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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).

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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



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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.



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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



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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 fourth 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



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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.