

# 2026 SESSION

INTRODUCED

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1 **SENATE BILL NO. 582**

2 Offered January 14, 2026

3 Prefiled January 14, 2026

4 *A BILL to amend and reenact §§ 24.2-653.01, 24.2-706, 24.2-709.1, and 24.2-711.1 of the Code of Virginia,*  
5 *relating to elections; absentee and provisional ballots; process and timing for rejected absentee ballot*  
6 *applications, returned absentee ballots, and rejected provisional ballots.*

7 Patron—Salim

8  
9 Referred to Committee on Privileges and Elections

10  
11 Be it enacted by the General Assembly of Virginia:

12 1. That §§ 24.2-653.01, 24.2-706, 24.2-709.1, and 24.2-711.1 of the Code of Virginia are amended and  
13 reenacted as follows:

14 **§ 24.2-653.01. Provisional ballots; electoral boards to make determination as to validity.**

15 A. The electoral board shall meet on the day following the election and determine whether each person  
16 having submitted a provisional vote pursuant to § 24.2-653 was entitled to do so as a qualified voter in the  
17 precinct in which he offered the provisional vote. In the case of persons voting provisionally pursuant to  
18 § 24.2-653.3, the electoral board shall determine of which district the person is a qualified voter. At the  
19 meeting, the voter may request an extension of the determination of the provisional vote in order to provide  
20 information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral  
21 board shall have the authority to grant such extensions that it deems reasonable to determine the status of a  
22 provisional vote.

23 If the board is unable to determine the validity of all the provisional ballots offered in the election, or has  
24 granted any voter who has offered a provisional ballot an extension, the meeting shall stand adjourned, not to  
25 exceed 10 calendar days from the date of the election, until the board has determined the validity of all  
26 provisional ballots offered in the election.

27 B. The electoral board shall permit one authorized representative of each political party or independent  
28 candidate in a general or special election or one authorized representative of each candidate in a primary  
29 election to remain in the room in which the determination is being made as an observer so long as he does not  
30 participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized  
31 representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is  
32 not himself a candidate or party chairman, shall present to the electoral board a written statement designating  
33 him to be a representative of the party or candidate and signed by the county or city chairman of his political  
34 party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is  
35 unavailable to sign such a written designation, such a designation may be made by the state or district  
36 chairman of the political party. However, no written designation made by a state or district chairman shall  
37 take precedence over a written designation made by the county or city chairman. Such statement, bearing the  
38 chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if  
39 the copy had been signed.

40 Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.),  
41 attendance at meetings of the electoral board to determine the validity of provisional ballots shall be  
42 permitted only for the authorized representatives provided for in this subsection, for the persons whose  
43 provisional votes are being considered and their representative or legal counsel, and for appropriate staff and  
44 legal counsel for the electoral board.

45 C. *The electoral board shall make publicly available a list of persons who have submitted an ID-ONLY*  
46 *provisional ballot pursuant to § 24.2-653 no later than noon on the day following the election.*

47 D. If the electoral board determines that *such a person who submitted a provisional vote pursuant to*  
48 *§ 24.2-653 was not entitled to vote as a qualified voter in the precinct or district in which he offered the*  
49 *provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of*  
50 *identification specified in subsection B of § 24.2-643, or the signed statement that the voter is the named*  
51 *registered voter he claims to be, the envelope containing his ballot shall not be opened and his vote shall not*  
52 *be counted. If the electoral board determines that such person was not entitled to vote as a result of a*  
53 *material error or omission on the provisional ballot form, the registrar shall promptly notify the voter in*  
54 *writing or by email of the error or omission and shall provide information to the voter on how to correct the*  
55 *issue so his ballot may be counted. The voter shall be entitled to make such necessary corrections before*  
56 *noon on the Monday after the election, and his ballot shall then be counted pursuant to the procedures set*  
57 *forth in this section if he is found to be entitled to vote. The general registrar shall notify in writing pursuant*  
58 *to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.*

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59        The provisional vote shall be counted if (i) such person is entitled to vote in the precinct pursuant to  
60        § 24.2-401 or (ii) the Department of Elections or the voter presents proof that indicates the voter submitted an  
61        application for registration to a state-designated voter registration agency or the voter's information was  
62        transmitted by the Department of Motor Vehicles to the Department of Elections pursuant to § 24.2-411.3  
63        prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was  
64        qualified for registration based upon the application for registration submitted by the person pursuant to  
65        subsection B of § 24.2-652.

66        If the electoral board determines that such person was entitled to vote, the name of the voter shall be  
67        entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the  
68        ballot shall be placed in a ballot container without any inspection further than that provided for in § 24.2-646.

69        **D. E.** On completion of its determination, the electoral board shall proceed to count such ballots and  
70        certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No  
71        adjustment shall be made to the statement of results for the precinct in which the person offered to vote.  
72        However, any voter who cast a provisional ballot and is determined by the electoral board to have been  
73        entitled to vote shall have his name included on the list of persons who voted that is submitted to the  
74        Department of Elections pursuant to § 24.2-406.

75        **E. F.** The certification of the results of the count together with all ballots and envelopes, whether open or  
76        unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court  
77        and retained by him as provided for in §§ 24.2-668 and 24.2-669.

78        **§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.**

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

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

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

98        The general registrar shall note on each application received whether the applicant is or is not a registered  
99        voter. In reviewing the application for an absentee ballot, the general registrar shall not reject the application  
100        of any individual because of an error or omission on any record or paper relating to the application, if such  
101        error or omission is not material in determining whether such individual is qualified to vote absentee. *For any*  
102        *registered voter whose absentee ballot application is rejected, the general registrar shall enter into the*  
103        *voter's record in the voter registration system that such absentee ballot application has been rejected and the*  
104        *reason for rejection.*

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

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

114        "I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my  
115        FULL NAME is (last, first, middle); that I am now or have been at some time since last November's general  
116        election a legal resident of (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house  
117        number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon  
118        application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and  
119        marked the ballot(s), without assistance or knowledge on the part of anyone as to the manner in which I  
120        marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in

121 this envelope; and that I have not voted and will not vote in this election at any other time or place.

