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HOUSE BILL NO. 1244

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 Anthony)

A BILL to amend and reenact § 24.2-705 of the Code of Virginia, relating to elections; absentee voting; emergency application for absentee ballot.

Be it enacted by the General Assembly of Virginia:**1. That § 24.2-705 of the Code of Virginia is amended and reenacted as follows:****§ 24.2-705. Emergency applications and absentee ballots for individual emergencies.**

A. Any person registered and otherwise qualified to vote may request at any time prior to 2:00 p.m. on the day preceding the election that he be permitted to vote by emergency absentee ballot with the assistance of his designated representative. The Department shall prescribe a form and the instructions for submitting such a request to the general registrar that shows that the voter requesting an emergency absentee ballot (i) was unable to apply for an absentee ballot by the deadline due to his hospitalization or illness, or the hospitalization, illness, or death of a spouse, child, or parent, or other emergency found to justify receipt of an emergency absentee ballot ~~or~~; (ii) will be unable to vote on election day due to his hospitalization or illness, the hospitalization, illness, or death of a spouse, child, or parent, or other emergency found to justify receipt of an emergency absentee ballot that occurred after the deadline for applying for an absentee ballot; *or (iii) has applied to receive an absentee ballot by the deadline but has not received his ballot within 10 days of the election and will be unable to vote on election day due to his hospitalization or illness, the hospitalization, illness, or death of a spouse, child, or parent, or other emergency found to justify receipt of an emergency absentee ballot.*

The representative designated by a voter for purposes of this subsection shall be age 18 or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate.

The requesting voter shall sign the form and state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the form are true and correct. His signature shall be witnessed by the designated representative, who shall sign and return the completed form to the office of the general registrar no later than 5:00 p.m. on the day preceding the election. If the requesting voter is blind or physically unable to sign the form, his designated representative shall write on the signature line that the voter is blind or unable to sign his form.

On receipt of the completed form and a determination of the qualification of the requesting voter to vote, the general registrar shall provide, in accordance with the applicable provisions of this chapter, an absentee ballot to the designated representative for delivery to the requesting voter.

The requesting voter shall vote the absentee ballot as provided by law and mark it in the presence of the designated representative. The designated representative shall complete a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that ~~(i)~~ (a) he is the designated representative of the requesting voter; ~~(ii)~~ (b) he personally delivered the ballot to the voter who applied for it; ~~(iii)~~ (c) in his presence, the voter marked the ballot, the ballot was placed in the envelope provided, the envelope was sealed, and the statement on its reverse side was signed by the requesting voter; and ~~(iv)~~ (d) the ballot was returned, under seal, to the general registrar at the registrar's office.

The ballot shall be counted only if the ballot is received by the general registrar prior to the close of polls, and the general registrar shall deliver the ballot to the officers of election at each appropriate precinct pursuant to § 24.2-710.

B. A qualified voter may vote absentee in person in the office of the general registrar through 2:00 p.m. on the day immediately preceding the election by complying with the requirements of § 24.2-643 and affirming that one of the following emergency circumstances will prevent him from voting on election day:

1. After 12:00 p.m. on the Saturday before the election, an obligation arose that requires the voter be absent from his county or city on election day for (i) his business, profession, or occupation; (ii) the hospitalization of the voter or a member of his immediate family; or (iii) the death of a member of his immediate family. For purposes of this subdivision, "immediate family" means the child, grandchild, parent, grandparent, legal guardian, sibling, or spouse of the voter.

2. The voter is an officer of election who was assigned after 12:00 p.m. on the Saturday before the election to work in a precinct other than his own on election day.

C. The Commissioner of Elections may act administratively to facilitate absentee voting by qualified voters who are emergency workers or utility workers or who otherwise respond to and offer assistance to an area in which a state of emergency has been declared by an appropriate authority. These administrative actions may include central issuance and acceptance of absentee ballots for federal and state elections using

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60 the systems and procedures developed for voters who are members of a uniformed service.