



Elections in Virginia: Your Guide to Navigating the Law

ELECTIONS IN VIRGINIA: YOUR GUIDE TO NAVIGATING THE LAW

**Sponsored by Virginia Fair Elections
May 2025**

Prepared by:

Lindsey Zea - Deputy Director of Policy
Virginia Institute for Public Policy

Dr. Clara Belle Wheeler - Senior Fellow, Election Integrity
Virginia Institute for Public Policy

Legal Review:

Justin Riemer - Partner
First Street Law

The information provided does not, and is not intended to, constitute legal advice; instead, all information is for general informational purposes only. Individuals should contact an attorney to obtain advice with respect to their own circumstances.

Copyright © 2025 Virginia Fair Elections

All rights reserved.

No portion of this book may be reproduced in any form without written permission from the publisher or author, except as permitted by U.S. copyright law.

Virginia Fair Elections

P.O. Box 76

Lexington, VA 24416

info@virginiainstitute.org

1st edition, 2025

Dedication

To the dutiful citizen and leader who reads this book and takes it upon themselves to learn about Virginia's election laws and processes. Thank you for participating in government "of the people, by the people, for the people" and preserving American government structure, principles, and values in the Commonwealth for generations to come.

Acknowledgments

Patrice Johnson, Michigan Fair Elections Institute for her leadership and for lending us Michigan's model to start this project

Lynn Taylor, Chair of Virginia Fair Elections and President and Co-Founder of Virginia Institute for Public Policy for her vision of how this publication could equip election integrity advocates

Justin Riemer, First Street Law, for his invaluable knowledge of Virginia Election law and his legal review of this publication

Contents

Foreword	5
Part 1 - Before the polls open	8
Part 2 - When the polls are open	19
Part 3 - After the polls close	25
Part 4 - Addendum	29
Conclusion	35

Foreword

There is no more sacred trust in a constitutional republic than the consent of the governed. That trust comes to life at the ballot box— not just as a civic duty, but as a solemn affirmation of the principles that anchor our free society. In recent years, we have seen both a renewed spirit of civic engagement and a growing concern about the systems meant to safeguard the integrity of our elections. Now is not the time to throw up our hands, frustrated and exasperated, but to lean in with clarity, courage, and conviction.

This guide was prepared to equip citizens, officers of election, and local election administrators alike — roles that stand in concert — to serve Virginia with fidelity to the rule of law. The health of our Commonwealth depends on the vigilance of individuals, the transparency of the process, and the consistent application of the law in every corner of Virginia. Whether you are a volunteer patriot observing at the polls, an electoral board member, or a dedicated general registrar faithfully administering the duties of your office, your work matters. You are the stewards of trust.

This summary of Virginia’s election laws is meant to put the most important election information at your fingertips, so you can fulfill your duties with confidence. May it serve as both compass and encouragement. We are deeply grateful for the men and women across Virginia who give their time, their talents, and their energy to ensure that every eligible vote is counted and that every unlawful vote is not. At the heart of a flourishing republic is servant leadership of the citizenry. It doesn’t just happen from

the top down — it takes all of us. From poll watchers to the State Board of Elections, it's the quiet diligence of everyday folks doing the right thing that keeps liberty strong for the next generation.

In Liberty,

A handwritten signature in black ink, appearing to read "Lynn Taylor". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Lynn Taylor

Chair, Virginia Fair Elections

President and Co-Founder, Virginia Institute for Public Policy

Epigraph

*“... wherever the people are well informed they
can be trusted with their own government;”*

Correspondence from Thomas Jefferson in Paris
to Richard Price, January 8, 1789

PART ONE: Before the Polls Open

What means of identification are required to register to vote in Virginia?

Virginia is one of a handful of states that require an individual registering to vote to provide their full Social Security Number (SSN), if they have one. [§ 24.2-418\(A\)](#). However, there is no verification from the Social Security Administration that the SSN provided matches the name and identity of the registrant.¹ As long as the SSN is not being used by another person who is registered to vote in Virginia, the registration will be accepted provided the individual meets other registration requirements. [Va. Code Ann. § 24.2-418.](#), *see also* defeated [SB1073](#) from the 2025 Virginia General Assembly Session.

Who is eligible to register to vote?

An individual must meet several eligibility criteria to register to vote in Virginia. The applicant must be a U.S. citizen, reside in Virginia, and be at least 18 years old by the date of the next general election. [§§ 24.2-101 \(definition of “qualified voter”\), 24.2-400](#). The applicant must not have been convicted of a felony or been adjudicated mentally incompetent unless their rights have been restored. Registration must include complete and accurate identifying information, including name, date of birth, address, and an affirmation of eligibility under penalty of perjury. Individuals who are 16 or 17 may pre-register [§§ 24.2-403.1, 24.2-403](#).

¹ See [52 U.S.C. § 21083\(a\)\(5\)\(D\)](#) (Help America Vote Act (HAVA) exempts from HAVA verification process states such as Virginia that are permitted to collect the full social security number on voter registration applications).

Who qualifies as a Virginia resident for voting purposes?

