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SENATE BILL NO. 831

Offered January 23, 2026

A BILL to amend and reenact §§ 24.2-103, 24.2-109, 24.2-651, 24.2-671, 24.2-675, and 24.2-678 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-1001.1, relating to elections; challenges of qualified voters; duty of local electoral board to certify; civil penalty.

Patron—Srinivasan

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-103, 24.2-109, 24.2-651, 24.2-671, 24.2-675, and 24.2-678 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-1001.1 as follows:

§ 24.2-103. Powers and duties in general; report.

A. The State Board, through the Department of Elections, shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections. Its supervision shall ensure that major risks to election integrity are (i) identified and assessed and (ii) addressed as necessary to promote election uniformity, legality, and purity. It shall make rules and regulations and issue instructions and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws. Electoral boards and registrars shall provide information requested by the State Board and shall follow (a) the elections laws and (b) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law. The State Board shall post on the Internet *internet* within three business days any rules or regulations made by the State Board. Upon request and at a reasonable charge not to exceed the actual cost incurred, the State Board shall provide to any requesting political party or candidate, within three days of the receipt of the request, copies of any instructions or information provided by the State Board to the local electoral boards and registrars.

B. The State Board, through the Department of Elections, shall ensure that the members of the electoral boards are properly trained to carry out their duties by offering training annually, or more often, as it deems appropriate, and without charging any fees to the electoral boards for the training.

C. The State Board, through the Department of Elections, shall conduct a certification program for the general registrars and shall require each general registrar to receive certification through such program from the Department within 12 months of his initial appointment or any subsequent reappointment. The State Board may grant a waiver requested by a local electoral board to extend, on a case-by-case basis, this deadline by up to three months. The State Board shall develop a training curriculum for the certification program and standards for completing the program and maintaining certification, including required hours of annual training. No fees shall be charged to a general registrar for any required training as part of the certification program. The State Board shall review the certification program every four years, or more often as it deems appropriate.

D. The State Board shall set the training standards for the officers of election and shall develop standardized training programs for the officers of election to be conducted by the local electoral boards and the general registrars. Training of the officers of election shall be conducted and certified as provided by § 24.2-115.2. The State Board shall provide standardized training materials for such training and shall also offer on the Department of Elections website a training course for officers of election. The content of the online training course shall be consistent with the standardized training programs developed pursuant to this section. The State Board shall review the standardized training materials and the content of the online training course every two years in the year immediately following a general election for federal office.

E. The State Board may institute proceedings pursuant to § 24.2-234.1 for the removal of any member of an electoral board or general registrar who fails to discharge the duties of his office in accordance with law. Such action shall require a recorded majority vote of the Board.

The State Board shall institute removal proceedings against any member of an electoral board who neglects or refuses to carry out any clear ministerial duty of the office in accordance with law.

F. The State Board may petition a circuit court or the Supreme Court, whichever is appropriate, for a writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that elections are conducted as provided by law.

G. The Department of Elections shall supervise its own staff to assure that no member of its staff shall serve (i) as the chairman of a political party or other officer of a state-, local-, or district-level political party committee or (ii) as a paid or volunteer worker in the campaign of a candidate for nomination or election to

59 an office filled by election in whole or in part by the qualified voters of the Commonwealth.

60 H. The Department of Elections shall employ a Director of Operations who shall be responsible for
61 managing the day-to-day operations at the Department of Elections and ensuring (i) fulfillment of the
62 Department's mission and responsibilities; (ii) compliance with state and federal election laws and
63 regulations; and (iii) compliance with the Department's business, administrative, and financial policies. This
64 position shall be a full-time classified position subject to the Virginia Personnel Act (§ 2.2-2900 et seq.).

65 I. The State Board shall adopt a seal for its use and bylaws for its own proceedings.

66 J. The State Board shall submit an annual report to the Governor and the General Assembly on the
67 activities of the State Board and the Department of Elections in the previous year. Such report shall be
68 governed by the provisions of § 2.2-608.

69 **§ 24.2-109. Appointment and removal of general registrar and officers of election; powers and
70 duties in general.**

71 A. Each electoral board shall appoint the general registrar for its city or county and officers of election for
72 each precinct who shall serve in all elections, including town elections, as provided in this chapter. The
73 secretary of the electoral board shall promptly notify each appointee of his appointment.

74 The electoral board by a recorded majority vote may (i) institute proceedings pursuant to § 24.2-234.1 for
75 the removal of any general registrar who fails to discharge the duties of his office according to law or (ii)
76 remove from office, on notice, any officer of election who fails to discharge the duties of his office according
77 to law.

78 The electoral board shall remove from office, on notice, any general registrar who fails to receive or
79 maintain certification as required by the State Board pursuant to subsection C of § 24.2-103.

