voting systems, electronic pollbooks equipment or programming” and changes these to “ballot marking devices” (BMDs). It also removes e-pollbook and election or voting machine references, instead using “ballot systems” as a replacement. It does allow for the use of one BMD for disabled people and alternative language accessibility on this device where required by the Voting Rights Act of 1965.

The bill removes references to voter satellite offices. It also requires photo identification for registration and voting, and removes the ability to sign a sworn affidavit and register or vote without this information.

S.B. 844 also eliminates use of late registration / same day registration with the exception of military and their spouse and dependents. (In other words, for people deployed suddenly or given sudden notice that they must leave.) No-excuse absentee ballots also vanish: military and spouses must provide evidence of service branch, students must provide evidence of school and enrollment, those with disabilities, illnesses, or pregnancies must sign an affirmation of such condition, those awaiting trial or convicted of a misdemeanor must provide the institution where confined, business travelers must provide the name of business/employer, those on vacation/personal business must provide the Virginia county or city, or other state or country of travel, those who are caretakers must provide relationships to the family member, those who have religious exemption must sign a statement to that effect, those commuting long distances due to work must provide an employer and travel time/distance, law enforcement officers, firefighters, volunteer firefighters, EMTs, and search and rescue personnel must sign an affirmation that they are, candidates must state that they are and will not be at their location, and those with protective orders must state the county or city or state of the issuing court. The statement and evidence must then be witnessed and signed, or it must be notarized.

It adds that any ballot scanning machine in the precinct shall remain locked against use until the polls are formally closed and all ballots have been manually tabulated. It also deletes: “No voting or counting machines, including inoperative machines, shall be removed from the plain view of the officers of election or from the polling place at any time during the election and through the determination of the vote as provided in §24.2-657 except as explicitly provided pursuant to the provisions of this title.

No voting or counting machine that has become inoperative and contains votes may be removed from the polling place while the polls are open and votes are being ascertained. If the officers of election are unable to ascertain the results from the inoperative machine after the polls close in order to add its results to the results from the other machines in that precinct, the officers of election shall lock and seal the machine without removing the memory card, cartridge, or data storage medium and deliver the machine to either the clerk of court or registrar's office as provided for in § 24.2-659. On the day following the election, the electoral board shall meet and ascertain the results from the inoperative machine in accordance with the

procedures prescribed by the machine's manufacturer and add the results to the results for the precinct to which the machine was assigned.”

Only official ballots as redefined may be counted, and unofficial ballots must be put aside, not counted, and noted in the statement of results. It also adds that manual tabulation must come first in front of those who may be present lawfully, and only then they may use the machines to confirm the results in front of them in which the seal will be removed and made sure it has been zeroed out. Any discrepancies between these may result in a manual recount if the officers present vote by a majority. The last manual tabulation will be accepted as correct and the final results, not the machine count. These will then be announced by the officers and placed in a counted ballot container or envelope and entered in the statement of results. This applies to risk limiting audits at precincts, which only use manual hand counts.

The bill eliminates the receipt of late envelopes as acceptable. It also eliminates as acceptable missing signatures or non-matching signatures on the absentee envelope; this will be handled as a provisional ballot with the option to contact the voter and for the voter to cure the ballot for it to count officially.

The bill also eliminates the counting of ballots at the Department of Elections, rather it must be done by hand at the precincts. Furthermore, it eliminates the definition of overvotes and undervotes from the general recount definitions.

Analysis of S.B. 844

There are some great things like requirement of voter identification, removal of sworn affidavits in lieu of ID, and removing no excuse absentee ballots, it also has some very bizarre deletions and confusing definitions.

For example, it eliminates counting of overvotes and undervotes, which are needed for numerical accuracy and accountability. It also seems to have no issue with the removal of tabulating machines from a location before the end of the day, which seems odd considering that it would present a security and integrity issue.

Furthermore, it contradicts itself at the outset by deleting the definition of “printed ballot” under definitions, but then it also uses that same term within the new definition of “ballot” without actually explaining what printed ballot means now that it has been deleted from definitions. (“Ballot” means a tangible ballot that is printed on paper and includes both ballots that can only be manually counted and printed ballots designed to be used with a ballot system and that can be tabulated by a ballot scanner machine.) This makes understanding the bill extremely confusing and circular; it would appear that the author intended for printed ballot in the original sense to mean an onsite printed ballot using thermal paper by voting machines,

whereas now the definition used under ballot means pre-printed ballots done offsite and brought to a location.

