

26104715D

1 **HOUSE BILL NO. 493**

2 Offered January 14, 2026

3 Prefiled January 12, 2026

4 A BILL to amend and reenact §§ 24.2-103.2, 24.2-704, and 24.2-706 of the Code of Virginia, relating to
5 elections; absentee voting; accessibility; ballots received, marked, and returned electronically through
6 the internet.

7 Patron—Hope

8 Committee Referral Pending

9 Be it enacted by the General Assembly of Virginia:

10 1. That §§ 24.2-103.2, 24.2-704, and 24.2-706 of the Code of Virginia are amended and reenacted as
11 follows:12 **§ 24.2-103.2. Duties of the Department of Elections related to accessible absentee voting.**13 A. The Department shall make available to all localities a tool to allow a voter with a visual impairment or
14 print disability or a covered voter, as defined in § 24.2-452, to electronically and accessible receive and,
15 mark, and return his absentee ballot using screen reader assistive technology, to receive and complete any
16 other required forms, and to provide any proof of identity electronically through the internet. The
17 Department shall ensure the accessibility, as defined in § 2.2-3501, of such tool. The Department shall
18 develop instructions regarding the use and availability of such tool, including instructions on making the tool
19 available to voters and counting ballots voted with such tool.20 B. Such tool shall include a means for a voter to complete the following statement electronically through
21 the internet:22 "I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016 of the
23 Code of Virginia, that my FULL NAME is (last, first, middle); that I am now or have been at some time since
24 last November's general election a legal resident of (STATE YOUR LEGAL RESIDENCE IN VIRGINIA,
25 including the house number, street name or rural route address, city, zip code); that I received the subject
26 ballot(s) electronically upon application to the registrar of such county or city; that I marked the ballot(s)
27 without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am
28 returning the form required to report how I was assisted); that I then returned the ballot(s) through this
29 electronic ballot marking and return tool; and that I have not voted and will not vote in this election at any
30 other time or place.31 Signature of Voter _____
32 Last four digits of voter's social security number _____
33 Voter's birth year _____
34 Date _____"35 Such tool shall include a means for the standard oath prescribed by the presidential designee under §
36 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) to be
37 completed electronically through the internet by voters who are qualified to vote absentee under that Act.38 For purposes of properly completing this statement, the unique identifier assigned to the voter in the voter
39 registration system pursuant to subdivision A 1 of § 24.2-404 shall be accepted in place of the last four digits
40 of the voter's social security number for those voters whose registration includes a statement of affirmation
41 that they have never been issued a social security number.42 When this statement has been properly completed and signed by the registered voter, his ballot shall not
43 be subject to challenge pursuant to § 24.2-651.44 **§ 24.2-704. Applications and ballots for persons requiring assistance in voting; penalty.**45 A. The application for an absentee ballot shall provide space for the applicant to indicate that he will
46 require assistance to vote his absentee ballot by reason of blindness, disability, or inability to read or write.47 B. On receipt of an application from an applicant who indicated that he will require assistance due to a
48 visual impairment or print disability, the general registrar shall offer to provide to the applicant a ballot
49 marking tool with screen reader assistive technology for receiving, marking, and returning his ballot
50 electronically through the internet made available pursuant to § 24.2-103.2. If the applicant opts to use such
51 tool, the general registrar shall send by mail to him a ballot return envelope and accessible instructions
52 provided by the Department for using such tool and returning the marked ballot. The general registrar shall
53 cause the outer envelope containing the ballot return envelope and accessible instructions to have a tactile
54 marking that identifies the outer envelope as the outer envelope to the voter. For purposes of this section,
55 "tactile marking" includes a hole punch, a cut corner, or a tactile sticker ensure the applicant receives access
56 to such tool in accordance with instructions provided by the Department.

INTRODUCED

HB493

59 An absentee voter using such tool shall ~~return the marked mark and return his~~ absentee ballot, *complete*
60 *any other required forms, and provide proof of identity* in accordance with the instructions provided by the
61 Department.

62 ~~No ballot marked with the electronic ballot marking tool shall be rejected because the ballot was printed~~
63 ~~on regular paper. No ballot marked with the electronic ballot marking tool shall be rejected on the basis of the~~
64 ~~position of the voter's signature or address on the ballot return envelope as long as the voter's signature or~~
65 ~~address is anywhere on the ballot return envelope.~~

66 C. On receipt of an application from an applicant marked to indicate that he will require assistance due to
67 any other disability or if an applicant offered the ~~ballot marking tool for receiving, marking, and returning his~~
68 *ballot through the internet* pursuant to subsection B declines to use such tool, the general registrar shall
69 deliver, with the items required by § 24.2-706, the voter assistance form furnished by the State Board
70 pursuant to § 24.2-649. The voter and any person assisting him shall complete the form by signing the request
71 for assistance and statement required of the assistant. If the voter is unable to sign the request, the person
72 assisting him will note this fact on the line for signature of voter. The provisions of § 24.2-649 shall apply to
73 absentee voting and assistance for absentee voters. Any person who willfully violates the provisions of this
74 section or § 24.2-649 in providing assistance to a person who is voting absentee shall be guilty of a Class 5
75 felony.

76 **§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.**

77 A. On receipt of an application for an absentee ballot, the general registrar shall enroll the name and
78 address of each registered applicant on an absentee voter applicant list that shall be maintained in the office
79 of the general registrar with a file of the applications received. The list shall be available for inspection and
80 copying and the applications shall be available for inspection only by any registered voter during regular
81 office hours. Upon request and for a reasonable fee, the Department of Elections shall provide an electronic
82 copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for
83 campaign and political purposes. Any list made available for inspection and copying under this section shall
84 contain the post office box address in lieu of the residence street address for any individual who has furnished
85 at the time of registration or subsequently, in addition to his street address, a post office box address pursuant
86 to subsection B of § 24.2-418.