Residency for voting in Virginia requires both a domicile and a place of abode. [Va. Const. art. I § 1](#). Domicile is a person's primary home, the place where a person dwells and which he considers to be the center of his domestic, social, and civil life. [1VAC20-40-10](#). Domicile is established by an individual's intent to remain in a location for an unlimited time. An abode is a physical place where the person dwells. See *generally* [1 Va. Admin. Code Chapter 40](#) for specifics on residency and a general registrar's limited authority to assess whether an individual has established it.

What is the deadline for registering to vote?

Per [§ 24.2-416](#), the standard registration deadline is 21 days prior to a general or primary election. Effective July 1, 2025, the registration deadline will move to 10 days prior to a general or primary election. [2025 Va. Acts, Chapter 559](#). This deadline applies to both online and paper applications, as well as in-person submissions to a local general registrar's office. For special elections, the deadline is typically determined based on how the election is called but usually occurs at least 13 days before the election, moving to 10 days effective July 1, 2025. The Virginia Department of Elections encourages early registration to allow adequate time for processing.

Virginia also offers in-person same-day registration during early voting and on Election Day; however, voters registering after the standard deadline must cast a provisional ballot that will not be counted until their eligibility is confirmed by the local electoral board.² [§ 24.2-420.1](#). This provisional ballot will be reviewed by the electoral board during the post-election canvass.

² See [Department of Elections Same Day Registration Training](#) for specifics on Same Day Registration procedures.

Who can conduct voter registration at high schools and senior citizen centers?

Anyone can distribute and receive registration applications. [§ 24.2-416.3\(A\)](#). For any group or individual who obtains 25 or more voter registration forms from the Department of Elections or their local elections office, there are required trainings and procedures. [§ 24.2-416.6](#).

How should an eligible voter apply to vote by absentee ballot?

Absentee voting in Virginia is governed by [Chapters 7](#) and [4.1](#) (overseas and military voting) of Title 24.2. An eligible voter can apply to vote absentee by submitting a completed application to their local general registrar by mail, fax, email, or online using the Virginia Department of Elections' secure voter portal. [§ 24.2-701](#). The application must include the voter's full name, date of birth, last four SSN (except for in-person applicants), address at which they are registered to vote, and the address to which the ballot should be sent if different. [§ 24.2-701](#).

Voters must apply no later than 5:00 p.m. on the eleventh day before the election to receive a ballot by mail. [§ 24.2-701](#). In-person absentee (early) voting is also available starting 45 days before an election and ending the Saturday before the election. [§ 24.2-701.1](#). Department of Elections advises registrars to take various steps depending on the particular issue related to completeness or accuracy of the application, which may include contacting voters and asking them to provide missing information.³ Voters who require assistance due to disability, illness, or other physical limitations may request accommodation and, in some cases, use an accessible electronic ballot system. [§ 24.2-704](#). This allows the voter to mark their ballot electronically (for example, individuals with visual impairment can use this method to mark a ballot that is sent to them electronically which they complete on an electronic device). The ballot cannot be

³ See [Chapter 7 Absentee Voting](#), 2024 GREB Handbook, at pg. 21.

returned electronically. It must be printed and delivered by mail or in person. [§§ 24.2-707\(B\), 24.2-709\(A\)](#).

Additionally, any registered voter may request to be placed on the permanent absentee voter list. [§ 24.2-703.1](#). Voters on this list will automatically receive absentee ballots for all future elections without having to submit separate applications each time. Voters on the permanent list may also specify their political party preference for primary elections. Voters can remove themselves from the permanent absentee ballot list by submitting a removal form.

May a qualified individual register to vote and apply to vote an absentee ballot at the same time?

Yes. Under [§ 24.2-701\(A\)](#), an individual may submit an absentee ballot application at the same time they register to vote in person.⁴ When this occurs, the absentee application is held and processed no sooner than the fifth day after the registration date. This processing delay does not apply to military and overseas voters (covered voters as defined in [§ 24.2-452](#)). The voter must meet both the registration deadline and the absentee application deadline (5:00 p.m. on the eleventh day prior to the election). If registering after the standard registration deadline, voters must vote in-person and utilize the Same Day Registration process and use a provisional ballot when voting.

⁴ While Virginia election statutes allow absentee ballot applications to be submitted by mail or electronically, outside of overseas and military voters, it doesn't explicitly address submitting both registration and absentee applications simultaneously using these methods.

How should a general registrar process an absentee voter ballot application?

The general registrar checks for completeness and consistency, verifies that the voter is a registered voter, and ensures that the voter has not already voted or been issued another ballot [§ 24.2-706](#). A voter may request the ballot be delivered only to the address where the voter is registered or where the voter will be located while absent and no ballot shall be sent to, or in the care of, any other person than the voter. [§ 24.2-701\(C\)\(3\)](#).

What conditions must an absentee ballot meet in order to be counted?

An absentee ballot must satisfy several legal and procedural requirements to be considered valid and countable. First, the ballot must be received by the general registrar's office or a drop-off location by 7:00 p.m. on Election Day. [§ 24.2-709\(A\)](#). If returned by mail, it must be postmarked on or before Election Day and received by noon on the third day after the election (usually the following Friday). [§ 24.2-709\(B\)](#).

