

A Short History of Recent Laws Weakening Election Integrity in Virginia: 2020-2024

2020

Eliminate photo ID requirement, expand list of Voter ID documents: Voter documents include voter confirmation documents, HAVA compliant ID documents, Student IDs (with photo or not). Creates ID Confirmation Statement to be signed with no ID for voter to vote regularly. Repeals photo ID requirement and relieves ELECT and registrar of duty to provide free voter ID cards. Student IDs for Colleges outside Virginia made acceptable form of ID.

Drop-box locations expanded to all polling places and others as Registrar chooses: (Ballot harvesting – obtaining and dropping off permitted in Virginia).

Ranked Choice Voting Introduced: Boards of Supervisors or city council, starting in Arlington, allowed to adopt Ranked Choice Voting, and State Board of Elections to implement regulations governing RCV. Bill doesn't sunset until 2031.

Same Day Registration: Voter registration extended through election day, effective 10/1/2022.

DMV Automatic Voter Registration: Automatic voter registration whenever person obtains or renews new driver's license or ID, or changes address. Individuals asked if they are US citizen, given option to decline to register to vote – opt-out. Before individuals had to opt-in to send their DMV information for voter registration.

Expansion of Protected Voter Status: Person can seek protected voter status without providing evidence of a complaint.

Reduced time for Registrar to notify about a denied voter registration: Registrar has to notify denied applicant in 5 days, not 14 days.

Reduced access to voter registration events: Public access denied to registration events held in high school or location of naturalization ceremony.

No Excuse Absentee Voting: Removal of requirement for any excuse required to vote by absentee ballot – by mail, up to 45 days before the election.

Permanent Absentee Ballot List: Voters on the Annual Absentee Ballot list are automatically moved to the Permanent Absentee Ballot List, without their permission.

Extended Deadline for Absentee Ballots: Mail-in Ballot can be counted if received Friday after Election Day

Extended Deadline for Emergency Voting

Prisoner Exemption: Prisoners awaiting trial or convicted of a misdemeanor to not need to vote in person, to vote by mail in a new jurisdiction.

Reduced authority of Electoral Board: Satellite offices must be established by locality governing body, not Electoral Board.

Emergency Voting from Hospital: Hospitals outside Virginia and contiguous states now included in definition of Hospital.

College-based voter registration: Expanded voter registration applications must be given to all colleges and universities; college students are often registered as well in home precincts/states.

Eliminated verbal voter ID confirmation: Election officers no longer required to repeat the address of a voter, but still have to state the name.

Limited Ballot Challenges: Ballots can only be challenged before a precinct ballot total is finalized, and Court prohibited from reconsidering any ballot that wasn't challenged during a hand count.

2021

No Witness Signature: Eliminated requirement for witness signature on absentee ballot during state of emergency, without replacing it with additional identification requirements

Removed in-person voting requirement: Removes requirement for first-time voters who register by mail to vote in person (except for federal elections)

Allows voting on Sundays during early voting

Expands curbside voting: Curbside voting expanded to include temporary physical disability and injury.

Firearm prohibition: No firearms within 40 feet of polling place or electoral board meeting ascertaining election results or recounts.

Voter Pre-registration for 16 year-olds: Pre-registered become automatically registered when they turn 18.

Special protections for protected classes of voters: (Mixed good and bad effects): Local governing bodies to present any proposed changes to a "covered practice" in advance for public comment for a minimum of 30 days. Allows voters to take legal action in cases of alleged voter suppression.

2022

House Republicans opposed, and the Governor vetoed, several bad bills which DID NOT BECOME LAW. Some bills that were well-intentioned and became law need amending:

Ballot Marking Devices included in voting system definition. Ballot Marking Devices have been identified as insecure.

Election Offices can still receive federal grants funded by a private entity: Direct grants (“Zuckbucks”) are prohibited, but indirect grants from a private entity first given to the federal government are still allowed.

Prohibited sharing registered voter list with third party for analysis: This law, while providing needed privacy protections, has prevented much-needed online third-party analysis of voter registration data. Other states such as North Carolina provide online public access to all voter data, after removing Personal Protected Information.

2023

House Republicans opposed, and the Governor vetoed, several bad bills which therefore DID NOT BECOME LAW.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

2020 Changes to Virginia’s Election Laws

The following legislation was passed during the 2020 Session of the General Assembly, signed by the Governor, and will go into effect on July 1, 2020 (unless otherwise noted). This legislation is likely to affect the operations of general registrars, electoral board members, constituents, candidates, the Department of Elections (ELECT), and all who are part of the elections community.

The summaries were prepared by the Policy Division of ELECT. These are only summaries providing highlights of the legislation and are not intended to be a full accounting of the changes from every bill. Complete information on these bills is available on the [Legislative Information System \(http://lis.virginia.gov\)](http://lis.virginia.gov).

Contents

Absentee Voting.....	4
HB 1 and SB 111 – Absentee Voting; no excuse required.....	4
HB 207 – Absentee voting; no excuse required, permanent absentee voter list.	4
HB 220 – Absentee voting; postage prepaid on return envelope.	4
HB 238 and SB 455 – Absentee voting; deadline for returning absentee ballot.....	5
HB 239 – Absentee voting; extends deadline for applying for an absentee ballot cast other than in person.	5
HB 240 – Absentee voting; annual applications for eligible absentee voters.....	5
HB 242 – Absentee voting; emergency voting.	5
HB 872 – Voter registration by mail; certain first-time voters permitted to vote by absentee ballot.	5
SB 617 – Absentee voting; voter satellite offices for absentee voting in person.....	6
SB 859 – Absentee voting; emergency absentee voting by and late applications for persons hospitalized; definition of hospital.	6
Campaigns and Campaign Finance.....	6
HB 88 – Elections; campaign finance; filing schedule for persons with multiple campaign committees.	6



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

HB 849 – Political campaign advertisements; disclosure requirements; advertisements placed or promoted.	6
HB 1061 – Campaign finance; committee depositories and reimbursement.	7
HB 1062 – Political campaign advertisements; definition of campaign telephone calls, etc.	7
HB 1238 – Political campaign advertisements; print media requirements.	7
HB 1556 – Political campaign advertisements; disclosures, authorization statement.	7
SB 57 – Campaign finance reports; electronic filing requirements; local and constitutional offices.	8
SB 217 – Campaign finance; reporting certain contributions received immediately prior to legislative session.	8
SB 979 – Campaign Finance Disclosure Act of 2006; applicability to nominations for directors of soil and water conservation districts.	8
Candidates and Parties	8
HB 214 – Candidate petitions; residency of petition circulators, signed statement required for nonresident.	8
SB 469 – Primary ballot; certain required statements as qualification for candidacy; failure to timely file.	9
Code Commission	9
SB 442 – Polling place activities; reorganization of sections; technical amendments.	9
SB 443 – Provisional voting; reorganization of sections, technical amendments.	9
SB 444 – Election recounts; reorganization of sections; technical amendments.	9
Department of Elections and State Board of Elections	9
HB 232 – Mail voter registration application forms; distribution to certain public and private institutions.	9
HB 236 and SB 856 – Elections, State Board of; increasing membership and terms, role and eligibility, report.	10
HB 500 and SB 466 – Registered voters; lists provided at no charge to courts of the Commonwealth.	10
HB 539 – Elections, State Board of; activities related to the supervision of local electoral boards and general registrars.	10
HB 540 – Elections administration; Department of Elections to employ Director of Operations.	10
HB 1362 – General Registrars; certification requirement, removal from office.	11
Election Day Procedures	11
HB 43 – Provisional voting; persons voting in split precincts.	11