87 No list or application containing an individual's social security number, or any part thereof, or the
88 individual's day and month of birth, shall be made available for inspection or copying by anyone. The
89 Department of Elections shall prescribe procedures for general registrars to make the information in the lists
90 and applications available in a manner that does not reveal social security numbers or parts thereof, or an
91 individual's day and month of birth.

92 B. The completion and timely delivery of an application for an absentee ballot shall be construed to be an
93 offer by the applicant to vote in the election.

94 The general registrar shall note on each application received whether the applicant is or is not a registered
95 voter. In reviewing the application for an absentee ballot, the general registrar shall not reject the application
96 of any individual because of an error or omission on any record or paper relating to the application, if such
97 error or omission is not material in determining whether such individual is qualified to vote absentee.

98 C. If the application has been properly completed and signed and the applicant is a registered voter of the
99 precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots for the
100 election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other evidence of
101 either first-class or expedited mailing or delivery from the United States Postal Service or other commercial
102 delivery provider, or deliver to him in person in the office of the registrar, the following items and nothing
103 else:

- 104 1. An envelope containing the folded ballot, sealed and marked "Ballot within."
- 105 2. An envelope for resealing the marked ballot, on which envelope is printed the following:
106 "Statement of Voter."

107 "I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016 of the
108 *Code of Virginia*, that my FULL NAME is (last, first, middle); that I am now or have been at some time since
109 last November's general election a legal resident of (STATE YOUR LEGAL RESIDENCE IN VIRGINIA
110 including the house number, street name or rural route address, city, zip code); that I received the enclosed
111 ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot
112 within' and marked the ballot(s), without assistance or knowledge on the part of anyone as to the manner in
113 which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the
114 ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or
115 place.

116 Signature of Voter _____

117 Last four digits of voter's social security number _____

118 Voter's birth year _____

119 Date _____ "

120 For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope

121 containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and
 122 Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified
 123 to vote absentee under that Act.

124 For purposes of properly completing this statement, the unique identifier assigned to the voter in the voter
 125 registration system pursuant to subdivision A 1 of § 24.2-404 shall be accepted in place of the last four digits
 126 of the voter's social security number for those voters whose registration includes a statement of affirmation
 127 that they have never been issued a social security number.

128 When this statement has been properly completed and signed by the registered voter, his ballot shall not
 129 be subject to challenge pursuant to § 24.2-651.

130 3. An envelope, properly addressed and postage prepaid, for the return of the ballot to the general registrar
 131 by mail or by the applicant in person, or to a drop-off location.

132 4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.
 133 Such instructions shall include information on the sites of all drop-off locations in the county or city.
 134 Whenever there is a proposed constitutional amendment or a statewide referendum to be voted on by the
 135 voters, these instructions shall also include the website address where the explanation of the proposed
 136 amendment prepared pursuant to § 30-19.9 or the information about the referendum prepared pursuant to
 137 § 30-19.10 is posted on the Department's website.

138 For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52
 139 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in
 140 a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy
 141 of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government
 142 check, paycheck or other government document that shows the name and address of the voter. Such
 143 individual who desires to vote by mail but who does not submit one of the forms of identification specified in
 144 this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the
 145 provisions of § 24.2-653.01. The Department of Elections shall provide instructions to the electoral boards
 146 for the handling and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

147 5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting
 148 Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to the voting
 149 rights and responsibilities for such citizens, or information provided by the registrar specific to the status of
 150 the voter registration and absentee ballot application of such voter, may be included.

151 The envelopes and instructions shall be in the form prescribed by the Department of Elections.

152 D. The general registrar may contract with a third party for the printing, assembly, and mailing of the
 153 items set forth in subsection C. The general registrar shall provide to the contractor in a timely manner the
 154 names, addresses, precincts, and ballot styles of voters requesting an absentee ballot by mail. The vendor
 155 shall provide to the general registrar a report of the voters to whom the absentee ballot materials have been
 156 sent.

157 E. If the applicant completes his application in person under § 24.2-701 at a time when the printed ballots
 158 for the election are available, he may request that the general registrar send to him by mail the items set forth
 159 in subdivisions C 1 through 4, instead of casting the ballot in person. Such request shall be made no later than
 160 5:00 p.m. on the eleventh day prior to the election in which the applicant offers to vote, and the general
 161 registrar shall send those items to the applicant by mail, obtaining a certificate or other evidence of mailing.

162 F. If the applicant is a covered voter, as defined in § 24.2-452, the general registrar, at the time when the
 163 printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in
 164 person to the applicant in the office of the general registrar the items as set forth in subdivisions C 1 through
 165 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be
 166 required. If the applicant requests that such items be sent by electronic transmission to use the tool to receive,
 167 mark, and return his absentee ballot, complete any other required forms, and provide proof of identity made
 168 available pursuant to § 24.2-103.2 electronically through the internet, the general registrar, at the time when
 169 the printed ballots for the election are available but not later than the deadline set forth in § 24.2-612, shall
 170 send by electronic transmission the blank ballot, the form for the envelope for returning the marked ballot,
 171 and instructions to the voter. Such materials shall be sent using the official email address or fax number of the
 172 office of the general registrar published on the Department of Elections website. The State Board of Elections
 173 may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A
 174 general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance
 175 Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter
 176 to ensure the voter receives access to such tool in accordance with instructions provided by the Department of
 177 Elections. A voter using such tool shall mark and return his absentee ballot, complete any other required
 178 forms, and provide proof of identity in accordance with the instructions provided by the Department.

179 G. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section
 180 upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in
 181 the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the
 182 campaign committee or the appropriate district political party chairman of such candidate. Any person who

183 fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent
184 shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.