Second, the ballot must be returned in the official return envelope provided to the voter. That envelope must be sealed⁵ and include the voter's signature and other information in the designated area. Third, the general registrar must confirm that the voter is properly registered and that the ballot does not duplicate a vote already cast in person. See also [1VAC20-70-20](#) for a list of material and immaterial omissions on absentee ballots.

Pre-processing of absentee ballots (evaluating envelope information and opening envelopes, but not initiating ballot count totals) must begin seven days before Election Day but is permitted to begin earlier. Actual vote tallying does not occur until after polls close on Election Day. [§ 24.2-709.1](#).

⁵ State law requires the outer envelope containing the inner envelope to be sealed, but the outer envelope can arrive "imperfectly sealed" or unsealed. [§ 24.2-709\(A\)](#).

How should a general registrar handle an absentee ballot application with errors or omissions or a returned ballot that can't be counted?

Department of Elections guidance directs general registrars to reject absentee ballot applications that are missing a signature.⁶ Otherwise, Virginia law states that a general registrar shall not reject applications for an “error or omission [that] is not material in determining whether such individual is qualified to vote absentee.” [§ 24.2-706\(B\)](#). Department of Elections guidance directs registrars to take various steps depending on the particular issue related to eligibility or the completeness or accuracy of the application, which may include contacting voters and asking them to provide missing information.⁷

Virginia law requires general registrars to deliver applications to the county or city clerk for storage, but they are permitted to retain applications until the ascertainment of the election results. [§ 24.2-711\(B\)](#).

General registrars must offer ballot curing for ballots received by the Friday before the election when the voter did not correctly or fully complete the ballot envelope affidavit. [§ 24.2-709.1\(C\)](#). The general registrar must contact the voter within three days of the findings of the error and provide instructions for correcting the error before the statutory deadline (noon on the third day after Election Day for mailed ballots). General registrars are also required to notify voters whose absentee ballots were rejected of the reason for the rejection within 90 days of the date of the rejection. [§ 24.2-711.1\(B\)](#).

May a voter bring their absentee ballot to a polling location to have it counted?

Yes. A voter may hand-deliver their completed absentee ballot to any polling place within their locality on Election Day. [§ 24.2-707.1\(A\)](#). They may also bring the ballot to the central absentee

⁶ See [Chapter 7 Absentee Voting](#), 2024 GREB Handbook, at pg. 21.

⁷ See Footnote 5.

precinct or general registrar’s office. [§§ 24.2-707.1, 24.2-712](#). Delivery must occur by 7:00 p.m. on Election Day. Upon receipt, the ballot is logged by officers of election and transferred to the general registrar’s office or central absentee precinct. [§ 24.2-707.1\(B\)](#).⁸

What actions are prohibited regarding absentee ballots?

Virginia election law prohibits a wide range of actions to protect the integrity and secrecy of absentee voting. See generally [Chapter 10](#) of Title 24.2, including [§ 24.2-1012](#). These include knowingly submitting false information on an absentee ballot application; forging or altering a signature; tampering with, discarding, or destroying a voted absentee ballot; failing to transmit a voter’s completed ballot when authorized to do so; voting more than once; or assisting a voter in a way that compromises their intent or privacy. Violators are subject to severe civil and criminal penalties, including felony charges for fraud or willful misconduct. Legal violations should be reported to the local Commonwealth Attorney and the Attorney General’s office.

How should a voter “spoil” an absentee ballot?

A voter may spoil an absentee ballot if the ballot has been unintentionally or accidentally defaced and it is rendered unfit for voting. [§ 24.2-708\(C\)\(1\)](#). To do so, the voter must return the original ballot to the general registrar or an officer of election who will mark the original ballot as void and retain the spoiled ballot in a secure, separate spoiled-ballot envelope to be retained with the ballots for the election. A voter who returns their ballot prior to election day may vote in-person at the registrar’s office or at the central absentee precinct on Election Day. The voter may vote at their polling place on Election Day, either with a

⁸ See [Standards for the Establishment and Operation of Absentee Ballot Drop-Off Locations](#) (The Department of Elections’ guidance adopted pursuant to [§ 24.2-707.1\(B\)](#) outlines the chain of custody requirements for pick-up and delivery of absentee ballots returned to drop off locations, including polling places).

regular ballot if the official confirms receipt of the defaced ballot, or provisionally if the official cannot. [§ 24.2-708\(C\)\(1\)](#). A voter may also return an unvoted absentee ballot to the general registrar or polling place and vote. [§ 24.2-708\(A\)\(1\)-\(A\)\(3\)](#). Such voter may be required to vote provisionally.

What should a general registrar do if a voter spoils their absentee ballot?

Spoiling a ballot follows a structured process:

- 1. Accept the spoiled ballot;*
- 2. Mark it as a spoiled ballot;*
- 3. Store it in a separate spoiled-ballot envelope to be retained with the ballots for the election; and*
- 4. Be permitted to vote a regular ballot in the office of the general registrar or at a central absentee precinct on Election Day.⁹ [§ 24.2-708](#).*

When may the public view absentee voter ballot applications and accompanying information?

Any registered voter is permitted to inspect absentee ballot applications, redacted for personally identifiable information. General registrars must allow for inspection and copying of the absentee ballot application list during regular office hours. [§ 24.2-706](#).

