

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 24.2-653, 24.2-709, and 24.2-709.1 of the Code of Virginia, relating to*
 3 *elections; deadline for receipt of absentee ballots and certain other information; 5:00 p.m. on the third*
 4 *day after the election.*

5 [H 82]

6 Approved

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

8 **1. That §§ 24.2-653, 24.2-709, and 24.2-709.1 of the Code of Virginia are amended and reenacted as**
 9 **follows:**

10 **§ 24.2-653. Provisional voting; procedures in polling place.**

11 A. Any person voting provisionally pursuant to subsection B of § 24.2-643, § 24.2-651.1, subsection B of
 12 § 24.2-652, or § 24.2-653.1 or 24.2-653.2 shall be given a printed ballot and provide, subject to the penalties
 13 for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the Department of
 14 Elections, the identifying information required on the envelope, including the last four digits of his social
 15 security number, if any, full name including the maiden or any other prior legal name, date of birth, complete
 16 address, and signature. Such person shall be asked to present one of the forms of identification specified in
 17 subsection B of § 24.2-643. If he is unable to present one of these forms of identification, he shall sign a
 18 statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named
 19 registered voter he claims to be. The officers of election shall note on the green envelope whether or not the
 20 voter has presented one of the specified forms of identification or signed the required statement in lieu of
 21 presenting one of the specified forms of identification. The officers of election shall enter the appropriate
 22 information for the person in the precinct provisional ballots log in accordance with the instructions of the
 23 State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his
 24 name as having voted.

25 The voter shall then, in the presence of an officer of election, but in a secret manner, mark the printed
 26 ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall
 27 then promptly be placed in the ballot container by an officer of election.

28 B. An officer of election, by a written notice given to the voter, shall inform him that a determination of
 29 his right to vote shall be made by the electoral board and advise the voter of the beginning time and place for
 30 the board's meeting and of the voter's right to be present at that meeting. If the voter is voting provisionally as
 31 required by § 24.2-643, an officer of election, by written notice given to the voter, shall also inform him that
 32 he may submit a copy of one of the forms of identification specified in subsection B of § 24.2-643 or a
 33 statement, signed by him subject to felony penalties for false statements pursuant to § 24.2-1016, that he is
 34 the named registered voter he claims to be to the electoral board by facsimile, electronic mail, in-person
 35 submission, or timely United States Postal Service or commercial mail delivery, to be received by the
 36 electoral board no later than ~~noon~~ 5:00 p.m. on the third day after the election.

37 C. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed
 38 in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein,
 39 and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered
 40 either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral
 41 board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election
 42 materials to the general registrar pursuant to § 24.2-668.

43 **§ 24.2-709. Ballot to be returned in manner prescribed by law.**

44 A. Any ballot returned to the office of the general registrar or to a drop-off location in any manner except
 45 as prescribed by law shall be void. Absentee ballots shall be returned to the general registrar or to a drop-off
 46 location before the closing of the polls. Any voter who is in line to return an absentee ballot at a drop-off
 47 location by 7:00 p.m. on the day of the election shall be permitted to deposit his absentee ballot. The registrar
 48 receiving the ballot shall (i) seal the ballot in an envelope with the statement or declaration of the voter, or
 49 both, attached to the outside and (ii) mark on each envelope the date, time, and manner of delivery. No
 50 returned absentee ballot shall be deemed void because (a) the inner envelope containing the voted ballot is
 51 imperfectly sealed so long as the outside envelope containing the ballot envelope is sealed or (b) it is not
 52 returned sealed in the outside envelope so long as it is returned sealed in the inner envelope.

53 B. Notwithstanding the provisions of subsection A, any absentee ballot (i) returned to the general registrar
 54 after the closing of the polls on election day but before ~~noon~~ 5:00 p.m. on the third day after the election and
 55 (ii) postmarked on or before the date of the election shall be counted pursuant to the procedures set forth in
 56 this chapter if the voter is found entitled to vote. For purposes of this subsection, a postmark shall include any

57 other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery
58 service.

59 C. Notwithstanding the provisions of subsection A, any absentee ballot (i) received after the close of the
60 polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board
61 meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by
62 the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by a covered voter, as
63 defined in § 24.2-452, shall be counted pursuant to the procedures set forth in this chapter if the voter is
64 found entitled to vote. The electoral board shall prepare an amended certified abstract, which shall include the
65 results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its
66 meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available
67 for inspection when his office is open for business.

68 D. Notwithstanding the provisions of clause (i) of subsection B of § 24.2-427, an absentee ballot returned
69 by a voter in compliance with § 24.2-707 and this section who dies prior to the counting of absentee ballots
70 on election day shall be counted pursuant to the procedures set forth in this chapter if the voter is found to
71 have been entitled to vote at the time that he returned the ballot.

72 **§ 24.2-709.1. Processing returned absentee ballots before election day; cure process.**

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

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

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

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

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

102 Within three days of such finding, the registrar shall notify the voter in writing or by email of the error or
103 failure and shall provide information to the voter on how to correct the issue so his ballot may be counted.
104 The voter shall be entitled to make such necessary corrections before ~~noon~~ 5:00 p.m. on the third day after the
105 election, and his ballot shall then be counted pursuant to the procedures set forth in this chapter if he is found
106 to be entitled to vote. No absentee ballot needing correction shall be delivered to the officers of election at the
107 appropriate precinct until the voter is provided the opportunity to make the necessary corrections pursuant to
108 this subsection.

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

111 **2. That the provisions of this act shall become effective on January 1, 2027.**