

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 24.2-709.1 of the Code of Virginia, relating to elections; absentee voting;*
 3 *cure process.*

4 [H 773]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 24.2-709.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 24.2-709.1. Processing returned absentee ballots before election day; cure process.**

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

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

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

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

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

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

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

47 **2. That the provisions of this act shall become effective on September 1, 2026.**

ENROLLED

HB773ER