What is the deadline for an elector to update their registration address before an election?

The standard voter registration deadline of 21 days (10 days effective July 1, 2025) applies to address updates. [§ 24.2-416](#). However, with Virginia's same-day registration provisions,

⁹ See also [Chapter 7 Absentee Voting](#), 2024 GREB Handbook, at pgs. 58-59 (detailed processing instructions for how registrars should process spoiled ballots prior to election day).

voters can now update their address in-person through Election Day, though they will need to vote by provisional ballot if doing so after the deadline. [§ 24.2-420.1](#). Voters are also permitted to return to the precinct from which the voter moved and vote under certain circumstances, although the practicality of that allowance is unclear given the adoption of same day registration. [§ 24.2-401](#).

Who provides security for election materials prior to their use?

Only properly designated officials may handle, secure, or transport ballots, voting machines, and related election materials. These include the general registrar, registrar staff, electoral board members, and sworn officers of election.¹⁰ These individuals must follow security protocols, including tamper-evident seals, chain-of-custody documentation, and restricted access to materials. Law enforcement may assist in transporting or protecting materials only under rare circumstances. [§ 24.2-670](#). Unauthorized access or mishandling of materials is a violation of election law. [§§ 24.2-1009](#), [24.2-1010](#). Electoral boards are required to have and update annually plans for the security and integrity of electronic voting systems. [§ 24.2-625.1](#).

Under what conditions should a general registrar deny a registration application?

The general registrar must deny registration if the application is not signed or is missing information required by law (e.g., did not provide an SSN and did not check box indicating they were not issued an SSN) or the registrar cannot determine from the information provided on the application the location at which the applicant intended to register. [1VAC20-40-40](#). Grounds for denial include the applicant is not a U.S. citizen, not a Virginia resident,¹¹ not a resident of the locality, not at least 18 years old

10 See generally Articles 2, 3, and 4 of [Chapter 6](#) of Title 24.2.

11 See [1VAC Chapter 40](#) for more on grounds for rejecting application when

by the next general election (although individuals who are 16 and otherwise qualified may be preregistered), and conviction of a felony or adjudicated mentally incapacitated without restored rights. All denials must be documented, and applicants must be notified of the reason and their right to appeal. [§ 24.2-422](#).

Who prints election materials?

Virginia law authorizes third-party vendors to print various election materials, including ballots, provided certain requirements are met.¹² Section [24.2-706\(D\)](#) permits general registrars to contract with a third party for the printing, assembly, and mailing of absentee balloting materials. The general registrar is required to provide to the contractor the names, addresses, precincts, and ballot styles of voters requesting an absentee ballot by mail. The vendors provide to the general registrar a report of the voters to whom the absentee ballot materials have been sent. Alternatively, the printing and assembly can be conducted internally by the registrar's office in any locality.

How may overseas citizens and members of the military register and vote?

Virginia has implemented the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and additional state provisions addressing uniformed service members, their families, and U.S. citizens residing abroad in [Chapter 4.1](#) of Title 24.2. Eligible voters may register and apply for an absentee ballot using the applications available to all voters or use the Federal Post Card Application (FPCA) to simultaneously register and request absentee ballots. [§§ 24.2-457, 24.2-458](#). The FPCA may be submitted by mail, fax, or email to the local general registrar. Voters may also use the Federal Write-In Absentee Ballot (FWAB) but it must be returned by mail. [§§ 24.2-702.1, 24.2-461](#).

questioning residency.

12 See e.g., [§§ 24.2-602, 24.2-616, 24.2-617](#).

UOCAVA voters may choose to receive their blank ballots electronically by email or fax to expedite delivery, though they must still return completed ballots by mail. [§ 24.2-706\(F\)](#). Absentee ballots must be transmitted to these voters at least 45 days before any election, or within three business days of the receipt of the application, whichever is later. [§§ 24.2-460, 24.2-612](#). Completed ballots must be postmarked by Election Day and received by the same Friday noon deadline as other absentees. [§ 24.2-462](#). However, ballots from UOCAVA voters that were requested on time but sent out late by the registrar shall be counted even if received after the Friday deadline if received by the second business day before the State Board certifies results. [§ 24.2-709\(C\)](#).

I am an American citizen, but I have never lived in the U.S. Can I vote in Virginia?

Virginia law permits an overseas voter who was born outside the U.S., and except for the state residency requirement, otherwise satisfies Virginia's voter eligibility requirements, if:

- 1. The last place where a parent or legal guardian of the voter was, or would have been, eligible to vote before leaving the United States is within this state; and*
- 2. The voter has not previously registered to vote in any other state. [§ 24.2-452\(1\)\(e\)](#).*

In Virginia, such voters may only vote in federal elections. [§ 24.2-453](#). Although currently established in Virginia law, some suggest the law permitting individuals to vote who have never resided in Virginia may be in conflict with the Virginia Constitution.

Can overseas applicants submit their FPCA electronically?

Yes. Virginia accepts electronic signatures on FPCA forms if submitted by fax or email. [1VAC20-45-30](#).

PART TWO: When the Polls Are Open

How must a voter identify themselves on Election Day in order to receive a ballot?

