

<u>State Board of Election Duties and Responsibilities</u>	<u>Decision (circle one)</u>				<u>Notes/Comments</u>
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<p>The sections below are drawn directly from the Code of Virginia, and include every specific reference in the Code to the State Board of Elections. Portions of Code sections not relevant to the discussion of the Board's duties have been omitted. In some cases, additional line breaks have been added to separate the different duties for discussion.</p> <p>1. 24.2-101. Definitions.</p> <p>“State Board” or “Board” means the State Board of Elections.</p> <p>2. § 24.2-102. Appointment; terms; Secretary.</p> <p>The State Board of Elections is continued and shall consist of three members appointed by the Governor from the qualified voters of the Commonwealth, subject to confirmation by the General Assembly. In the appointment of the Board, representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. Two Board members shall be of the political party which cast the highest number of votes for Governor at that election. When the Governor was not elected as the candidate of a political party, representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of the appointment and two Board members shall be of the political party having the highest number of members in the General Assembly. Each political party entitled to an appointment may make and file recommendations with the Governor for the appointment. Its recommendations shall contain the names of at least three qualified voters of the Commonwealth.</p> <p>Board members shall serve four-year terms beginning February 1, 1995, and each fourth year thereafter. Vacancies shall be filled for the unexpired terms. No member, except the Secretary, shall be eligible for more than two successive four-year terms. A member appointed for an unexpired term may be appointed for the two succeeding four-year terms.</p> <p>The Governor shall designate one member of the Board as the Secretary, who shall receive the salary fixed by law. The Secretary may <u>employ the personnel</u> required to carry out the duties imposed by this title. The provisions of § 2.2-106 shall not apply to this section.</p> <p>3. § 24.2-103. Powers and duties in general.</p> <p>A. The State Board shall <u>supervise and coordinate</u> the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections.</p> <p>It shall <u>make rules and regulations</u></p> <p>and <u>issue instructions and provide information</u> to the electoral boards and</p>		<p><u>n/a</u></p> <p><u>n/a</u></p> <p><u>S</u></p> <p><u>D</u></p> <p><u>B</u></p> <p>B <u>D</u> S n/a</p>			<p><u>Key</u> B - Board Responsibility Only D - Delegate to Secretary (all or partially, with Board retaining oversight) S - Secretary's administrative duties already specified in Code (no delegation required) n/a - Not applicable (no decision required) [Underlines represent Policy staff's suggestions based on historical precedent]</p> <p>For Further Review</p>

<p>registrars to promote the proper administration of election laws.</p> <p>Electoral boards and registrars shall provide <u>information requested by the Board</u>.</p> <p>The Board shall ensure that the members of the electoral boards and general registrars are properly trained to carry out their duties by <u>offering training</u> annually, or more often, as it deems appropriate.</p> <p>B. The Board may <u>institute proceedings</u> pursuant to § 24.2-234 <u>for the removal of any member of an electoral board</u> who fails to discharge the duties of his office in accordance with law.</p> <p>The Board may <u>petition the local electoral board to remove from office any general registrar</u> who fails to discharge the duties of his office according to law.</p> <p>The Board may <u>institute proceedings</u> pursuant to § 24.2-234 for the <u>removal of a general registrar</u> if the local electoral board refuses to remove the general registrar and the State Board finds that the failure to remove the general registrar has a material adverse effect upon the conduct of either the registrar's office or any election.</p> <p>Any action taken by the Board pursuant to this subsection shall require a recorded majority vote of the Board.</p> <p>C. The Board may <u>petition a circuit court</u> or the Supreme Court, whichever is appropriate, <u>for a writ of mandamus or prohibition, or other available legal relief</u>, for the purpose of ensuring that elections are conducted as provided by law.</p> <p>The Board shall <u>adopt a seal</u> for its use <u>and bylaws</u> for its own proceedings.</p> <p>4. § 24.2-104. Requesting assistance for attorney for the Commonwealth; investigative committees.</p> <p>When the State Board is of the opinion that the public interest will be served, it may <u>request the Attorney General, or other attorney designated by the Governor for the purpose, to assist the attorney for the Commonwealth</u> of any jurisdiction in which election laws have been violated. The Attorney General, or the other attorney designated by the Governor, shall have full authority to do whatever is necessary or appropriate to enforce the election laws or prosecute violations thereof.</p> <p>When the State Board makes its request pursuant to a <u>unanimous vote of all members</u>, the Attorney General or other attorney designated by the Governor shall exercise the authority granted by this section to conduct an investigation, prosecute a violation, assure the enforcement of the elections laws, and report the results of the investigation to the State Board.</p> <p>The attorney for the Commonwealth or a member of the electoral board of any county or city may make a request, in writing, that the Attorney General appoint a committee to make an immediate investigation of the election practices in that city or county, accompanied by a statement under oath that substantial violations of this title have allegedly occurred which may alter or have altered the outcome of an election. On receipt of the request and statement, the Attorney General shall forthwith appoint a committee of two or more persons qualified to make the investigation. Members, officers, and employees of the Board, local electoral</p>	<p><u>D</u></p> <p><u>D</u></p> <p><u>B</u></p> <p><u>B</u></p> <p><u>B</u></p> <p><u>n/a</u></p> <p><u>B</u></p> <p><u>B</u></p> <p><u>B</u></p> <p><u>B</u></p>	
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boards, and registrars' offices shall not serve on the committee but may provide assistance to the committee.