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

HB 108 and SB 601 – Legal holidays; Election Day	11
HB 1402 – Polling place procedures; residence address of voter not announced.....	11
HB 1421 – Pollbooks; requirement for printed copies of pollbooks.	12
HB 1678 – Election day; extending polling place hours from 7:00pm to 8:00pm.....	12
SB 316 – Elections; date of June primary election.	12
Election Officers	12
HB 186 – Election day page program; central absentee voter precinct.	12
HB 196 – Employment discrimination; prohibition against electoral board members and assistant general registrars for Election Day service; penalty.	12
HB 202 – Officers of election; timing of additional training following change in law or regulation.	13
HB 237 – Electoral boards, local; terms to begin January 1.....	13
HB 1285 and SB 737 – Local electoral boards; office vacated if board member ceases to be qualified voter of county, etc.	13
Miscellaneous	13
HB 146 – Sample ballots; color of paper of unofficial sample ballots.	13
HB 1053 – Voting systems; voter-verifiable paper record.....	13
HB 1086 and SB 555 – Voting; restrictions on the basis of race.	14
HB 1210 – Minority language accessibility; voting and election materials.....	14
SB 740 – County and city precincts; required to be wholly contained within election districts.	14
Ranked Choice Voting.....	15
HB 506 – County manager plan; election of board members by instant runoff voting.	15
HB 1103 – Ranked choice voting; election for local governing bodies, local option pilot program.....	15
Recounts	15
HB 179 – Recounts; procedure for certain ballots.	15
HB 198 – Recounts; special election to be held in the case of a tie vote.	16
Voter Identification	16
HB 19 and SB 65 – Voter identification; repeal of photo identification requirements.	16
HB 213 – Voter identification; accepted forms of identification, out-of-state student identification card.....	16
Voter Registration	16
HB 201 – Elections; voter registration; same-day registration.	16



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

HB 235 and SB 219 – Voter registration; automatic voter registration..... 16

HB 241 – Protected voter status; certain evidence not required. 17

SB 666 – Voter registration; notification of denial. 17

SB 857 – Voter registration; notice and public access not required for certain voter registration events.
..... 17

Absentee Voting

HB 1 and SB 111 – Absentee Voting; no excuse required.

Effective date: July 1, 2020

These bills are identical and eliminate all excuses previously required for a voter to be eligible to vote by absentee ballot. This allows any otherwise qualified voter to vote in person or by mail up to 45 days before the election. The bills make an exception for special elections when timing does not allow for 45 days of absentee voting. The language maintains the requirement (passed in 2019) that in-person absentee voting, or “early voting,” be available on the last two Saturdays before the election in all elections.

HB 207 – Absentee voting; no excuse required, permanent absentee voter list.

Effective date: July 1, 2021

Please note the effective date on this bill. The bill is similar to HB 240, but does not go into effect until July 1, 2021. This bill changes the “annual absentee list” into a permanent absentee list. Voters can apply to be added to the permanent list and receive absentee ballots for all elections in which they are eligible to participate. The voter stays on the permanent list and can only be removed for the following reasons:

- the voter requests in writing to be removed,
- their registration is cancelled or placed on an inactive status,
- a ballot is sent to them and is returned as undeliverable, or
- the voter moves to a new address in a different locality.

HB 220 – Absentee voting; postage prepaid on return envelope.

Effective date: The bill only becomes effective if passed again in the 2021 General Assembly Session.

If this bill is passed again in the 2021 General Assembly Session, it will require that the envelopes provided to absentee voters for the return of their absentee ballot include prepaid postage. The locality will be responsible for the costs.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

[HB 238 and SB 455 – Absentee voting; deadline for returning absentee ballot.](#)

Effective date: July 1, 2020

This bill changes the deadline for a voter to return an absentee ballot by mail or commercial delivery service. As long as the postmark or other indication of mailing or sending the ballot via commercial deliver service indicates that the ballot was mailed by Election Day, the ballot can still be counted if received by the General Registrar by noon on the third day after the election (same deadline as ID Provisional).

[HB 239 – Absentee voting; extends deadline for applying for an absentee ballot cast other than in person.](#)

Effective date: July 1, 2020

This bill changes the deadline for a voter requesting to vote by mailed absentee ballot from 7 days to 11 days before Election Day. Prior to enactment of this law, the deadline was 5:00pm on the Tuesday before Election Day. With the new law, the deadline will be 5:00pm on the second Friday before Election Day.

[HB 240 – Absentee voting; annual applications for eligible absentee voters.](#)

Effective date: July 1, 2020

This bill removes language requiring applicants for annual absentee ballots to report a disability or illness in order to qualify to be added to the annual absentee list. It also removes the requirement that an applicant have a physician sign the statement with their first application. The law still requires that the General Registrar send a renewal application to everyone on the annual absentee list by December 15, 2020. This bill is similar to HB 207 (above). This bill goes into effect before HB 207 and the annual absentee list will transition into the permanent absentee list once HB 207 becomes effective.

[HB 242 – Absentee voting; emergency voting.](#)

Effective date: July 1, 2020

This bill revises the deadline for voter applications for emergency absentee voting, allowing an otherwise qualified voter who fits within the stated emergency situations to request to vote absentee either in person or through a designated representative at any time prior to 2pm on the day before Election Day.

[HB 872 – Voter registration by mail; certain first-time voters permitted to vote by absentee ballot.](#)

Effective date: July 1, 2020

While this bill deals with voter registration and makes changes to Chapter 4 of Title 24.2, it is primarily concerned with absentee voting. Unless explicitly exempted, voters who register to vote by mail-in application in a jurisdiction where they have never voted before are required to vote in person for their



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

first election, either at the polls on Election Day or in-person absentee if it is a state election rather than federal. This bill adds incarcerated individuals who are awaiting trial or have been convicted of a misdemeanor to the list of exemptions in Va. Code § 24.2-416.1.

[SB 617 – Absentee voting; voter satellite offices for absentee voting in person.](#)

Effective date: July 1, 2020

This law changes the authority for establishing satellite offices from the Electoral Board to the locality governing body. Satellite offices, or vote centers, must be created, changed, or abolished by ordinance in the same manner as polling places. The vote centers must be in publicly owned or leased buildings and, if created, are required to be funded by the locality. Advanced notice of enactments relating to vote centers must be published in a local newspaper of general circulation once a week for two (2) weeks prior to adoption, and the vote centers cannot be created, changed, or abolished within 60 days of the next General Election. In the event an emergency makes the vote center unusable or inaccessible, electoral boards or general registrars must provide an alternative vote center location, subject to approval by the State Board of Elections.

[SB 859 – Absentee voting; emergency absentee voting by and late applications for persons hospitalized; definition of hospital.](#)

Effective date: July 1, 2020

This law changes the definition of hospital as it is used in the emergency absentee ballot provisions to include hospitals located outside Virginia, Washington, D.C., and contiguous states.

Campaigns and Campaign Finance

[HB 88 – Elections; campaign finance; filing schedule for persons with multiple campaign committees.](#)

Effective date: July 1, 2020

This bill requires that persons who are named as the candidate on multiple campaign committees at the same time file separate campaign finance disclosure reports for each committee on the same schedule as reports due for the current election. Note however, that under current Virginia law, an individual cannot be named as a candidate for more than one campaign committee unless one committee is for statewide office.

[HB 849 – Political campaign advertisements; disclosure requirements; advertisements placed or promoted.](#)

Effective date: July 1, 2020

This bill amends various campaign advertisement disclosure requirements to include ads placed on online platforms and social media sites like Facebook. Video and audio advertisements placed on an



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

online platform are made subject to the same disclosure requirements as TV and radio ads, respectively. Before buying or promoting an online political ad on an online platform, the submitting person must identify themselves to the online platform as a certified political advertiser acting lawfully under all applicable state and local laws. The bill also requires an online platform to establish reasonable procedures to enable online political advertisers to comply with those identification and certification requirements.

[HB 1061 – Campaign finance; committee depositories and reimbursement.](#)

Effective date: July 1, 2020

This bill allows candidates or campaign finance committee treasurers to use debit cards linked to campaign committee bank accounts to pay for or reimburse campaign related expenses. Previously, only checks could be used.

[HB 1062 – Political campaign advertisements; definition of campaign telephone calls, etc.](#)

Effective date: July 1, 2020

This bill adds text messages to the definition of “campaign telephone calls” and generally adds a “telephone call” term, which includes text messages as well, to the list of covered practices that are subject to the disclosure requirements for campaign and political advertisements.