In accordance with [§ 24.2-643](#), when a voter presents themselves at a polling place on Election Day, they must provide an acceptable form of identification or sign an ID Confirmation Statement. Acceptable forms of identification include, but are not limited to: a Virginia driver's license (even if expired), a U.S. passport, a government-issued photo ID from any federal, state, or local agency, a student ID, an employer-issued ID with a photo, or a document such as a utility bill, bank statement, paycheck, or any government-issued document that lists the voter's name and address.

If a voter does not have any of these documents at the time of voting and their name is in the pollbook (they are currently registered to vote), they may still cast a regular ballot by signing an ID Confirmation Statement. The statement is signed under penalty of perjury, which carries legal consequences for falsification. Signing this statement allows the voter to cast a regular, non-provisional ballot. Certain first-time voters covered by the federal Help America Vote Act of 2002 have separate ID requirements and are not eligible to sign the ID Confirmation Statement. [§ 24.2-643\(E\)](#).

What if a person has already registered to vote but does not appear on the registration list?

[Section 24.2-652](#) addresses a situation where a voter's name is erroneously omitted from the pollbook. The voter may be able to vote a regular ballot if the registrar informs the officer of

election that the voter's registration had not been cancelled and the name was erroneously omitted from the pollbook. [§ 24.2-652\(A\)](#). Otherwise, the voter will be asked to complete a voter registration application and be allowed to vote by provisional ballot according to [§ 24.2-653](#) if a person asserts that they are registered to vote but their name does not appear on the pollbook. The voter must affirm their eligibility and present identification. The provisional ballot is sealed, placed in a ballot container, and reviewed by the electoral board during the canvass period following the election.

Similarly, the allowance for same day voter registration would also likely be available in this scenario. [§ 24.2-420.1](#).

What are the rules for and rights of authorized representatives (poll watchers) inside polling places?

Each political party and independent candidate on the ballot is entitled to representation to observe inside the polling place. [§ 24.2-604.4](#). At minimum, one authorized representative per party or candidate must be allowed inside the polling room at all times. If space permits, officers of election may allow up to three representatives per party or candidate, with no more than one per pollbook station. Authorized representatives must present written authorization from their party or candidate to the chief officer of election upon arrival at the precinct. They may observe the election process and have a right to be close enough to the check-in table at the polling place to hear and see what is occurring. They may use handheld electronic devices (but may not take photographs). An authorized representative may challenge a voter's eligibility, under certain circumstances. [§ 24.2-651](#). They may not disturb voting, campaign, assist voters, or interfere with the voting process. [§§ 24.2-604, 24.2-607](#). An electoral board may also authorize neutral observers. [§ 24.2-604.5](#). Authorized representatives are also permitted at the polling place before polls open ([§ 24.2-639](#)), when officials ascertain the vote ([§ 24.2-655](#)), during the provisional ballot meeting ([§ 24.2-653.01](#)), and when the electoral board meets to canvass ([§ 24.2-671](#)).

What documentation must authorized representatives (poll watchers) show to be in the room with the ballot box?

An authorized representative shall present a written statement designating him to be a representative of the party or candidate that is signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. Such statement, bearing the chairman's or candidate's original signature, may be photocopied, and such photocopy shall be as valid as if the copy had been signed. [§ 24.2-604.4](#).

What are authorized representatives not allowed to do?

It is unlawful for any authorized representative to:

1. *Hinder or delay a qualified voter;*
2. *Give, tender, or exhibit any ballot, ticket, or other campaign material to any person;*
3. *Solicit or in any manner attempt to influence any person in casting his vote;*
4. *Hinder or delay any officer of election;*
5. *Be in a position to see the marked ballot of any other voter;* 6. *Otherwise impede the orderly conduct of the election;*
7. *Wear any indication that they are authorized to assist voters; and*
8. *Film or photograph.*¹³ [§§ 24.2-604](#), [24.2-604.4](#), [24.2-607](#).

Violations of these restrictions may lead to removal from the premises and potential criminal penalties. See e.g., [§§ 24.2-604.4](#), [24.2-607](#), [24.2-1005](#), [24.2-1005.2](#), [24.2-1006](#).

¹³ This list should not be considered exhaustive. See also the Department of Elections' "[Dos and Don'ts for Campaigners and Authorized Representatives](#)."

What acts are prohibited at a polling location?

Virginia law outlines several prohibited activities within and around polling places (including satellite early voting locations) to ensure a fair and orderly voting environment. Per [§ 24.2-604](#), it is illegal to campaign within 40 feet of any entrance to a polling place. This includes distributing campaign materials, displaying campaign signs or paraphernalia, or soliciting votes. Prohibited acts also include voter intimidation, obstruction of the entrance or polling operations, loitering, and photographing voters or ballots in a way that may compromise voter privacy. The possession of firearms is prohibited within 40 feet of the polling place entrance, except for law enforcement officers.¹⁴ Violations may result in removal from the premises or criminal charges.

When may a voter requesting a ballot be challenged?