The Attorney General shall direct the committee to observe, investigate or supervise the election if supervision appears necessary. The committee shall make a preliminary report to the Attorney General within five days of its appointment. If its report shows that violations of this title have occurred, the Attorney General may, notwithstanding any other provision of law, authorize the prosecution of those responsible for the violations.

5. § 24.2-105. Prescribing various forms.

The **State Board** shall prescribe appropriate forms and records for the registration of voters, conduct of elections, and implementation of this title, which shall be used throughout the Commonwealth.

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6. § 24.2-105.1. Election information on the Internet.

Beginning with the general election in November 1998, the **State Board** shall implement a system by which it shall furnish lists of candidates for all elections in the Commonwealth, and information on proposed constitutional amendments and statewide referenda prepared pursuant to §§ 30-19.9 and 30-19.10, electronically through the global information system known as the Internet. The **Board** may list other referenda issues on the Internet. The lists and information shall be made available on the Internet as far in advance of the election as practicable and remain available on the Internet at least until the day after the election.

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7. § 24.2-107. Meetings; quorum; notice; account of proceedings; seal; records open to inspection.

No election record containing an individual's social security number shall be made available for inspection or copying by anyone. The **State Board** of Elections shall prescribe procedures for local electoral boards and general registrars to make the information in certificates of candidate qualification available in a manner that does not reveal social security numbers.

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8. § 24.2-109.1. Performance review of general registrars.

The electoral board shall conduct an annual performance review of the general registrar for years ending June 30, 2006, and thereafter. The electoral board shall complete the review by August 1 of each year, retain a copy of the performance review, and provide a copy of the review to the State Board.

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The performance review shall be conducted in accordance with the format and forms provided by the State Board

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9. § 24.2-111. Compensation and expenses of general registrars.

Each locality shall pay the reasonable expenses of the general registrar, including reimbursement for mileage at the rate payable to members of the General Assembly. In case of a dispute, the **State Board** shall approve or disapprove the reimbursement. Reasonable expenses include, but are not limited to, costs for: (i) an adequately trained registrar's staff, including training in the use of computers and other technology to the extent provided to other local employees with similar job responsibilities, and reasonable costs for the general registrar or at least one