At a minimum, this bill needs to clean up its language and clarify a number of points before moving forward. An issue that we foresee with some of the language used for attesting to disabilities and illnesses as a reason for absentee ballots are that this is self-defined, and will result in the same issue we saw in Wisconsin in 2020 in that this allowed for mass-mail-in ballots under the guise of “indefinitely confined” voters who claimed to use age, illness and infirmity as an excuse. A better solution would be to require a doctor’s contact information that can confirm the pregnancy, illness, or disability; the principle of third-party trust should apply when using security measures, and asking people to self-diagnose is a recipe for disaster.

Summary of H.B. 1444

H.B. 1444 introduced by Republican Delegates Ware and McGuire amends 24.2-404, 24.2-411.3, 24.2-643, 24.2-653, 24.2-653.01, 24.2-701, 24.2-701.1, 24.2-709, and 24.2-709.1 and repeals 24.2-703.1.¹³ As of this writing, it has been assigned to the privileges and elections subcommittee #1.

This bill adds a requirement of voter photo identification cards with a signature and photo, and that registrars will provide one for the voter if they cannot afford one or get the means themselves. The DMV may be able to assist with the production and manufacturing of said cards. It also deletes the use of voter confirmation documents as acceptable proof of identification to vote, which includes a current utility bill, bank statement, government check, paycheck, or other document containing the name and address of the voter. It also allows any valid student identification so long as it contains a photograph of the voter. Instead of signing an attestation form under perjury as is currently the case, the voter gets a provisional ballot.

The bill adds that the electoral board or general registrar may provide for extended hours for absentee voting in person.

H.B. 1444 reduces early voting from 45 days before Election Day to seven days before Election Day through the Saturday prior at 5 PM. (In other words, there are five days to vote early.)

It also eliminates the current permissions of allowing the late receipt of absentee ballots; all ballots must be received by Election Day, regardless of postmarked date.

This bill removes ballot envelope examination power from the registrars and gives it to two officers of election – one from each political party –to verify completion of the required voter's

¹³ <https://legiscan.com/VA/text/HB1444/2023>

material information. The registrars may, however, open the return envelope and send the unopened sealed ballot envelope containing the ballot to the central absentee voter precinct where it will be held until absentee ballots are processed and counted. Additionally, only officers may open sealed ballot envelopes. Furthermore, any locations where sealed ballot envelopes are opened and the ballots extracted are designated a central absentee voter precinct and must follow provisions for that type of location, and must be administered by officers of elections. Any incorrect or incomplete return ballot envelopes must be returned by election officers to the registrar with the sealed ballot envelope inside.

Lastly, the bill repeals the existence of a state permanent absentee voter list.

Analysis of H.B. 1444

Seemingly a combination of elements from S.B. 844, 880, 794, 900, and 968 and H.B. 1947, the most distinguishing aspect of H.B. 1444 comes from it giving the power to the two election officers of different political parties to examine absentee ballots. The advantage of this process would prevent any one person or party to be in charge of absentee ballots, and thereby prevent potential stuffing of votes or, for that matter, accepting of ballots that do not legally qualify. The other elements have been positively reviewed in the above sections, but it is important that virtually every element of the inspection process have two sets of eyes as this will resolve potential election security issues.

Summary of H.B. 1467

H.B. 1467 introduced by Republican Delegate Wyatt amends 24.2-404, 24.2-411.3, 24.2-420.1, 24.2-643, 24.2-653, 24.2-653.01, 24.2-701, 24.2-701.1, 24.2-706, 24.2-707, 24.2-709, and 24.2-709.1 and repeals 24.2-707.1.¹⁴ As of this writing, it was assigned to the privileges and elections subcommittee #1.

