



★ 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.