[HB 1238 – Political campaign advertisements; print media requirements.](#)

Effective date: January 1, 2024

This bill changes the font size required for Stand by Your Ad disclosure text displayed on political ads from the currently stated, uniform 7 point font to generally proportionate to the size of the ad, with specific standards of compliance being left for the State Board to determine by regulation. Ads are not subject to this bill’s changes until July 1, 2024. Any ad printed prior to July 1, 2024 are not subject to the new requirements.

[HB 1556 – Political campaign advertisements; disclosures, authorization statement.](#)

Effective date: January 1, 2021

This bill amends the Stand by Your Ad disclosure requirements for covered political advertisements to mandate that the name displayed on an ad to indicate it’s sponsor match the name that will be listed on the ballot, in the case of a candidate sponsor, or that is listed on the statement of organization, in the case of a campaign committee sponsor. Any ad paid for or printed prior to January 1, 2021 is not subject to this new requirement.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

[SB 57 – Campaign finance reports; electronic filing requirements; local and constitutional offices.](#)

Effective date: January 1, 2021

This bill requires candidates for local and constitutional offices to file their campaign finance reports electronically to the State Board. Under current law, unless a local or constitutional office candidate is for a locality with a population above 70,000, electronic filing of such reports is merely optional. In effect this bill would make general registrars only responsible for receiving former candidate's final reports who are no longer seeking election.

[SB 217 – Campaign finance; reporting certain contributions received immediately prior to legislative session.](#)

Effective date: July 1, 2020

This bill requires any statewide office holder or member of the General Assembly who has knowingly received or reported any single contribution of \$1,000 or more between January 1st and the day immediately before the 1st day of a regular session of the General Assembly to file a campaign finance report with the State Board of Elections by January 15th. These contributions must also be reported on the candidate's 1st regular report following the date of the contribution.

[SB 979 – Campaign Finance Disclosure Act of 2006; applicability to nominations for directors of soil and water conservation districts.](#)

Effective date: July 1, 2020

This bill removes candidates for director of soil and water conversation districts from the listed exemptions from the Campaign Finance Disclosure Act of 2006. Candidates for those offices are now required to file campaign finance reports and make advertisement disclosures as all other candidates subject to that Act would. If a candidate will not accept, solicit or contribute more than \$1,000 over the course of their campaign, they can seek an exemption from these requirements.

Candidates and Parties

[HB 214 – Candidate petitions; residency of petition circulators, signed statement required for nonresident.](#)

Effective date: July 1, 2020

The bill requires all non-residents of Virginia who are circulating a petition and gathering signatures be required to sign an affidavit stating they consent to jurisdiction in Virginia courts for all matters concerning the petition. If a circulator does not sign such an affidavit, or later fails to appear or produce documents when properly served a subpoena, the signatures they gathered will not count towards the overall minimum number of signatures required.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

SB 469 – Primary ballot; certain required statements as qualification for candidacy; failure to timely file.

Effective date: July 1, 2020

This bill provides that any person who does not file their written statement of qualification or statement of economic interests by the statutory deadline, or by the end of an extension period so granted by the State Board, shall not be printed on the primary election ballot.

Code Commission

SB 442 – Polling place activities; reorganization of sections; technical amendments.

Effective date: July 1, 2020

This bill rearranges existing language and makes technical amendments to the Code language causing no substantive policy changes.

SB 443 – Provisional voting; reorganization of sections, technical amendments.

Effective date: July 1, 2020

This bill rearranges existing language and makes technical amendments to the Code language causing no substantive policy changes.

SB 444 – Election recounts; reorganization of sections; technical amendments.

Effective date: July 1, 2020

This bill rearranges existing language and makes technical amendments to the Code language causing no substantive policy changes.

Department of Elections and State Board of Elections

HB 232 – Mail voter registration application forms; distribution to certain public and private institutions.

Effective date: July 1, 2020

This bill requires the Department to provide a reasonable number of mail voter registration application forms to each public institution of higher education, nonprofit private institutions of higher education that is eligible to participate in the Tuition Assistance Grant Program, and other entities authorized to issue specified bonds. It also requires the State Council of Higher Education to provide the Department with a list of all such institutions and request that those institutions make these application forms available to students.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

[HB 236 and SB 856 – Elections, State Board of; increasing membership and terms, role and eligibility, report.](#)

Effective date: January 1, 2021

This bill increases the number of members on the State Board of Elections from 3 to 5, with 3 members being of the same political party as the governor. It provides that members be appointed with considerations to geographical representation so that no 2 Board members are from the same congressional district. Members will serve 4 year terms which will be staggered with 3 members' terms expiring January 31, 2022, and 2 members' terms expiring January 31, 2025. The bill also requires that the Governor designate 2 members from opposite parties as chair and vice-chair, respectively. Additionally, the bill clarifies and codifies the qualifications, appointment process, duties and responsibilities of the Commissioner of Elections as the principal administration officer of the Department of Elections.

[HB 500 and SB 466 – Registered voters; lists provided at no charge to courts of the Commonwealth.](#)

Effective date: July 1, 2020

This bill would require the Department of Elections to provide Virginia and federal courts with lists of registered voters for their districts for jury selection purposes free of charge no more than 2 times in a 12 month period. If lists are requested more than 2 times in the same 12 month period, the Department will charge a reasonable fee as they do to all other parties.

[HB 539 – Elections, State Board of; activities related to the supervision of local electoral boards and general registrars.](#)

Effective date: July 1, 2020

This bill imposes an additional duty to the State Board of Elections to supervise local electoral boards and general registrars and ensure that major risks to election integrity are identified, assessed, and addressed as necessary to promote electoral uniformity, legality and purity.

[HB 540 – Elections administration; Department of Elections to employ Director of Operations.](#)

Effective date: July 1, 2020

This bill requires the Department of Elections to hire a Director of Operations to manage its day-to-day operations, which would be a full-time classified position. The Director is responsible for ensuring the Department fulfills its mission and duties; complies with state and federal election laws and regulations; and complies with the Department's business, administrative, and financial policies.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

[HB 1362 – General Registrars; certification requirement, removal from office.](#)

Effective date: July 1, 2020

This bill requires the State Board to develop and implement a general registrar certification program that is required to be completed within 12 months of their initial appointment or subsequent reappointment, unless the State Board grants a waiver requested by a local electoral board that can extend the deadline by up to 3 months. If a registrar fails to receive or maintain their certification, they shall be removed from office by the electoral board. The program's standards and curriculum, and the number of annual training hours required for certification maintenance will be determined by the State Board, while the program itself will be administered by the Department of Elections. No fees are charged to general registrars as part of the program, and any reasonable costs incurred to fulfill this requirement shall be reimbursed by the locality. The State Board shall review the program every four years or more frequently if it believes that is appropriate.

Election Day Procedures

[HB 43 – Provisional voting; persons voting in split precincts.](#)

Effective date: July 1, 2020

This bill allows any voter who is assigned to a precinct that is split between two or more election districts and who believes he was given a ballot for the wrong district to request and be permitted to cast a provisional ballot for the district of which he believes he is a qualified voter and for the district in which the pollbook indicates he is registered. The bill requires the ballots to be sealed in envelopes labeled with the corresponding district number and then sealed in the green envelope provided for all provisional ballots. At the meeting to determine the validity of all provisional ballots offered in the election, the electoral board shall verify in which district the voter is qualified and count that ballot.

[HB 108 and SB 601 – Legal holidays; Election Day](#)

Effective date: July 1, 2020

This bill removes Lee-Jackson Day, which was the 3rd Monday in January, from the list of legal holidays and adds Election Day, the Tuesday immediately following the 1st Monday in November.

[HB 1402 – Polling place procedures; residence address of voter not announced.](#)

Effective date: July 1, 2020

This bill removes the requirement that officers of election repeat out loud the residence address of a voter offering to vote, but makes clear that officers are still required to state the voter's full name as provided by the voter.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

[HB 1421 – Pollbooks; requirement for printed copies of pollbooks.](#)

Effective date: July 1, 2020

This bill requires the general registrars of each county and city to provide every precinct with a printed copy of the pollbook for that jurisdiction in advance of every primary and general election. The bill also clarifies that the responsibilities regarding the delivery and maintenance of pollbooks statewide falls on the Department of Elections, not the State Board as the law currently states.