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<p>member of the registrar's staff to attend the <u>annual training offered by the State Board</u>; (ii) adequate training for officers of election; (iii) conducting elections as required by this title; and (iv) voter education.</p> <p>10. § 24.2-114. Duties and powers of general registrar.</p> <p>3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in <u>multijurisdictional staffing for voter registration offices, approved by the State Board</u>, that are located at facilities of the Department of Motor Vehicles.</p> <p>5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. <u>The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records,</u> lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and pollbooks used for the conduct of elections.</p> <p>6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. <u>Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board</u> and shall forward the completed application or request to the registrar of the applicant's residence. Notwithstanding the provisions of § 24.2-416, the registrar of the applicant's residence shall recognize as timely any application or request for transfer or change of address submitted to any person authorized to receive voter registration applications pursuant to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of registration. The registrar of the applicant's residence shall determine the qualification of the applicant and promptly notify the applicant at the address shown on the application or request of the acceptance or denial of his registration or transfer. However, notification shall not be required when the registrar does not have an address for the applicant.</p> <p>8. <u>Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board;</u> preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.</p> <p>10. Verify the accuracy of the <u>pollbooks provided for each election by the State Board</u>, make the pollbooks available to the precincts,</p> <p><u>and according to the instructions of the State Board return the pollbooks, or transfer a copy of the data from any electronic pollbooks, to the State Board</u> after each election for voting credit purposes.</p> <p>11. § 24.2-234. Removal of officer appointed for a term certain.</p> <p><u>The circuit court also shall proceed pursuant to § 24.2-235 for the removal of a</u></p>	<p><u>D</u></p> <p><u>B</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p>	
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<p>member of a local electoral board or general registrar upon a petition signed by a majority of the members of the State Board of Elections as provided in § 24.2-103.</p> <p>12. § 24.2-309. Establishment of precinct with less than minimum number of voters; conduct of elections where all voters do not have same choice of candidates.</p> <p>The State Board shall make regulations setting procedures by which elections may be conducted in precincts in which all voters do not have the same choice of candidates at a general election.</p> <p>13. § 24.2-310. Requirements for polling places.</p> <p>C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.</p> <p>D. <u>If an emergency makes a polling place unusable or inaccessible, the electoral board shall provide an alternative polling place and give notice of the change in polling place, subject to the prior approval of the State Board.</u> The electoral board shall provide notice to the voters appropriate to the circumstances of the emergency.</p> <p>14. § 24.2-310.1. Polling places; additional requirement.</p> <p>The requirement stated in this section shall be in addition to requirements stated in §§ 24.2-307, 24.2-308, and 24.2-310, including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.</p> <p>15. § 24.2-404. Duties of State Board.</p> <p>A. The State Board shall provide for the continuing operation and maintenance of a central record-keeping system, the Virginia Voter Registration System, for all voters registered in the Commonwealth.</p> <p><u>In order to operate and maintain the system, the Board shall:</u></p> <ol style="list-style-type: none"> <u>Maintain a complete, separate, and accurate record</u> of all registered voters in the Commonwealth. <u>Require the general registrars to enter the names</u> of all registered voters into the system and to change or correct registration records as necessary. <u>Provide to each general registrar, voter registration cards</u> for newly registered voters and for notice to registered voters on the system of changes and corrections 	<p><u>B</u></p> <p>B <u>D</u> S n/a</p> <p><u>D</u></p> <p><u>D</u></p> <p><u>B</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p>	<p>For Further Review</p>
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<p>in their registration records and polling places.</p> <p>4. <u>Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, or (v) is otherwise no longer qualified to vote as may be provided by law.</u></p> <p>5. <u>Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.</u></p> <p>6. <u>Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.</u></p> <p>7. <u>Provide to each general registrar, at least 10 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks.</u></p> <p>Prior to any general, primary, or special election, the State Board shall provide <u>any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city.</u></p> <p><u>If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the State Board shall provide a regional or statewide list of registered voters to the general registrar of the locality. The State Board shall determine whether regional or statewide data is provided.</u></p> <p>8. <u>Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Board.</u></p> <p>9. <u>Use any source of information that may assist in carrying out the purposes of this section. All agencies of the Commonwealth shall cooperate with the State Board in procuring and exchanging identification information for the purpose of maintaining the voter registration system.</u></p> <p>10. <u>Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts and polling places, statements of election results by precinct, and any other items required of the State Board by law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.</u></p> <p>B. The State Board shall be authorized to <u>provide for the production, distribution, and receipt of information and lists through the Virginia Voter Registration System by any appropriate means including, but not limited to, paper and electronic means.</u></p> <p>16. § 24.2-404.1. Secretary of State Board of Elections to serve as state coordinator for the administration of the National Voter Registration Act.</p> <p>The Secretary of the State Board of Elections shall be the chief state election officer responsible for the coordination of state responsibilities under the National</p>	<p><u>D</u></p> <p><u>S</u></p>	
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Voter Registration Act (42 U.S.C. § 1973gg et seq.).