122 Signature of Voter \_\_\_\_\_

123 Last four digits of voter's social security number \_\_\_\_\_

124 Voter's birth year \_\_\_\_\_

125 Date \_\_\_\_\_ "

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

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

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

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

138 4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.  
 139 Such instructions shall include information on the sites of all drop-off locations in the county or city.  
 140 Whenever there is a proposed constitutional amendment or a statewide referendum to be voted on by the  
 141 voters, these instructions shall also include the website address where the explanation of the proposed  
 142 amendment prepared pursuant to § 30-19.9 or the information about the referendum prepared pursuant to  
 143 § 30-19.10 is posted on the Department's website.

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

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

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

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

163 E. If the applicant completes his application in person under § 24.2-701 at a time when the printed ballots  
 164 for the election are available, he may request that the general registrar send to him by mail the items set forth  
 165 in subdivisions C 1 through 4, instead of casting the ballot in person. Such request shall be made no later than  
 166 5:00 p.m. on the eleventh day prior to the election in which the applicant offers to vote, and the general  
 167 registrar shall send those items to the applicant by mail, obtaining a certificate or other evidence of mailing.

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

181 G. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section  
 182 upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in

183 the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the  
184 campaign committee or the appropriate district political party chairman of such candidate. Any person who  
185 fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent  
186 shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

187 **§ 24.2-709.1. Processing returned absentee ballots before election day; cure process.**

188 A. On receipt of an absentee ballot returned in person or by mail to the office of the general registrar or to  
189 a drop-off location before election day, the general registrar shall mark the date of receipt in the voter's record  
190 and shall examine the ballot envelope to verify completion of the required voter affirmation. A voter  
191 affirmation statement shall not be deemed to be incomplete on the sole basis of the voter's failure to provide  
192 (i) his full name or his middle initial, as long as the voter provided his full first and last name, or (ii) the date,  
193 or any part of the date, including the year, on which he signed the statement.

194 B. If the voter affirmation has been completed as required, the general registrar may open the sealed ballot  
195 envelope and insert the ballot in optical scan counting equipment or other secure ballot container without  
196 initiating any ballot count totals. If a general registrar does not choose to do so, the sealed ballot envelope  
197 shall be deposited into a secure container provided for such purpose, in which it shall remain until the general  
198 registrar initiates the process of opening the sealed ballot envelopes deposited into the secure container and  
199 inserting such ballots into optical scan counting equipment without initiating any ballot count totals. Such  
200 process shall be at the general registrar's discretion at any time prior to the seventh day immediately  
201 preceding the election but shall be mandatory beginning on the seventh day immediately preceding the  
202 election.

203 At least two officers of election, one representing each political party, shall be present during all hours  
204 when sealed ballot envelopes are opened as authorized in or required by this subsection. No person present  
205 while sealed ballot envelopes are opened and ballots are inserted into counting equipment shall disclose any  
206 information concerning the ballots.

207 In the event that circumstances prevent a general registrar from complying with the provisions of this  
208 subsection, such failure shall not be grounds for contesting the election pursuant to Article 2 (§ 24.2-803 et  
209 seq.) of Chapter 8 and shall not invalidate the absentee ballots.

210 C. ~~For any absentee ballot received by the Friday immediately preceding the day of the election, if~~ *If* the  
211 general registrar finds during the examination of the ballot envelope that the required voter affirmation was  
212 not correctly or completely filled out or that a procedure required by § 24.2-707 was not properly followed,  
213 and such error or failure would render the ballot void by law, the general registrar shall enter into the voter's  
214 record in the voter registration system that the absentee ballot has an issue requiring correction in order for it  
215 to be counted. This information shall be included on any absentee voter applicant list provided pursuant to  
216 subsection C of § 24.2-710.

217 ~~Within three days of such finding, the~~ *The* registrar shall *promptly* notify the voter in writing or by email  
218 of the error or failure and shall provide information to the voter on how to correct the issue so his ballot may  
219 be counted. The voter shall be entitled to make such necessary corrections before noon on the ~~third day~~  
220 *Monday* after the election, and his ballot shall then be counted pursuant to the procedures set forth in this  
221 chapter if he is found to be entitled to vote. No absentee ballot needing correction shall be delivered to the  
222 officers of election at the appropriate precinct until the voter is provided the opportunity to make the  
223 necessary corrections pursuant to this subsection.

224 The general registrar may issue a new absentee ballot to the voter if necessary and shall preserve the first  
225 ballot with other spoiled ballots.

226 **§ 24.2-711.1. Absentee ballots; confirmation of receipt; notice of reason for rejection.**

227 A. The ~~Secretary Department~~, in coordination with local election officials, shall implement a free-access  
228 system by which a voter may determine:

- 229 1. Whether the voter's application for an absentee ballot has been received and accepted; ~~and~~  
230 2. *If the voter's application has been rejected, that it has been rejected and the reason for rejection; and*  
231 3. Whether the voter's absentee ballot has been received and the current status of the absentee ballot.

232 *Such system shall be updated daily.*

233 B. The electoral board of each county and city shall send a written explanation of the reason for rejection  
234 of an absentee ballot to the voter whose absentee ballot is rejected within 90 days of the date on which the  
235 ballot is rejected. The State Board of Elections shall promulgate instructions to implement the provisions of  
236 this section.