[HB 1678 – Election day; extending polling place hours from 7:00pm to 8:00pm.](#)

Effective date: The bill only becomes effective if passed again in the 2021 General Assembly Session.

Currently polling place hours end at 7:00 p.m. on Election day. This bill pushes the closing time back 1 hour to 8:00 p.m. This bill doesn't take effect unless reenacted by the General Assembly in 2021.

[SB 316 – Elections; date of June primary election.](#)

Effective date: The bill only becomes effective if passed again in the 2021 General Assembly Session.

This bill changes the date for holding June primary elections from the 2nd Tuesday to the 3rd Tuesday in June. It also changes the deadline for filing nomination and candidacy papers for an office determined by a November general election from the 2nd Tuesday to the 3rd Tuesday in June. The bill only becomes effective if passed again in the 2021 General Assembly Session.

Election Officers

[HB 186 – Election day page program; central absentee voter precinct.](#)

Effective date: July 1, 2020

This bill removes the prohibition against a high school student who is participating in the Election Day page program from being present in a central absentee voter precinct. Prior to this bill, central absentee voter precincts were the only polling places where such pages were not permitted to be.

[HB 196 – Employment discrimination; prohibition against electoral board members and assistant general registrars for Election Day service; penalty.](#)

Effective date: July 1, 2020

This bill prohibits local election board members, general registrars and assistant general registrars, or election officers from being subjected to any adverse personnel or employment actions on account of their service at a polling place on Election Day or attendance at electoral board meetings thereafter to determine the results, so long as they gave their employer reasonable notice. Any person who serves for 4 or more hours, including travel time, on their day of service shall not be required to start any work shift that starts on or after 5 p.m. on the day of service or before 3 a.m. on the day after the day of service. Employers who violate this provision are guilty of Class 3 misdemeanor.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

[HB 202 – Officers of election; timing of additional training following change in law or regulation.](#)

Effective date: July 1, 2020

This bill amends the provision which provides for election officers to receive additional training after a change in election procedures is made to require that all relevant individuals impacted by a change receive such training no later than 3 days prior to the first election occurring in the locality after the law or regulation has taken effect. Under the old language, additional training is only required to be done before the next November general election.

[HB 237 – Electoral boards, local; terms to begin January 1.](#)

Effective date: July 1, 2020

This bill changes the start date for local electoral board members to January 1st. The language also changes related dates for political party nomination and judicial selection. If a member's term is set to expire and an election has not been certified or there is a pending recount, that member's term is extended until the election is certified or the recount has concluded.

[HB 1285 and SB 737 – Local electoral boards; office vacated if board member ceases to be qualified voter of county, etc.](#)

Effective date: July 1, 2020

This bill requires that all members of local electoral boards be qualified voters of that locality, and if any member ceases to be a qualified voter of the locality, their office shall be deemed vacant and filled by someone else in accordance with statutory procedure.

Miscellaneous

[HB 146 – Sample ballots; color of paper of unofficial sample ballots.](#)

Effective date: July 1, 2020

This bill allows sample ballots to be printed on yellow paper (which was previously barred), but otherwise retains all of the currently existing requirements and limits on sample ballots.

[HB 1053 – Voting systems; voter-verifiable paper record.](#)

Effective date: July 1, 2020

This bill mandates that all voting machines/systems used in the Commonwealth produce a printed, paper ballot that is retained.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

[HB 1086 and SB 555 – Voting; restrictions on the basis of race.](#)

Effective date: July 1, 2020

These bills repeal several discriminatory Acts from the Code of Virginia that provided for a state poll tax and separate registration records on the basis of race. The laws that are repealed by these bills were already unenforceable.

[HB 1210 – Minority language accessibility; voting and election materials.](#)

Effective date: September 1, 2021

This bill largely mirrors a similar provision in the federal Voting Rights Act pertaining to availability of minority language election materials at the state level. Covered localities will be required to provide election materials in the applicable minority group’s language, including but not limited to voter registration documents and notices; voting forms, assistance, and instructions; voter information pamphlets; ballots and sample ballots; notices of elections; and changes to district boundaries or polling places. To be covered, a locality must have either: a single language minority who cannot sufficiently speak or understand English make up 5% of their voting age population; 10,000 of their voting age citizen population are from a single language minority population; or, where a locality includes any part of an Indian reservation, more than 5% of the American Indian citizens of voting age are members of a single language minority and are unable to sufficiently speak or understand English. In addition to these population requirements, to be covered the illiteracy rate of the citizens of the language minority as a group in that locality must be higher than the national illiteracy rate. This bill has a delayed enactment until Sept. 1, 2021.

[SB 740 – County and city precincts; required to be wholly contained within election districts.](#)

Effective date: July 1, 2020

The bill requires each county and city precinct to be wholly contained within a single congressional district, Senate district, House of Delegates district, and local election district. In each year ending in one, the governing body of each county and city is required to establish the precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district, and local election district that was adopted by the appropriate authority by June 15 of that year, and if new districts have not been adopted by the appropriate authority by that date, the governing body is permitted to use the districts as they existed on June 15 of that year as the basis for establishing the precincts to be used in the November elections held that year. The bill requires a governing body to apply to the State Board of Elections for a waiver to administer a split precinct if it is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, and the State Board is authorized to grant the waiver or to direct the establishment of a precinct with less than the minimum number of registered voters as permitted by current law. A governing body that is granted a waiver to



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

administer a split precinct or is directed to establish a precinct with fewer than the minimum number of voters is permitted to use that precinct for any election held that year.

Ranked Choice Voting

[HB 506 – County manager plan; election of board members by instant runoff voting.](#)

Effective date: July 1, 2020

HB506 grants the Boards of Supervisors in Arlington County the option to adopt by ordinance Ranked Choice Voting (RCV), also known as Instant Runoff Voting (IRV), for the nomination or election of its members. The bill adds a code section defining IRV and explaining how it is conducted. The bill allows the State Board of Elections to implement regulations governing IRV. It also requires any locality using IRV to reimburse the Department of Elections for any costs incurred that are necessary for the implementation of IRV.

[HB 1103 – Ranked choice voting; election for local governing bodies, local option pilot program.](#)

Effective date: July 1, 2021

HB1103 extends the option to adopt Ranked Choice Voting (RCV), also known as Instant Runoff Voting (IRV), to all localities for elections for members of a county board of supervisors or city council, and further states that the decision to adopt is to be made in consultation with the local electoral board and general registrar. The bill allows the State Board to adopt regulations for the proper administration of elections using IRV including procedures for tabulating votes in rounds, procedures for determining winners, and standards for ballots, in addition to administering or prescribing standards for voter outreach and public information programs that participating localities can use. Finally, it provides that any costs incurred by the Department of Elections related to changes that are necessary for implementing IRV shall be charged to the localities who choose to use IRV. The bill does not become effective until July 1, 2021, and it's language sunsets (or ends) July 1, 2031.

Recounts

[HB 179 – Recounts; procedure for certain ballots.](#)

Effective date: July 1, 2020

This bill makes clear that ballots must be set aside or challenged before a precinct's ballot totals are finalized, and explicitly prohibits the court from reconsidering the validity of any ballot that was not challenged by election officials during the hand count. These were already part of the Department's recount procedures, but this bill codifies them for clarity.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

[HB 198 – Recounts; special election to be held in the case of a tie vote.](#)

Effective date: July 1, 2020

This bill requires a special election to be held in the event a recount occurs and the result is a tie, however this change does not apply to elections for statewide offices.