This bill adds a requirement of voter photo identification cards with a signature and photo, and that registrars will provide one for the voter if they cannot afford one or get the means themselves. The DMV may be able to assist with the production and manufacturing of said cards. It also deletes the use of voter confirmation documents as acceptable proof of identification to vote, which includes a current utility bill, bank statement, government check, paycheck, or other document containing the name and address of the voter. It also allows any valid student identification so long as it contains a photograph of the voter. Instead of signing an attestation form under perjury as is currently the case, the voter gets a provisional ballot.

¹⁴ <https://legiscan.com/VA/text/HB1467/2023>

It also eliminates use of late registration / same day registration with the exception of military and their spouse and dependents. (In other words, for people deployed suddenly or given sudden notice that they must leave.)

H.B. 1467 reduces early voting from 45 days before Election Day to six days before Election Day through the Saturday prior at 5 PM. (In other words, there are four days to vote early.) It also deletes the electoral board or general registrar being able to provide for absentee voting in person in such offices on Sundays.

This bill also deletes all references to drop off locations (aka drop boxes) for mail-in and absentee ballots. It also requires that if returned by mail it must be postmarked on or before Saturday before the election, nor may any person return an absentee ballot after the closing of the polls on election day. Even if the voter is in line to return an absentee ballot at a drop-off location by 7:00 p.m. on the day of the election, they are not permitted to deposit the absentee ballot. In addition, the voter must have a witness sign the absentee ballot envelope or else it will be rendered void.

Lastly, the bill repeals the existence of a state permanent absentee voter list.

Analysis of H.B. 1467

This bill is largely a mix of H.B. 1444 (and the bills mentioned prior to it), however, this bill distinguishes itself from the pack by allowing two officers to open absentee ballots, but instead it reduces early voting to six days and eliminates drop boxes. It also has a hard cutoff for absentee ballots, not allowing for in person drop offs if in line nor late post marking. Lastly, it does not allow for curing as it simply renders no witness signatures as a void ballot.

In some ways it is an improvement upon H.B. 1444, and even S.B. 880 as it reduces early voting to six days. Its best feature is the elimination of drop boxes and a hard cutoff for receipt of absentee ballots. Though it may seem harsh to cut off people in line with absentee ballots, they were supposed to mail them the Saturday before (if they really were absentee) or could just come inside and drop them off; otherwise they are not absentee and should be voting in person. Likely a liberal activist group will sue for disenfranchisement, but if it combines the aspect of H.B. 1444 which requires the reasons why one has to get an absentee ballot then it will be a form of protection for the administrators and state that the person was not expected to be back that day. With a bit of tweaking this could be a strong bill, even if one removes the cutoff of the people in line with absentee ballots.

Summary of H.B. 1847

H.B. 1847 introduced by Republican Delegate LaRock amends 15.2-1400, 24.2-404, 24.2-411.3, 24.2-420.1, 24.2-452, 24.2-612, 24.2-643, 24.2-653, 24.2-653.01, 24.2-671.2, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.2, 24.2-706, 24.2-707, 24.2-709, 24.2-709.1, and 24.2-1004, and repeals 24.2-403.1, 24.2-703.1, and 24.2-707.1, and repeals the second enactment of Chapter 103 of the Acts of Assembly of 2021, Special Session I.¹⁵ As of this writing, it was assigned to the privileges and elections subcommittee #1.

This bill adds a requirement of voter photo identification cards with a signature and photo, and that registrars will provide one for the voter if they cannot afford one or get the means themselves. The DMV may be able to assist with the production and manufacturing of said cards. It also deletes the use of voter confirmation documents as acceptable proof of identification to vote, which includes a current utility bill, bank statement, government check, paycheck, or other document containing the name and address of the voter. It also allows any valid student identification so long as it contains a photograph of the voter. Instead of signing an attestation form under perjury as is currently the case, the voter gets a provisional ballot.

Under the proposed bill, provisional ballots must now have complete information on the voter, “including the house or apartment number, street name or rural route address, city, and zip code.” Failure to include all information results in an invalid ballot.

The bill eliminates the permanent absentee voter list. It also eliminates permission of late receipt of absentee ballots by mail. This bill also deletes all references to drop off locations (aka drop boxes) for mail-in and absentee ballots. Absentee ballots are only by mail or in person, or a member’s immediate family or caretaker may bring them in person. Furthermore, absentee voting begins ten days before an election and goes to 5pm on the prior Saturday (in other words, there are eight days early voting). Finally, it eliminates the use of third parties of printing, assembling, and mailing absentee ballots.

