

## HOUSE BILL NO. 968

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections

on January 30, 2026)

(Patron Prior to Substitute—Delegate Price)

*A BILL to amend and reenact § 24.2-654 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-709.2, relating to election results; counting machine-readable ballots.*

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

**1. That § 24.2-654 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-709.2 as follows:**

**§ 24.2-654. Officers to lock and seal voting equipment and ascertain vote after polls closed; statement of results.**

As soon as the polls are closed, the officers of election shall lock each voting and counting machine against further voting. They shall then proceed to ascertain the vote given at the election and continue without adjournment until they declare the results of the election. They shall seal the machines.

In ascertaining the vote, the officers of election shall complete a statement of results in duplicate on the form and in the manner prescribed by the State Board.

*In ascertaining the vote, the officers of election shall use ballot scanner machines to count machine-readable ballots. The officers shall not count machine-readable ballots by hand unless (i) the ballot scanner machine is inoperative, (ii) there is no other available scanner, and (iii) it would be unreasonable to wait for (a) the inoperative ballot scanner to be made operative or (b) an operative ballot scanner machine to be delivered to the polling place rather than hand counting the ballots.*

**§ 24.2-709.2. Processing absentee ballots; duplication of damaged or defective ballots.**

*If, in the processing and counting of absentee ballots, any machine readable ballot is damaged or defective such that it cannot properly be counted by the electronic voting systems, a true duplicate copy shall be made of the damaged or defective ballot by a team of election officials representing both parties. The duplicate ballot shall be substituted for the damaged ballot. Every duplicate ballot shall be clearly labeled as such and shall bear an identifier that shall be recorded on the damaged ballot.*