Voter Identification

[HB 19 and SB 65 – Voter identification; repeal of photo identification requirements.](#)

Effective date: July 1, 2020

This bill expands the list of acceptable voter identification documents to include voter confirmation documents, any HAVA compliant ID documents, and valid higher education student IDs regardless of whether they include a photo or not. If the voter does not present an acceptable ID, he or she can sign and ID Confirmation Statement confirming his or her identity and voter regularly. Since an ID that includes a photo is no longer required, the bill relieves ELECT’s and registrars’ duty to provide free voter ID cards.

[HB 213 – Voter identification; accepted forms of identification, out-of-state student identification card.](#)

Effective date: July 1, 2020

This bill adds valid student IDs issued by institutes of higher learning located outside the state of Virginia to the list of acceptable forms of ID for voting.

Voter Registration

[HB 201 – Elections; voter registration; same-day registration.](#)

Effective date: October 1, 2022

This bill extends the period that an otherwise qualified person can register to vote in person up to and through election day, effectively providing for same-day registration in all elections. This bill does not become effective until October 1, 2022.

[HB 235 and SB 219 – Voter registration; automatic voter registration.](#)

Effective date: July 1, 2020

This bill effectively provides for automatic voter registration when a qualified citizen interacts with the DMV or the DMV website to get a new driver’s license or ID, renew their existing license or ID, or change their listed address. Individuals will be asked whether they are a US citizen and given the option to decline to have their information sent to the Department of Elections to register them to vote or update their information. Prior to enactment of this bill, voter registration at the DMV was considered “opt-in,” because the individual needed to confirm that they wanted their information sent for voter registration



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

purposes. Now the DMV will ask the question in a way that requires the individual to “opt-out.” If the individual does not opt-out, their information will be sent for voter registration purposes.

[HB 241 – Protected voter status; certain evidence not required.](#)

Effective date: July 1, 2020

This bill removes the requirement that a person seeking protected voter status on account of fear for their personal safety from an individual who has threatened or stalked them to provide evidence of a complaint.

[SB 666 – Voter registration; notification of denial.](#)

Effective date: July 1, 2020

This bill amends the actions taken after a voter registration application is denied. The registrar is now required to notify the applicant of their denial in writing and by email or telephone, if possible, within 5 days of the denial (previously 14 days). If the registrar is able to reach the applicant by phone, they may make corrections to their application over the phone. If the applicant provided an email address, the registrar may send them information regarding online voter registration as well.

[SB 857 – Voter registration; notice and public access not required for certain voter registration events.](#)

Effective date: July 1, 2020

Prior to July 1, all voter registration events were required to be open to the public. This bill amends the mandatory public access requirement to exclude registration events held in a high school or a location where a naturalization ceremony is held.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

2021 Changes to Virginia’s Election Laws

The following legislation was passed during the 2021 Session of the General Assembly, signed by the Governor, and will go into effect on July 1, 2021 (unless otherwise noted). This legislation is likely to affect the operations of general registrars, electoral board members, constituents, candidates, the Department of Elections (ELECT), and all who are part of the elections community.

The summaries were prepared by the Policy Division of ELECT. These are only summaries providing highlights of the legislation and are not intended to be a full accounting of the changes from every bill. Complete information on these bills is available on the [Legislative Information System \(http://lis.virginia.gov\)](http://lis.virginia.gov).

Contents

Absentee Voting.....	2
SB 1097 – Absentee Voting; witness signature not required.	2
SB 1239 – Absentee voting; third-party absentee.....	2
SB 1245 – Absentee voting; establishment of drop-off locations; ballot defects; cure process.....	3
SB 1331 – Absentee voting; accessibility for voters with a visual impairment or print disability.....	3
HB 1888 – Absentee voting; procedural and process reforms, availability and accessibility reforms, penalty.	3
HB 1968 – Absentee voting; early in person; availability on Sundays.....	4
Campaigns and Campaign Finance	4
SB 1444 – Campaign finance; special report for large pre-legislative session contributions.....	4
Candidates and Parties	4
HB 2020 – Nomination of candidates for elected offices; restrictions on nomination method selected.....	4
Election Day Procedures	4
SB 1111 – Elections; preservation of order at the polls, powers of officers of election.	4



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

SB 1157 – Municipal elections; shifting elections to November. 5

SB 1148 – Elections; date of June primary election..... 5

HB 1921 – Assistance for certain voters; curbside voting. 5

HB 2081 – Polling places; prohibited activities, unlawful possession of a firearm, penalty..... 5

HB 2198 – Local elections for governing bodies; elections for school boards, qualification of voters. ... 5

Election Officers 6

 SB 1281 – General registrar; qualifications, residency. 6

Voter Registration 6

 HB 1810 – Voter registration; failure of online voter registration system, deadline extension..... 6

 HB 2125 – Voter registration; preregistration for persons 16 years of age or older, effective date. 6

Voting Rights 7

 HB 1890 and SB 1395 – Elections; prohibited discrimination in voting and elections administration;
 required process for enacting certain covered practices; civil causes of action. 7

Absentee Voting

[SB 1097 – Absentee Voting; witness signature not required.](#)

Effective date: July 1, 2021

This bill eliminates the requirement for voters to have a witness signature on absentee ballots for any election during a declared state of emergency related to a communicable disease of public health threat. The absence of a witness signature on an absentee ballot during a declared state of emergency will no longer be considered a material omission and the ballot will not be rendered void. A witness signature will still be required if there is not a declared state of emergency related to a communicable disease of public health threat. This bill also requires the Department of Elections to convene a work group to consider and evaluate alternatives to the witness signature requirement.

[SB 1239 – Absentee voting; third-party absentee.](#)

Effective date: July 1, 2021

This bill allows general registrars to contract with a third party for the printing, assembly, and mailing of absentee ballots. This bill also directs the State Board of Elections to adopt emergency regulations to implement the provisions of the bill, which will include processes to ensure secure and timely delivery of voter information to contractors and reports of mailed absentee ballots from contractors.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

[SB 1245 – Absentee voting; establishment of drop-off locations; ballot defects; cure process.](#)

Effective date: July 1, 2021

This bill includes the provisions of SB 1331 (below) and also codifies the establishment of drop-off locations, which the legislature put into place for the November 2020 General Election and for the June 2021 Primary Elections. Drop-off locations must be established at the office of the general registrar and each voter satellite office in a locality. General registrars have the option of establishing additional staffed or secure drop-off locations as well. On the day of any election, drop-off locations must be available at each polling place. Additionally, this bill creates a formalized cure process that allows voters to correct procedural errors on absentee envelopes. Once an error is discovered on a returned absentee ballot, the voter must be notified of the error within three (3) days, and be provided with information on how to cure their ballot. This bill also requires the Department of Elections to convene a work group to consider and evaluate sorting and reporting election results from absentee ballots separately by precinct.

[SB 1331 – Absentee voting; accessibility for voters with a visual impairment or print disability.](#)

Effective date: July 1, 2021

This bill allows voters with a visual impairment or print disability to electronically receive and mark an absentee ballot using a screen-assisted ballot making tool provided by the Department of Elections. These voters are still required to return physical copies of their ballots. General registrars are required to provide the voter with appropriate envelopes for the return of the ballot. One envelope will have to have a tactile marking that allows the voter to identify which envelope is the outer envelope when returning their ballot.

[HB 1888 – Absentee voting; procedural and process reforms, availability and accessibility reforms, penalty.](#)

Effective date: July 1, 2021

This bill includes the provisions of SB 1245 and SB 1331 (above), and adds various reforms to absentee voting processes and procedures. This bill removes the requirement for first-time voters who register by mail to vote in person on Election Day. These voters will still be subject to HAVA ID requirements in federal elections. General registrars must now report election results from absentee ballots that are cast early in person for an election separately from the results for all other absentee ballots cast. This bill mandates providing pre-paid postage for all absentee ballot return envelopes and removes the requirement for printing only on the flap side of envelopes that seal the marked ballot. This bill also allows for the authorization of an emergency absentee ballot for voters who cannot vote in person on Election Day due to the hospitalization, illness, or death of a loved one. Voters enrolled on the special absentee voter applicant list on or before June 30, 2021, will be automatically enrolled on the



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

permanent absentee voter list under this bill. On or before July 1, general registrars will provide notice to each voter automatically enrolled with instructions on how to decline enrollment if preferred. Lastly, this bill reforms the process for individuals who have applied for and received an absentee ballot, but choose to not vote absentee on or before Election Day.