Under [§ 24.2-651](#), a voter may, and an officer of election shall, challenge a voter who is known or suspected to not be a qualified voter. A Statement of Challenge form executed with a sworn statement acknowledging the penalties for hindering, intimidating, or interfering with a qualified voter must be completed indicating the reason for the challenge. Grounds for challenge include lack of citizenship, non-residency in the precinct, prior voting in the same election, or other disqualifying factors such as age or a felony conviction without restored rights. The challenger must state the specific reason for the challenge, which is recorded on the challenge form.

¹⁴ [See also Attorney General Opinion 21-040](#) finding that the prohibition extends to central absentee precincts and early voting locations.

How should a challenge to a voter's eligibility be handled?

Upon a challenge, the chief officer of election must explain to the challenged voter the qualifications of a voter, may examine the voter concerning the voter's qualifications, and then administer an oath to the challenged voter, requiring them to affirm their eligibility on the Affirmation of Eligibility form. A voter who refuses to sign the Affirmation of Eligibility, or a voter who does sign it but is challenged based on having already voted in the election, must vote a provisional ballot.¹⁵ A voter challenged for other reasons and who signs the Affirmation of Eligibility is permitted to vote a regular ballot. [§ 24.2-651](#).

Can overseas citizens or members of the military return their ballots electronically by email?

No. Virginia does not permit the electronic return of completed absentee ballots, even for overseas and military voters. All absentee ballots must be returned in hard copy, either by mail or commercial delivery service and must be received by the general registrar by the statutory deadline in order to be counted. [§§ 24.2-707, 24.2-709](#).

Where do overseas military and citizens (UOCAVA) mail their ballots?

Overseas and military voters must mail their completed absentee ballots to the general registrar of the Virginia locality where they are registered to vote. The address of the general registrar is provided during the FPCA or FWAB application process. [§§ 24.2-707, 24.2-709](#).

¹⁵ Department of Elections "[Virginia's What-If's](#)" at pg. 17 indicates voter is eligible to vote a provisional ballot, although [§ 24.2-651](#) states a voter is not permitted to vote if the voter refuses to sign the Affirmation of Eligibility.

When do overseas ballots have to be mailed to UOCAVA voters?

Virginia law requires that absentee ballots be mailed or made available electronically to UOCAVA voters at least 45 days before any election, or within three business days of the receipt of a properly completed absentee ballot application, whichever is later. [§§ 24.2-460, 24.2-612](#). This requirement ensures that military and overseas voters have adequate time to receive, complete, and return their ballots by mail.

PART THREE: After the Polls Close

What invalidates a ballot?

For absentee ballots, see above in “What conditions must an absentee ballot meet in order to be counted?” Certain provisional ballots cast may also be invalidated if the electoral board determines the voter was ineligible or did not meet the legal requirements for having their ballot accepted. [§ 24.2-653.01](#). There are other circumstances in which a ballot or part of a ballot may be invalidated. See e.g. [§§ 24.2-661](#) (double ballots set aside), [24.2-662](#) (setting aside ballots when paper ballots exceed names on pollbooks), [24.2-663](#) (overvotes), and [24.2-644](#) (certain write-in votes).

What are authorized representatives allowed to do at a canvass meeting?

Authorized representatives are permitted to observe all stages of the ballot counting and canvassing process starting with the ascertainment of the vote at the polling place after polls close.¹⁶ [§ 24.2-655](#). They shall have an unobstructed view of vote counting and the completion of returns and are prohibited from interfering with the officers of election in any way. Authorized representatives are also allowed during the provisional ballot meeting to remain in the room where provisional ballot determinations are made provided they do not participate or impede the orderly conduct of determining the validity of the ballots. [§ 24.2-653.01](#). Finally, authorized representatives may be present when the electoral board meets to ascertain the results of the election and must be given reasonable access and proximity to view the ballots as the team of officials work to ascertain the results, but must not interfere with the officials in

¹⁶ See also the Department of Elections’ “[Dos and Don’ts for Campaigners and Authorized Representatives](#).”

any way. [§ 24.2-671](#). Authorized representatives are entitled to a redacted copy of the provisional ballot log. See clarification from [Department of Election Guidance in 2018](#).

May the public view the electoral board’s canvass?

Yes. Department of Elections guidance notes that “The canvass is a public, open meeting of the Electoral Board. Anyone may attend.”¹⁷

Should the results of the canvass be announced upon its completion?

Yes. First, the canvass is a public meeting. Second, once the electoral board ascertains the results of the election, the general registrar is required to make a copy of each statement of results available for public inspection. [§ 24.2-671](#).

May an unofficial countywide count be conducted and made public?

Yes. Virginia law requires local officers of election to ascertain the vote after polls close and continue without adjournment until they declare the results of the election. [§ 24.2-654](#). [Section 24.2-657](#) requires officers of election to announce the results and give the public full view of the printed return sheets.

As a matter of practice, unofficial results are compiled and publicly reported as they become available on Election Night on the Department of Elections and local registrar websites. However, such results are preliminary and do not include late arriving/uncounted absentee ballots or unverified provisional votes. Changes are possible until all vote totals are reviewed and finalized during the canvass.

¹⁷ See Footnote 15.

Where should the ballots go after being canvassed?