80 B. The electoral board shall perform the duties assigned by this title, including, ~~but not limited to, the~~, the
81 preparation of ballots, the administration of absentee ballot provisions, the conduct of the election, and the
82 ascertaining and certification of the results of the election. *Such duties are a clear, ministerial duty of the*
83 *office and nondiscretionary and the neglect of any such duty, or the refusal to perform such duty in*
84 *accordance with law, shall be grounds for removal pursuant to § 24.2-234.1.*

85 **§ 24.2-651. Voter who is challenged; how challenge tried.**

86 Any qualified voter may, and the A. The officers of election shall, challenge the vote of any person who is
87 listed on the pollbook but is known or suspected not to be a qualified voter. *No person who is not an officer of*
88 *election shall be permitted to challenge the vote of any person who is listed on the pollbook.*

89 B. The ~~individual~~ officer of election making the challenge shall complete and sign the following statement
90 on a form provided by the State Board:

91 "I do hereby state, subject to penalties for hindering, intimidating, or interfering with a qualified voter
92 pursuant to § 24.2-607, that I am a qualified voter of this Commonwealth or an officer of election and that, to
93 the best of my knowledge, information, and belief, _____ is not a qualified voter of this precinct
94 by reason of (please check each of the following reasons that is applicable):

95 1. The named person is not a citizen of the United States;

96 2. The named person is not now 18 years of age or, in the case of a primary election or a special election
97 held on a date other than a general election date, will not reach the age of 18 before the next general election;

98 3. The named person is not a resident of the Commonwealth (or, if he has not been a resident of the
99 Commonwealth within the preceding 30 days, he is attempting to vote for an office or issue other than
100 electors of President and Vice President of the United States);

101 4. The named person is not a resident of this precinct (or he has not been a resident of this precinct since
102 the second preceding general federal election and has not continued to be a resident of this county or city and
103 this congressional district);

104 5. The named person is not a resident of the town in the case of a town election;

105 6. The named person has been disqualified from voting by the Constitution and laws of the
106 Commonwealth and this disqualification has not been removed by proper authority;

107 7. The named person is not the identical person he represents himself to be; or

108 8. The named person has voted in this election at this or another voting place (state when and where the
109 named person previously voted in this election: _____)."

110 C. Upon receipt of a signed challenge from a qualified voter or an officer of election, an officer of
111 election shall explain to the challenged voter the qualifications of a voter and may examine him concerning
112 his qualifications.

113 The officers of election are hereby authorized to administer the necessary oath or affirmation to any
114 witness brought before them to testify as to the qualifications of any person offering to vote.

115 D. If the person being challenged insists that he is qualified and the challenge is not withdrawn, one of the
116 officers shall give him a form containing the following statement:

117 "I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that I
118 am a citizen of the United States, that I am at least 18 years of age (or will be on the _____ day of
119 _____, ____) that I am a resident of the Commonwealth of Virginia (or that I have been a resident of
120 this the Commonwealth within the preceding 30 days and am voting only for electors of President and Vice

121 President of the United States), and that, according to the best of my knowledge, information, and belief, I am
 122 not disqualified from voting by the Constitution and laws of ~~this~~ the Commonwealth; that my full name is
 123 _____; that in such name I was duly registered as a voter of this precinct; that I am now or at
 124 some time since the last November general election have been an actual resident of this precinct or that I have
 125 been an actual resident of this precinct at some time since the second preceding general federal election and
 126 have been and continue to be a resident of this county or city and this congressional district; if I am voting in
 127 a town election today, that I am currently a resident of that town; that I am the identical person I represent
 128 myself to be; and that I have not voted in this election at this or any voting place and will not vote in this
 129 election at any other voting place."

130 If the person challenged refuses to sign the statement, he shall not be permitted to vote. If, however, he
 131 signs the statement, he shall be permitted to vote on the voting system in use at the precinct, unless he is
 132 required to cast a provisional ballot pursuant to § 24.2-651.1.

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

137 E. If the envelope containing a voted absentee ballot has been properly signed by the voter, such ballot
 138 shall not be subject to challenge pursuant to this section.

139 **§ 24.2-671. Electoral board to meet and ascertain results; conclusiveness of results.**

140 A. Each electoral board shall meet at the clerk's or general registrar's office of the county or city for which
 141 they are appointed at or before 5:00 p.m. on the day after any election. The board may adjourn to another
 142 room of sufficient size in a public building to ascertain the results; and may adjourn as needed, not to exceed
 143 10 calendar days from the date of the election unless an extension has been granted to accommodate a
 144 risk-limiting audit conducted pursuant to § 24.2-671.2. Written directions to the location of any room other
 145 than the clerk's or general registrar's office where the board will meet shall be posted at the doors of the
 146 clerk's and general registrar's offices prior to the beginning of the meeting.

147 If the electoral board has exercised the option provided by § 24.2-668 for delivery of the election
 148 materials to the office of the general registrar on the night of the election, the electoral board shall meet at the
 149 office of the general registrar at or before 5:00 p.m. on the day after any election.

150 B. The board shall open the returns delivered by the officers and *shall* ascertain from ~~the~~ such returns the
 151 total votes in the county or city, or town in a town election, for each candidate and for and against each
 152 question *and*. *The board shall* complete the abstract of votes cast at such election, as provided for in
 153 § 24.2-675.