[HB 1968 – Absentee voting; early in person; availability on Sundays.](#)

Effective date: July 1, 2021

This bill allows the electoral board or general registrar of a locality to provide absentee voting in person in the office of the general registrar or voter satellite office on Sundays during the early voting period.

Campaigns and Campaign Finance

[SB 1444 – Campaign finance; special report for large pre-legislative session contributions.](#)

Effective date: July 1, 2021

This bill removes the requirement for a statewide office holder or member of the General Assembly to report pre-legislative session contributions on any subsequent campaign finance report, after the January 15 filing with the State Board. Previously, contributions of \$1,000 or more between January 1st and the day immediately before the 1st day of a regular session of the General Assembly were reported to the State Board by January 15, and were also included in the next regularly scheduled report.

Candidates and Parties

[HB 2020 – Nomination of candidates for elected offices; restrictions on nomination method selected.](#)

Effective date: January 1, 2024

This bill restricts political parties from selecting a candidate nomination method if it will have the practical effect of excluding participation in the nominating process by qualified voters who are unable to attend meetings for a variety of reasons. Those reasons include, but are not limited to, if the qualified voter is a member of a uniformed service on active duty, a student attending a school or institution of higher education, and a person with a disability.

Election Day Procedures

[SB 1111 – Elections; preservation of order at the polls, powers of officers of election.](#)

Effective date: July 1, 2021

This bill removes the power of officers of election to appoint an individual who is not a law-enforcement officer to have all the powers of a law-enforcement officer within the polling place and the prohibited area.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

[SB 1157 – Municipal elections; shifting elections to November.](#)

Effective date: July 1, 2021

This bill requires municipalities who currently hold general elections in May to move their election to November. The bill is silent as to which November the municipality may choose. It also requires that terms of elected officials cannot be shortened in order to enact the change.

[SB 1148 – Elections; date of June primary election.](#)

Effective date: January 1, 2022

This bill changes the date for primary elections from the second Tuesday in June to the third Tuesday in June. This bill also changes the deadline for filing nomination and candidacy papers for an office determined by a November general election from the 2nd Tuesday to the 3rd Tuesday in June.

[HB 1921 – Assistance for certain voters; curbside voting.](#)

Effective date: July 1, 2021

This bill expands curbside voting by allowing any voter to use curbside voting during a declared state of emergency related to a communicable disease of public health threat. Generally, only individuals 65 years or older or those with a physical disability are eligible. This bill also clarifies “physical disability” to include permanent physical disability, temporary physical disability, or injury. The Department of Elections is required to prescribe the form and content of instructions on how to notify an officer of election of a voter’s request to use curbside voting. The instructions must be prominently displayed outside of the polling place.

[HB 2081 – Polling places; prohibited activities, unlawful possession of a firearm, penalty.](#)

Effective date: July 1, 2021

This bill prohibits any person from knowingly possessing a firearm within 40 feet of any building used as a polling place, including one hour before and one hour after its use as a polling place. The exceptions to this provision apply to qualified law-enforcement officer or retired law-enforcement officer, any person occupying his own private property that falls within 40 feet of the polling place, or a licensed armed security officer whose employment or performance of his duties occurs within 40 feet of the polling place. This bill also prohibits any person from knowingly possessing a firearm within 40 feet of a meeting place for the local electoral board while the electoral board meets to ascertain the results of an election or any place used as the setting for a recount.

[HB 2198 – Local elections for governing bodies; elections for school boards, qualification of voters.](#)

Effective date: January 1, 2022



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

This bill requires localities that impose district-based or ward-based residency requirements for members of a governing body or school board, to restrict the election of those candidates to the qualified voters of that district or ward and not by the locality at large. Prior to this legislation, localities could utilize at-large voting for candidates of specific districts or wards.

Election Officers

[SB 1281 – General registrar; qualifications, residency.](#)

Effective date: July 1, 2021

This bill allows localities with a population of less than 50,000 to appoint a general registrar who is a citizen of the Commonwealth instead of a citizen of the locality. Previously, a general registrar could only be appointed for a locality if they were a resident of that locality or an adjacent locality unless the locality has a population of less than 25,000.

Voter Registration

[HB 1810 – Voter registration; failure of online voter registration system, deadline extension.](#)

Effective date: July 1, 2021

This bill grants authority to the Governor of Virginia to extend the voter registration deadline in the event that a failure of the Virginia online voter registration system occurs prior to the close of registration records. The extended time will be equal to the amount of time during which the online voter registration system was unavailable for registration activities, rounded up to the nearest whole day, plus an additional day to allow for voter education efforts.

[HB 2125 – Voter registration; preregistration for persons 16 years of age or older, effective date.](#)

Effective date: October 1, 2022

This bill permits voter preregistration for Virginia citizens who are 16 years of age or older and are otherwise qualified to register to vote. Preregistration does not allow any individual to vote in an election before the time already permitted by law. The Department of Elections will set up a process in its voter registration and election management database that will allow the General Registrar to approve the preregistration application, and for it to make the pre-registrant an active voter at the appropriate time.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Voting Rights

[HB 1890 and SB 1395 – Elections; prohibited discrimination in voting and elections administration; required process for enacting certain covered practices; civil causes of action.](#)

Effective date: July 1, 2021

This bill is modeled after the Federal Voting Rights Act of 1965. This bill requires local governing bodies to present any proposed changes to a “covered practice” in advance for public comment for a minimum of 30 days, with a 30-day waiting period following the public comment. In addition to receiving public comment, the governing body is required to conduct at least one public hearing during this period. As defined by this bill, covered practices are:

- Any change to the method of election of members of a governing body or an elected school board by adding seats elected at large or by converting one or more seats elected from a single-member district to one or more at-large seats or seats from a multi-member district.
- Any change, or series of changes within a 12-month period, to the boundaries of a locality that reduces by more than five percentage points the proportion of the locality's voting age population that is composed of members of a single racial or language minority group.
- Any change to the boundaries of election districts or wards in the locality.
- Any change that limits or impairs the creation or distribution of voting and election materials in any language other than English, or restricts the ability of any person to provide interpreter services to voters in any language other than English.
- Any change that reduces, consolidates, or relocates polling places in the covered locality, except where permitted in the event of emergency.

In lieu of a public comment period, a governing body can submit a proposed covered practice to the Office of the Attorney General to receive a certification of no objection. The certification of no objection indicates the covered practice does not have the “purpose or effect of denying or abridging the right to vote based on race or color or membership in a language minority group.”

This bill allows Virginia voters or the attorney general to file a lawsuit if a locality or local official violates election laws. Fees or fines that are won in the lawsuit will go a Voter Education and Outreach Fund established by the legislation, solely to be used for the purpose of educating current and potential voters on their voting rights



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

2022 Changes to Virginia’s Election Laws

The following legislation was passed during the 2022 Session of the General Assembly, signed by the Governor, and will go into effect on July 1, 2022 (unless otherwise noted). This legislation is likely to affect the operations of general registrars, electoral board members, constituents, candidates, the Department of Elections (ELECT), and all who are part of the elections community.

The summaries were prepared by the Policy Division of ELECT. These are only summaries that provide highlights of the legislation and are not intended to be a full accounting of the changes from every bill. Complete information on these bills is available on the [Legislative Information System \(http://lis.virginia.gov\)](http://lis.virginia.gov).