Following the canvass, all ballots—along with associated materials like pollbooks, tally sheets, and electronic media—must be sealed and delivered to the clerk of the circuit court for secure storage, although non-ballot materials may be delivered to the general registrar’s office who may retain them until the electoral board ascertains the election results. [§§ 24.2-668, 24.2-669](#). Materials and ballots must be retained for at least two years, with the exception for ballots used in a state or local non-federal election which must be maintained for one year. Law and procedure require secure sealing, labeling, and logging of materials, including physical security measures.

When may the ballots and related materials be released from their seals?

Ballots may only be unsealed:

1. *By an authorized representative of the State Board or by the electoral board at the direction of the State Board to ensure the accuracy of the returns or the purity of the election;*
2. *By the officers of election, and then only at the direction of the electoral board in accordance with [§ 24.2-672](#) when the provisions of [§ 24.2-662](#) have not been followed,*
3. *On the order of a court before which there is pending a proceeding for a contest or recount or in which the ballots are necessary for use in evidence, or*
4. *for the purpose of conducting a risk-limiting audit pursuant to [§ 24.2-671.2](#). [§ 24.2-669](#). Apart from the registrar getting access, the law is somewhat unclear on the circumstances under which other materials may be unsealed. [§ 24.2-668](#).*

When is the last date for receipt of an overseas absentee ballot?

As outlined in [§ 24.2-709](#), absentee ballots from military and overseas (UOCAVA) voters must be postmarked on or before Election Day and received by the general registrar by noon on the third day following the election.

However, there is an extended deadline for military and overseas voters covered by [§ 24.2-452](#) who requested but were not sent their ballots by the 45 day ballot transmission deadline. In these cases, ballots may be accepted up until 5:00 p.m. on the second business day before the State Board of Elections meets to certify the election results. [§ 24.2-709\(C\)](#)..

PART FOUR: Addendum

When should a new name be added to the Registered Voter List (RVL)?

Generally, a general registrar shall register an individual who is qualified and who submits a registration application with all the information required by law (and have not indicated on their application that they are a noncitizen or had their voting rights revoked and not restored) and the registrar's review of the application does not reveal any discrepancies such as a duplication of a social security number with an existing voter. [§ 24.2-417, 1VAC20-40-40](#). A registrar shall deny an application when the individual did not sign the application or it is missing information required by law. A registrar may attempt to contact a voter when there are certain discrepancies and resolve the issue and then may register the individual. [Chapter 40 of Title 1 of the Virginia Administrative Code](#) outlines these procedures.

What information from the registration record does the public have the right to see?

Per [§§ 24.2-405](#) and [24.2-406](#), certain elements of the voter registration record are available for purchase by certain groups and individuals. Access to purchase voter registration lists is provided to political parties, candidates, officeholders, and nonprofits, but the use of this data is restricted by law (e.g., may not be used for commercial purposes). The National Voter Registration Act (NVRA) also may entitle a requestor to additional registration records. [52 U.S.C. § 20507\(i\)](#).

How may registrars remove unqualified voters from the registration records?

General registrars have the authority and duty to maintain voter rolls in accordance with [Article 5 of Chapter 4 of Title 24.2](#) with the Department of Elections having additional authority and responsibility to assist in list maintenance efforts and require registrars to remove ineligible voters. [§ 24.2-404](#). Removal of unqualified voters occurs under several circumstances, including death, felony conviction, adjudicated mental incapacity, or who have moved. Notifications of death may come from the Virginia Department of Health's Office of Vital Statistics or Social Security Administration. [§§ 24.2-408, 24.2-404.3](#). Officials also receive notifications of criminals convictions and incapacitation adjudications. [§§ 24.2-409, 24.2-409.1](#), and [24.2-410](#). For voters who move, the registrar may use sources including data from the National Change of Address (NCOA) system, DMV updates, or voter confirmation from another state.

Although Virginia has specific and complex statutory procedures for removing different categories of ineligible voters, generally, a registrar can cancel deceased, disqualified felon and incapacitated, non-citizens, and those who have moved who have requested their registration be canceled by providing notice to the voter. Removing voters who have moved and who have not requested their registration be canceled is a longer and more complex process and is outlined in [§§ 24.2-428](#) and [24.2-428.1](#). List maintenance is also governed by the federal National Voter Registration Act (NVRA) and Help America Vote Act (HAVA).

General registrars and the Department of Elections maintain registered voter information through a database portal called VERIS. A needed modernization update is underway, through a contract with the Canton group. It should be completed by 2027, possibly sooner.

Additionally, to keep the public informed on the efforts to keep the registered voter list accurate, the Department of Elections publishes an annual voter list maintenance report (see the [2024 Annual Report](#) here). Governor Younkin's [Executive Order 35](#) directs registrars to inform their Commonwealth's Attorney when they have canceled registration of noncitizens. Additionally, President Trump's [Executive Order 14248](#) directs the U.S. Attorney General to coordinate with State attorneys general to assist with State-level review and prosecution of aliens unlawfully registered to vote or who have voted.

What can registrars do to verify a potential or current elector's citizenship status?

Under [§§ 24.2-410.1](#) and [24.2-427](#), registrars may verify a voter's citizenship status using data from the Virginia Department of Motor Vehicles (DMV), which may indicate non-citizen status based on the source documents presented during license issuance. Additionally, registrars may use the Systematic Alien Verification for Entitlements (SAVE) program, operated by the U.S. Department of Homeland Security, to check legal immigration status. In practice, utilizing SAVE has required (and may continue to require) a one-by-one lookup of the alien document number of the applicant or voter to verify their legal immigration status, and the document number is often not available to the registrar.

