

2026 SESSION

INTRODUCED

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SENATE BILL NO. 438

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend and reenact § 24.2-701.1 of the Code of Virginia, relating to elections; absentee voting in person; available the second Sunday before all elections.

7 Patrons—Bagby, Aird, Carroll Foy, Jones, Locke, Lucas, Rouse and Williams Graves

8 Referred to Committee on Privileges and Elections

9 **Be it enacted by the General Assembly of Virginia:**

10 **1. That § 24.2-701.1 of the Code of Virginia is amended and reenacted as follows:**

11 **§ 24.2-701.1. Absentee voting in person.**

12 A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall
13 continue until 5:00 p.m. on the Saturday immediately preceding the election. In the case of a special election,
14 excluding for federal offices, if time is insufficient between the issuance of the writ calling for the special
15 election and the date of the special election, absentee voting in person shall be available as soon as possible
16 after the issuance of the writ.

17 Any registered voter offering to vote absentee in person shall provide his name and his residence address
18 in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of that
19 county or city, the general registrar shall enroll the voter's name and address on the absentee voter applicant
20 list maintained pursuant to § 24.2-706.

21 Except as provided in subsection F, a registered voter voting by absentee ballot in person shall provide
22 one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the
23 forms of identification specified in subsection B of § 24.2-643, he shall be allowed to vote after signing a
24 statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named
25 registered voter he claims to be. A voter who requires assistance in voting by reason of a physical disability
26 or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in
27 preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters
28 who are unable to sign shall be followed when assisting a voter in completing this statement. A voter who
29 does not show one of the forms of identification specified in this subsection or does not sign this statement
30 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide
31 instructions to the general registrar for the handling and counting of such provisional ballots pursuant to
32 § 24.2-653.01 and this section.

33 B. Absentee voting in person shall be available during regular business hours. The electoral board of each
34 county and city shall provide for absentee voting in person in the office of the general registrar or a voter
35 satellite office established pursuant to § 24.2-701.2. For purposes of this chapter, such offices shall be open to
36 the public a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. (i) on the first and second
37 Saturday and (ii) on the second Sunday immediately preceding all elections. The electoral board or general
38 registrar may provide for absentee voting in person in such offices on Sundays. Any applicant who is in line
39 to cast his ballot when the office of the general registrar or voter satellite office closes shall be permitted to
40 cast his absentee ballot that day.

41 C. The general registrar may provide for the casting of absentee ballots in person pursuant to this section
42 on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures
43 shall provide for absentee voting in person on voting systems that have been certified and are currently
44 approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to
45 all localities using comparable voting systems.

46 D. At least two officers of election shall be present during all hours that absentee voting in person is
47 available and shall represent the two major political parties, except in the case of a party primary, when they
48 may represent the party conducting the primary. However, such requirement shall not apply when (i) voting
49 systems that are being used pursuant to subsection C are located in the office of the general registrar or voter
50 satellite office and (ii) the general registrar or a deputy registrar is present.

51 E. The Department shall include absentee ballots voted in person in its instructions for the preparation,
52 maintenance, and reporting of ballots, pollbooks, records, and returns.

53 F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52
54 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a
55 federal election in the state. At such election, such individual shall present (i) a current and valid photo
56 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other
57 government document that shows the name and address of the voter. Such individual who desires to vote in
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59 person but who does not show one of the forms of identification specified in this subsection shall be offered a
60 provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of
61 § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of
62 Elections shall provide instructions to the electoral boards for the handling and counting of such provisional
63 ballots pursuant to § 24.2-653.01 and this section.