Contents

- Absentee Voting..... 2
 - SB 3 and HB 927 – Voting Systems; reporting absentee results by precinct..... 2
 - HB 439 – Absentee ballots; information on proposed constitutional amendments..... 2
- Campaigns and Campaign Finance 2
 - HB 125 – Elections; political campaign advertisements, illegal negative ads, civil penalties..... 2
 - HB 492 – Campaign finance; record retention requirements and reviews of campaign finance disclosure reports. 3
- Election Officials..... 3
 - SB 80 and HB 205 – Election officials, state and local; acceptance of certain gifts and funding prohibited. 3
 - HB 542 – Elections administration; reclassification of assistant registrars. 3
- Freedom of Information Act 4
 - HB 150 – Virginia Freedom of Information Act; local public bodies to post meeting minutes on its website..... 4
 - HB 444 – Virginia Freedom of Information Act; meetings conducted through electronic meetings..... 4



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Miscellaneous 4

SB 698 – List of persons voting at elections; creating of searchable public lists prohibited. 4

Precincts & Polling Places 4

HB 195 – Polling places; location requirements, waiver in certain circumstances. 4

Risk-Limiting Audits..... 5

SB 370 and HB 895 – Elections; local electoral boards & general registrars to perform certain risk-limiting audits, etc..... 5

Voter Registration 5

SB 211 and HB 55 – Voter registration; list of decedent transmitted by St. Reg. of Vital Records to Dept. of Elections. 5

HB 1140 – Voter registration; cancellation of registration, notice requirement. 5

Absentee Voting

[SB 3 and HB 927 – Voting Systems; reporting absentee results by precinct.](#)

Effective date: July 1, 2022

These identical bills require general registrars to report to the Department of Elections the results of absentee ballots cast by voters assigned to each precinct in the registrar's locality. The bills also include "on-demand ballot printing systems and ballot marking devices" in the definition of a voting system. The Department of Elections is also required to establish standards for ascertaining and reporting precinct level absentee results. The bills amend § 24.2-101 and § 24.2-667.1 of the Code of Virginia.

[HB 439 – Absentee ballots; information on proposed constitutional amendments.](#)

Effective date: July 1, 2022

This bill requires that whenever there is a proposed constitutional amendment or statewide referendum on the ballot, the printed instructions provided with the absentee ballot materials must include the Department of Elections’ website address that explains the amendment or referendum. This bill amends § 24.2-706 of the Code of Virginia.

Campaigns and Campaign Finance

[HB 125 – Elections; political campaign advertisements, illegal negative ads, civil penalties.](#)

Effective date: July 1, 2022

This bill imposes a maximum \$25,000 penalty for campaign finance disclosure violations related to advertisements or campaign telephone calls that expressly advocate the election or defeat of a clearly



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

identified candidate. Previously, the maximum penalty for campaign advertisement violations was \$10,000. This bill amends § 24.2-955.3 of the Code of Virginia.

[HB 492 – Campaign finance; record retention requirements and reviews of campaign finance disclosure reports.](#)

Effective date: January 1, 2024

This bill requires the Department of Elections to review reports and records of all campaign committees for statewide office and a percentage of reports and records of campaign committees for all other offices within 180 days following the general election. Campaign committee treasurers are required to retain certain records that may be used in reviews of campaign committee accounts. No review is required for a campaign committee for any office that has received less than \$25,000 in contributions during the campaign, including the transfer of surplus funds from a prior campaign. The Department of Elections is also required to generate a report regarding result of its reviews to the State Board, the Governor, and the General Assembly by July 1 of each year following the election. This bill amends multiple sections of the Code of Virginia.

Election Officials

[SB 80 and HB 205 – Election officials, state and local; acceptance of certain gifts and funding prohibited.](#)

Effective date: July 1, 2022

These identical bills prohibit the State Board, the Department of Elections, each local Electoral Board, and all offices of the general registrar from soliciting, accepting, using, or disposing of any money, grants, property, or services, given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections. The prohibition does not apply to: (i) the operation of polling places or voter satellite offices in a facility furnished by a prohibited entity; or (ii) the acceptance of federal government grants that have been funded in whole or part by donations from a prohibited entity. The bills add a new section § 24.2-124.1 to the Code of Virginia.

[HB 542 – Elections administration; reclassification of assistant registrars.](#)

Effective date: July 1, 2022

This bill reclassifies assistant registrars as deputy registrars, and makes no changes to the roles and responsibilities of a general registrar and/or their deputy. This bill amends multiple sections of the Code of Virginia.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Freedom of Information Act

[HB 150 – Virginia Freedom of Information Act; local public bodies to post meeting minutes on its website.](#)

Effective date: July 1 2022

This bill requires any local public body subject to the Freedom of Information Act to post meeting minutes on its official public government website within seven working days of final approval of the minutes. This bill adds a new section § 2.2-3707.2 to the Code of Virginia.

[HB 444 – Virginia Freedom of Information Act; meetings conducted through electronic meetings.](#)

Effective date: September 1, 2022

This bill amends existing provisions concerning electronic meetings held by public bodies. This bill allows all public bodies *other than* local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, to conduct all-virtual public meetings during situations other than declared states of emergency, where all of the members who participate do so remotely and that the public may access through electronic communications means. Definitions, procedural requirements, and limitations for all-virtual public meetings are listed in the bill, along with technical amendments. This bill also adds section § 2.2-3708.3 to the Code of Virginia.

Miscellaneous

[SB 698 – List of persons voting at elections; creating of searchable public lists prohibited.](#)

Effective date: July 1, 2022

This bill prohibits the recipient of a list of registered voters from publishing on the internet any of the information contained in such a list as a database, list, or other similar searchable format. This bill also prohibits sharing a list of registered voters with any third party for such purpose. This bill amends § 24.2-405 of the Code of Virginia.

Precincts & Polling Places

[HB 195 – Polling places; location requirements, waiver in certain circumstances.](#)

Effective date: July 1, 2022

This bill provides that in the event that there is no suitable building that could be used for a polling place within a precinct or within one mile of the precinct boundary, the general registrar or the governing body of the locality may request from the Department of Elections a waiver to establish a polling place that does not meet the location requirements. The Department of Elections may impose any conditions necessary or appropriate on the waiver to ensure accessibility and security of the polling place and



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

compliance with any other requirements of state or federal law. This bill amends § 24.2-310 of the Code of Virginia.

Risk-Limiting Audits

[SB 370](#) and [HB 895 – Elections; local electoral boards & general registrars to perform certain risk-limiting audits, etc.](#)

Effective date(s): July 1, 2022; July 1, 2023; and July 1, 2024

These identical bills amend various sections of Virginia Code and adds section § 24.2-671.2, which sets new standards for the conduct of risk-limiting audits. The bills require risk-limiting audits to be performed *before* the certification of election results. The bills also extend the certification of the November election by the State Board from the third Monday in November to the first Monday in December. The Department of Elections is required to convene a workgroup to consider and propose a process and timeline for implementing risk-limiting audits of statewide contests. While the bills are effective July 1, 2022, there are two provisions in the bills that have delayed effective dates.

Effective July 1, 2023, audits must be conducted for (i) at least one randomly selected contested race for the General Assembly in the year of a general election for members of the General Assembly; and (ii) any other contested race that is necessary to ensure that each locality participates in a risk-limiting audit of an office within its jurisdiction at least once every five years.

Effective July 1, 2024 audits must be conducted for at least one randomly selected contested race for a local office that requires certification by the State Board in any year in which there is not a general election for statewide office.

Voter Registration

[SB 211](#) and [HB 55 – Voter registration; list of decedent transmitted by St. Reg. of Vital Records to Dept. of Elections.](#)

Effective date: July 1, 2022

These identical bills require the State Registrar of Vital Records to transmit a weekly list of decedents to the Department of Elections. Previously, the list of decedents was transmitted monthly. General registrars will be required to promptly cancel the registrations of person known to be deceased or otherwise disqualified to vote utilizing the information provided in the lists. The bills amend § 24.2-408 and § 24.2-427 of the Code of Virginia.

[HB 1140 – Voter registration; cancellation of registration, notice requirement.](#)

Effective date: July 1, 2022



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

This bill requires general registrars to provide notice of the cancellation of a voter's registration to the voter by mail and, if provided, by email. Previously, notice of cancellation was only required to be provided to a voter by mail, pursuant to § 24.2-427 of the Code of Virginia.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

2023 Changes to Virginia’s Election Laws

The following legislation was passed during the 2023 Session of the General Assembly, signed by the Governor, and will go into effect on July 1, 2023 (unless otherwise noted). This legislation is likely to affect the operations of general registrars, Electoral Board members, constituents, candidates, the Department of Elections (ELECT), and all who are part of the elections community.

