

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 24.2-709 of the Code of Virginia, relating to elections; return of*
3 *absentee ballots.*

4 [H 838]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 24.2-709 of the Code of Virginia is amended and reenacted as follows:**8 **§ 24.2-709. Ballot to be returned in manner prescribed by law.**

9 A. Any ballot returned to the office of the electoral board or general registrar in any manner except
10 as prescribed by law shall be void. Absentee ballots shall be returned to the electoral board or general
11 registrar before the closing of the polls. The board member or registrar receiving the ballot shall (i) seal
12 the ballot in an envelope with the statement or declaration of the voter, or both, attached to the outside
13 and (ii) mark on each envelope the date, time, and manner of delivery. For all ballots returned by the
14 general registrar to the electoral board, the board shall give to the general registrar a receipt showing the
15 time and date of the return. *No returned absentee ballot shall be deemed void because the inner*
16 *envelope containing the voted ballot is imperfectly sealed so long as the outside envelope containing the*
17 *ballot envelope is sealed.*

18 B. Notwithstanding the provisions of subsection A, absentee ballots (i) received after the close of the
19 polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State
20 Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but
21 not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by an
22 absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700 shall be counted
23 pursuant to the procedures set forth in this chapter and, if the voter is found entitled to vote, included in
24 the election returns. The electoral board shall prepare an amended certified abstract, which shall include
25 the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to
26 its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be
27 available for inspection when his office is open for business.

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