154 For any office in which no person was elected by write-in votes, and for which the total number of
 155 write-in votes for that office is less than (i) 10 percent of the total number of votes cast for that office and (ii)
 156 the total number of votes cast for the candidate receiving the most votes, the electoral board shall ascertain
 157 the total votes for each write-in candidate for the office within one week following the election. For offices
 158 for which the electoral board issues the certificate of election, the result so ascertained, signed and attested,
 159 shall be conclusive and shall not thereafter be subject to challenge except as specifically provided in Chapter
 160 8 (§ 24.2-800 et seq.).

161 Once the result is so ascertained, the secretary of the electoral board shall deliver one copy of each
 162 statement of results to the general registrar to be available for inspection when his office is open for business.
 163 The secretary shall then return all pollbooks, any printed inspection and return sheets, and one copy of each
 164 statement of results to the clerk.

165 C. A report of any changes made by the local electoral board to the unofficial results ascertained by the
 166 officers of election or any subsequent change to the official abstract of votes made by the local electoral
 167 board shall be forwarded to the State Board of Elections and the explanation of such change shall be posted
 168 on the State Board website.

169 D. Each political party and each independent candidate on the ballot, or each primary candidate, shall be
 170 entitled to have representatives present when the local electoral board meets to ascertain the results of the
 171 election. Each such party and candidate shall be entitled to have at least as many representatives present as
 172 there are teams of officials working to ascertain the results, and the room in which the local electoral board
 173 meets shall be of sufficient size and configuration to allow the representatives reasonable access and
 174 proximity to view the ballots as the teams of officials work to ascertain the results. The representatives and
 175 observers lawfully present shall be prohibited from interfering with the officials in any way. It is unlawful for
 176 any person to knowingly possess any firearm as defined in § 18.2-308.2:2 within 40 feet of any building, or
 177 part thereof, used as a meeting place for the local electoral board while the electoral board meets to ascertain
 178 the results of an election, unless such person is (a) (i) any law-enforcement officer or any retired
 179 law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (b) (ii) occupying his own
 180 private property that falls within 40 feet of a polling place; or (c) (iii) an armed security officer, licensed
 181 pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or performance of his
 182 duties occurs within 40 feet of any building, or part thereof, used as a meeting place for the local electoral

183 board while the electoral board meets to ascertain the results of an election.

184 *E. If any local electoral board fails or refuses to perform any duty required by subsection A or B, the State*
185 *Board shall be authorized to intervene and carry out such duties in accordance with law.*

186 **§ 24.2-675. Abstracts of votes to be made by secretary and forwarded to State Board and to clerks.**

187 A. As soon as the electoral board determines the persons who have received the highest number of votes
188 for any office, the secretary shall make out an abstract of the votes for each of the following: Governor;
189 Lieutenant Governor; Attorney General; members of the Senate of Virginia; members of the House of
190 Delegates; members of the United States Senate; members of the United States House of Representatives;
191 electors of the President and Vice President of the United States; each county office; each city office; each
192 district office; each town office; and such others as may be required for statewide referenda. The abstracts
193 shall contain the names of all persons receiving any vote for each office and the total number of votes
194 received by each person or for or against each question. However, if no person was elected by write-in votes
195 and the total number of write-in votes for any office is less than (i) 10 percent of the total number of votes
196 cast for that office and (ii) the total number of votes cast for the candidate receiving the most votes, the
197 abstract shall contain only the total number of write-in votes and not the number of write-in votes for each
198 person receiving write-in votes.

199 *B. The electoral board shall certify and sign the abstracts shall be certified and signed by the electoral*
200 *board, which shall then be attested by the secretary, and retained by the electoral board as part of its records.*
201 A copy of each, certified under the official seal of the electoral board, shall immediately be mailed or
202 delivered by hand to the State Board. The State Board shall require the electoral board of any county or city
203 to correct any errors found on such abstracts prior to completing the requirements of § 24.2-679.

204 C. One certified copy of each abstract of votes shall be forwarded (i) to the clerk of the city council or
205 board of supervisors and recorded in its record book; (ii) for town elections, to the clerk of the town council
206 and recorded in its minute book; and (iii) for each local referendum, to the circuit court for the locality.

207 *D. If any local electoral board fails or refuses to perform any duty required by this section, the State*
208 *Board shall be authorized to intervene and carry out such duties in accordance with law, before proceeding*
209 *to complete the requirements of § 24.2-679.*

210 **§ 24.2-678. Law-enforcement officer to be sent for abstracts not forwarded.**

211 If the State Board has not received the abstracts of votes from any county or city within 10 days after any
212 election, it shall dispatch a law-enforcement officer to obtain a *certified* copy of the abstract from *the* *an*
213 official having charge thereof. That official shall immediately, on demand of the officer, make out and deliver
214 to him the copy required, and the officer shall deliver the abstract to the State Board without delay. *Upon*
215 *receipt of such abstracts, the State Board shall proceed with its duties under § 24.2-679.*

216 **§ 24.2-1001.1. Failure or refusal to certify election; civil penalty.**

217 *In addition to any other penalties provided by law, any member of an electoral board who fails or refuses*
218 *to certify the results of an election is subject to a civil penalty in an amount not exceeding \$1,000. Such civil*
219 *penalty shall be payable to the Voter Education and Outreach Fund established pursuant to § 24.2-131.*