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HOUSE BILL NO. 640

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend and reenact §§ 24.2-431, 24.2-652, and 24.2-706 of the Code of Virginia and to repeal §§ 24.2-429, 24.2-430, 24.2-432, 24.2-433, and 24.2-651 of the Code of Virginia, relating to elections; challenges to voter or voter's registration.

Patron—Krizek

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-431, 24.2-652, and 24.2-706 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-431. Petition to court objecting to registration.

~~In addition to challenging a voter's registration before the general registrar, any~~ A. Any three qualified voters may file with the circuit court of the county or city in which they are registered; a petition stating their objections to the registration of any person whose name is on the registration records for their county or city. However, no petition may be filed if the only objection raised is based on removal of residence from the precinct. *In no event shall a petition be filed within 60 days of a primary or general election held in such county or city.*

B. Fifteen days' notice shall be given by the petitioners to any person whose registration is objected to, and the court shall summarily proceed to determine the right of the person to registration. The determination shall be without the necessity of formal pleadings and in preference to all other matters on the docket. An order of the court concerning registration of the voter shall not be limited by the provisions of § 24.2-416 requiring the registration records to be closed.

C. From the judgment of the court, an appeal shall lie, as a matter of right, to the Court of Appeals. The appeal shall be placed on the privileged docket and be heard by the next available panel of the court.

§ 24.2-652. Voter whose name erroneously omitted from pollbook; provisional ballots.

A. When a person offers to vote and his name does not appear on the pollbook, the officers of election shall permit him to vote only if all of the following conditions are met:

1. An officer of election is informed by the general registrar that the voter is registered to vote, that his registration has not been cancelled, and that his name is erroneously omitted from the pollbook.

2. The voter signs a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is a qualified and registered voter of that precinct, a resident of that precinct, and his registration is not subject to cancellation pursuant to §§ ~~24.2-430, § 24.2-431, and 24.2-432,~~ and he provides, subject to such penalties, all the information required to identify himself including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, birthdate, and complete address.

3. The officer of election enters the identifying information for the voter on the pollbook.

When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.

B. If the general registrar is not available or cannot state that the person is registered to vote, such person shall be allowed to vote by provisional ballot pursuant to § 24.2-653. The officers of election shall provide to him an application for registration. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots.

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

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

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

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

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

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

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

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

87 Signature of Voter _____
88 Last four digits of voter's social security number _____
89 Voter's birth year _____
90 Date _____"

91 For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope
92 containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and
93 Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified
94 to vote absentee under that Act.

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

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

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

103 4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.
104 Such instructions shall include information on the sites of all drop-off locations in the county or city.
105 Whenever there is a proposed constitutional amendment or a statewide referendum to be voted on by the
106 voters, these instructions shall also include the website address where the explanation of the proposed
107 amendment prepared pursuant to § 30-19.9 or the information about the referendum prepared pursuant to
108 § 30-19.10 is posted on the Department's website.

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

118 5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting
119 Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to the voting
120 rights and responsibilities for such citizens, or information provided by the registrar specific to the status of

the voter registration and absentee ballot application of such voter, may be included.

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

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

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

F. If the applicant is a covered voter, as defined in § 24.2-452, the general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions C 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be required. If the applicant requests that such items be sent by electronic transmission, the general registrar, at the time when the printed ballots for the election are available but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter. Such materials shall be sent using the official email address or fax number of the office of the general registrar published on the Department of Elections website. The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

G. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

2. That §§ 24.2-429, 24.2-430, 24.2-432, 24.2-433, and 24.2-651 of the Code of Virginia are repealed.