The summaries were prepared by the Policy Division of ELECT. These are only summaries that provide highlights of the legislation and are not intended to be a full accounting of the changes from every bill. Complete information on these bills is available on the [Legislative Information System](http://lis.virginia.gov) (<http://lis.virginia.gov>).

Contents

Absentee Voting.....	2
HB 1948 Absentee voting; removes witness requirement, required information on return ballot envelope.	2
HB 2266 Absentee ballot; SB to adopt policy regarding counting, etc., in a central absentee voter precinct.	2
Campaigns and Campaign Finance	2
SB 1427 Campaign finance; filing schedule for political action committees, etc.	2
Elected Officials.....	3
HB 2443 Certificates of election; persons elected by write-in votes, exception for certain localities.	3
HB 2289 and SB 1431 Elected and certain appointed; procedure for removal by courts.	3
General Registrars.....	3
HB 2471 and SB 1514 General registrars; petition for removal.	3
Recounts	4
HB 2324 Recount elections; standards, elections for offices to which more than one candidate can be elected.	4
Special Elections.....	4



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

SB 944 Elections; filling vacancies in Gen. Assembly, certain vacancies to be filled between 30/45 days. 4

Virginia Freedom of Information Act..... 4

 HB 2007 Virginia Freedom of Information Act; posting of fee policy by a public body. 4

Voter Registration..... 5

 HB 1683 Voter registration; final day of registration, notice requirements..... 5

 HB 2024 and SB 1310 Personal information of judges and magistrates; penalty. 5

Absentee Voting

[HB 1948 Absentee voting; removes witness requirement, required information on return ballot envelope.](#)

Effective date: July 1, 2023

This bill removes the witness signature requirement for absentee ballots and replaces it with the requirement that a voter provide the last four digits of their social security number and their birth year. If a voter attested that they were not issued a social security number when they registered to vote, they are permitted to provide their voter ID in place of the last four digits of a social security number. This bill amends multiple sections of the Code of Virginia pertaining to absentee voting.

[HB 2266 Absentee ballot; SB to adopt policy regarding counting, etc., in a central absentee voter precinct.](#)

Effective date: July 1, 2023

This bill directs the State Board of Elections to adopt a policy regarding requirements for reporting central absentee precinct results for early, in-person votes separately from mailed ballots, and for reporting absentee ballots cast by precinct. The policy must require that all results are posted on the State Board of Elections website no later than noon on the seventh calendar day following the election. This bill also requires the policy to be adopted no later than September 1, 2023, with notice of adoption provided to the House and Senate Privileges and Elections Chairmen within 7 days. ELECT has already developed standards, guidance, and training regarding absentee reporting following previous updates to § 24.2-667.1 of the Code of Virginia in 2021 and 2022.

Campaigns and Campaign Finance

[SB 1427 Campaign finance; filing schedule for political action committees, etc.](#)

Effective date: July 1, 2023



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

This bill increases the number of scheduled reports for political action committees from four to five and changes the reporting dates for some reports. This bill also requires that all in-state political action committees file a report for any single expenditure of \$1,000 or more made between (i) May 26 and the third Tuesday in June and (ii) October 8 and the date of the November General Election. Such reports are to be made electronically and must be received by the State Board of Elections by 11:59 p.m. on the following day or, for an expenditure made on a Saturday, by 11:59 p.m. on the following Monday. However, the bill requires that any such expenditure made within the 24 hours prior to the Election Day be reported and a report thereof received on the day prior to the election. This bill amends various sections of the Code of Virginia, but most notably adds § 24.2-949.7.1.

Elected Officials

[HB 2443 Certificates of election; persons elected by write-in votes, exception for certain localities.](#)

Effective date: July 1, 2023

This bill provides that in an election for a local office in a locality with a population of no more than 4,000 persons, if the person having the highest number of votes for the office is elected by write-in votes and is not qualified to hold such office or declines to assume such office, the person having the next highest number of votes shall be deemed to have been elected to such office and shall receive the certificate of election. Currently, if an officer-elect for a local office declines to assume such office, a vacancy is declared and must be filled by a special election. This bill amends § 24.2-673 of the Code of Virginia.

[HB 2289 and SB 1431 Elected and certain appointed; procedure for removal by courts.](#)

Effective date: July 1, 2023

This bill sets out the procedures by which an elected officer or officer who has been appointed to fill an elective office may be removed from office. The bill requires, among other things, that (i) the general registrar review the petition and determine its sufficiency in accordance with the uniform standards approved by the State Board of Elections; (ii) the general registrar certify the petition within 10 business days and promptly file such certification with the clerk of the circuit court; and (iii) the certification state the number of signatures required, the number of signatures on the petition, and the number of valid signatures, along with any signatures found to be invalid and any material omissions from the petition. This bill amends §§ 24.2-233 and 24.2-235 through 24.2-238 of the Code of Virginia.

General Registrars

[HB 2471 and SB 1514 General registrars; petition for removal.](#)

Effective date: July 1 2023



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

These bills provide for the removal of a general registrar by the circuit court upon a petition signed by a majority of the members of the State Board of Elections or a majority of the members of the local Electoral Board. Currently, a local Electoral Board may remove a general registrar by a majority vote, and the State Board of Elections may petition the circuit court to remove a general registrar only after petitioning the local Electoral Board to remove the registrar and the Electoral Board fails to do so. These bills also provide for the removal of any member of a local Electoral Board by the circuit court upon a petition signed by a majority of the members of the State Board of Elections. These bills amend various sections of the Code of Virginia, but most notably add § 24.2-234.1.

Recounts

[HB 2324 Recount elections; standards, elections for offices to which more than one candidate can be elected.](#)

Effective date: July 1, 2023

This bill requires the State Board of Elections to develop recount standards and instructions specifically for elections where more than one candidate can be elected to an office. The standards and instructions are required to include which candidates apparently nominated or elected are required to be named in the petition for a recount or served a copy of the petition for a recount. This bill amends § 24.2-802 of the Code of Virginia.

Special Elections

[SB 944 Elections; filling vacancies in Gen. Assembly, certain vacancies to be filled between 30/45 days.](#)

Effective date: July 1, 2023

This bill requires the writ of election to fill a vacancy in the membership of the General Assembly to be issued within 30 days of the vacancy or receipt of notification of the vacancy, whichever comes first. Additionally, if a vacancy occurs or will occur between December 10 and March 1, the special election must be held no more than 30 days from the date of the vacancy. This bill amends § 24.2-216 of the Code of Virginia.

Virginia Freedom of Information Act

[HB 2007 Virginia Freedom of Information Act; posting of fee policy by a public body.](#)

Effective date: July 1, 2023

This bill requires a public body to make available upon request and post on its website or otherwise publish a written policy that does the following: (1) explains how the public body assesses charges for accessing or searching for requested records; and (2) noting the current fee charged, if any, by the



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

public body for accessing and searching for the requested records. This bill amends § 2.2-3704.1 of the Code of Virginia.

Voter Registration

[HB 1683 Voter registration; final day of registration, notice requirements.](#)

Effective date: July 1, 2023

This bill requires general registrars to publish notice of the final day of voter registration on the official website of the county or city, and to publish the notice at least once in a newspaper of general circulation in the county or city, if such newspaper is available. Currently, general registrars must publish notice in a newspaper even if it is not of general circulation. This bill amends § 24.2-415 of the Code of Virginia.

[HB 2024 and SB 1310 Personal information of judges and magistrates; penalty.](#)

Effective date: July 1, 2023

These identical bills prohibit the Commonwealth from publishing on the internet the personal information of any active or retired federal or Virginia justice, judge, or magistrate. As it pertains to election law, these bills add active and retired magistrates to the list of people who may register as a protected voter. Currently, active or retired judges may register as a protected voter. These bills amend § 24.2-418 of the Code of Virginia.