H.B. 1847 also eliminates use of late registration / same day registration with the exception of military and their spouse and dependents. (In other words, for people deployed suddenly or given sudden notice that they must leave.) No-excuse absentee ballots also vanish: military and spouses must provide evidence of service branch, students must provide evidence of school and enrollment, those with disabilities, illnesses. or pregnancies must sign an affirmation of such condition, those awaiting trial or convicted of a misdemeanor must provide the institution where confined, business travelers must provide the name of business/employer, those on vacation/personal business must provide the Virginia county or city, or other state or country of travel, those who are caretakers must provide relationships to the family member, those who have religious exemption must sign a statement to that effect, those commuting long distances due to work must provide an employer and travel time/distance, law enforcement officers, firefighters, volunteer firefighters, EMTs, and search and rescue personnel must sign an

¹⁵ <https://legiscan.com/VA/text/HB1847/id/2630900>

affirmation that they are, candidates must state that they are and will not be at their location, and those with protective orders must state the county or city or state of the issuing court. The statement and evidence must then be witnessed and signed, or it must be notarized. Although it does allow people with said excuses to vote in person 45 days before an election to the second Friday before an election.

The bill touches on risk limiting audits, in which it seems to audit only a portion of ballots cast in a district or statewide election. Furthermore, it allows for methods to compare the sums of the subtotals of the batched ballots to the contested race, including hand counts of randomly selected ballot batches compared to machine counts.

Lastly, the bill eliminates people under the age of 18 from preregistering (that is, people aged 16 and 17), and it also eliminates automatic registration of such people.

Analysis of H.B. 1847

A hodgepodge of the prior bills, the key differences in H.B. 1847 are that it eliminates preregistration of people under the age of 18, limits ballot harvesting to immediate family members and caretakers, it shrinks early voting to ten days, and requires provisional ballots to include a full address, voiding those which lack them.

Some of these are improvements, although disallowing voters to pre-register before turning eighteen would deny them the right to vote in primaries for General Elections they would be legally old enough to participate in. The bill also needs to clarify some points such as what defines “immediate family” and “caretakers” for ballot harvesters. There are some confusing aspects such as shrinking the early voting window to ten days, but allowing people with excuses given to vote 45 days early. Presumably because they cannot do so for the ten-day period (i.e. may be deployed and won’t get mail in time, going to travel abroad, going back to school, etc.). Even so it seems inconsistent with the ability to vote by mail or in person; pick one or the other but not both. Also, the risk limiting audit section does not seem to change much aside from hand counts compared with machine counts. It’s better than nothing, but when compared to S.B. 844 which is so much more thorough, this doesn’t seem to increase confidence in the outcome or get to the root of the issue when questions on integrity arise.

That said, the other aspects of the bill are strong enough that overall the parts are greater than the sum, and definitely more than the current system. With minor changes and specifications, it could be a better bill and make positive changes for election integrity in Virginia.

Look Ahead America’s Six Election Integrity Public Policy Objectives

1. Thumbprint Authentication of Absentee Ballots.
2. Mandated and Public Voter List Hygiene.
3. Ban on the Use of “Black Box” Voting Equipment.
4. Appointment of a Citizens Elections Supervisory Committee.
5. Creation and Funding of a Dedicated Voter Fraud Investigation Division within the State’s Attorney General’s Office.
6. Equitable Distribution of Private Contributions to Election Operations.

These objectives inform our analysis of these bills and other election integrity reform efforts.

You can find additional information at <https://LookAheadAmerica.org/integrity>.

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How to Help

Volunteer with Look Ahead America at <https://LookAheadAmerica.org/volunteer>.

Support LAA by making a financial contribution at <https://LookAheadAmerica.org/donate> or by using Amazon Smile at <https://smile.amazon.com/ch/82-1645970>.

Join our Guilded community server at <https://guilded.gg/Look-Ahead-America> and learn how to use Guilded at <https://LookAheadAmerica.org/Guilded>.