What are the early voting provisions in Virginia?

Virginia offers in-person early voting (also known as in-person absentee voting) beginning 45 days before Election Day and ending on the Saturday immediately preceding the election. [§ 24.2-701.1](#). No excuse is required to vote absentee in-person. [§ 24.2-700](#). Voters must show identification or sign an ID Confirmation Statement, just as they would on Election Day. Early voting is available at the general registrar's office and at satellite voting locations designated by the City Council or Board of Supervisors. [§ 24.2-701.2](#). Offices must be open on the two Saturdays before Election Day for early voting. Local jurisdictions may provide additional hours, including evening and Sunday hours.

How does same-day voter registration work?

Virginia has allowed eligible citizens to register to vote and cast a ballot on the same day, including on Election Day since 2022. [§ 24.2-4210.1](#). Individuals who miss the standard registration deadline may register at their polling place or early voting site and vote using a provisional ballot. Provisional ballots are evaluated during the canvass period, and if the voter is determined to be qualified, their ballot will be counted. This is different from other provisional ballots in that the voter's registration status is being established simultaneously with their voting.¹⁸

What is the ballot cure process for absentee ballots with defects?

Virginia has implemented a cure process for absentee ballots with certain defects for ballots that are received by the Friday before the election. [§ 24.2-709.1\(C\)](#). If an absentee ballot return envelope is missing a required voter signature or other required material information, the general registrar will notify the voter and provide an opportunity to correct the issue. The voter

¹⁸ See [Department of Elections Same Day Registration Training](#) for specifics on Same Day Registration procedures.

has until noon on the third day after the election (Friday for a Tuesday election) to cure the defect. Notification may be made by phone, email, or mail, depending on the contact information provided by the voter.

What are the provisions for voters with disabilities?

Both Virginia and federal law require that all polling places be accessible to voters with disabilities.¹⁹ Additionally, voters with disabilities (any kind) or who are 65 years of age or older may vote curbside. [§ 24.2-649.1](#). This means they can remain in their vehicle and have officers of election bring a ballot to them. Voters with disabilities may also request assistance in marking their ballot. [§ 24.2-649](#). They can choose any person to assist them, except their employer, an agent of their employer, or an officer or agent of their union. The person providing assistance must complete a form stating that they will mark the ballot as directed by the voter and will not disclose how the voter voted. Virginia also provides accessible voting equipment at every polling place to allow voters with disabilities to vote independently. Virginia has additional provisions in place, including for disabled voters who vote absentee.

What options are available for voters on the permanent absentee voter list?

Any registered voter in Virginia may apply to be placed on the permanent absentee voter list. [§ 24.2-703.1](#). Once on this list, the voter will automatically receive absentee ballots by mail for all future elections in which they are eligible to vote. Voters on the permanent list may also specify their political party preference for primary elections. A voter remains on the permanent absentee list until they submit a completed removal form, move out of Virginia, or have their registration canceled for other reasons. Voters on the permanent list can still choose to vote in person during early voting or on Election Day by not using their mailed ballot.

¹⁹ See [Chapter 3, Precincts and Polling Places](#), 2024 GREB Handbook, at pg. 13.

What are the rules regarding firearms at polling places?

Virginia law explicitly prohibits the knowing possession of firearms within 40 feet of any building, or part thereof used as polling place. [§ 24.2-604\(A\)](#). There are limited exceptions for law enforcement and former law enforcement, security personnel, and a person occupying on his own private property that falls within 40 feet of a polling place. See [§ 24.2-604\(F\)](#) for specifics. There is a similar restriction for the location where the electoral board meets to ascertain the results of the election. [§ 24.2-671\(D\)](#). Violation of this prohibition is a Class 1 misdemeanor. See also [Attorney General Opinion 21-040](#).

What additional resources are available for officers of election and voters?

The Department of Elections provides comprehensive training for officers of election and educational resources for voters through its website at elections.virginia.gov. For specific questions about eligibility, registration, or voting procedures, voters can contact their local general registrar's office or call the Department of Elections. The Department also provides a secure online portal where voters can check their registration status, find their polling place, apply for an absentee ballot, and track the status of their absentee ballot. See the General Registrar and Electoral Board ([GREB Handbook](#)) provided by the Department of Elections for detailed election procedural guidance.

What is protected voter status?

Certain categories of voters are allowed to request that their residence addresses not appear on lists provided to the public. These voters must provide a post office box within Virginia to receive protected voter status. [§ 24.2-418\(B\)](#).

CONCLUSION

Dear reader,

It is our sincere hope that this booklet is of use to you. If you have questions or suggestions, our experts are on hand to assist and may be reached at info@virginiainstitute.org. While this document is not intended to constitute legal advice, it is intended to promote a greater respect for and understanding of the precepts that govern us.

All who are in favor of free and fair elections are invited to participate in the Virginia Fair Elections coalition (VFE). Visit our website at vafairelections.org.

Notes:

[illegible]