17. § 24.2-405. Persons who may obtain lists of registered voters.

A. The **State Board** shall furnish, at a reasonable price, lists of registered voters for their districts to (i) courts of the Commonwealth and the United States for jury selection purposes, (ii) candidates for election or political party nomination to further their candidacy, (iii) political party committees or officials thereof for political purposes only, (iv) political action committees that have filed a current statement of organization with the **State Board** pursuant to § 24.2-908, or with the Federal Elections Commission pursuant to federal law, for political purposes only, (v) incumbent officeholders to report to their constituents, and (vi) nonprofit organizations that promote voter participation and registration for that purpose only. The lists shall be furnished to no one else and used for no other purpose. However, the **State Board** is authorized to furnish information from the voter registration system to general registrars for their official use and to the Department of Motor Vehicles and other appropriate state agencies for maintenance of the voter registration system.

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B. The **State Board** shall furnish, at a reasonable price, lists of the addresses of registered voters for their localities to local government census liaisons and their staffs for the sole purpose of providing address information to the United States Bureau of the Census. The **State Board** shall also furnish, at a reasonable price, such lists to the Clerk of the Senate and the Clerk of the House of Delegates for the sole purpose of maintaining a database of constituent addresses for the General Assembly. The information authorized under this subsection shall be furnished to no other person and used for no other purpose. No list furnished under this subsection shall contain the name of any registered voter. For the purpose of this subsection, the term "census liaison" shall have the meaning provided in 13 U.S.C. § 16.

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18. § 24.2-406. Persons who may obtain lists of persons voting at primaries and elections.

The **State Board** shall furnish to candidates, elected officials, or political party chairmen and to no one else, on request and at a reasonable price, lists for their districts of persons who voted at any primary, special, or general election held in the four preceding years. Such lists shall be used only for campaign and political purposes and for reporting to constituents.

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19. § 24.2-408. State Registrar of Vital Records to transmit monthly lists of decedents to **State Board**.

The State Registrar of Vital Records shall transmit to the **State Board** by electronic means a monthly list of all persons of the age of seventeen years or more who shall have died in the Commonwealth subsequent to its previous monthly list.

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The lists shall be in a format specified by the **State Board** and shall contain the deceased's name; address; county, city, or town of residence; social security number, if any; and date and place of his birth and of his death.

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The **Board** shall maintain a permanent record of the information in the lists as part of the voter registration system. The general registrars shall have access to the information in the lists to carry out their duties pursuant to § 24.2-427.

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<p>Information in the lists shall be confidential and consistent with the requirements of § 32.1-271.</p> <p>20. § 24.2-409. Division of Criminal Records to transmit monthly lists of felony convictions to State Board.</p> <p><u>The Division of Central Criminal Records Exchange shall transmit to the State Board by electronic means a monthly list of all persons convicted of a felony during the preceding month.</u></p> <p><u>The list shall be in a format specified by the State Board and shall contain the convicted person's name; address; county, city or town of residence; social security number, if any; date and place of birth; and date of conviction.</u></p> <p><u>The Board shall maintain a permanent record of the information in the lists as part of the voter registration system. The general registrars shall have access to the information in the lists to carry out their duties pursuant to § 24.2-427.</u></p> <p>21. § 24.2-411. Office of the general registrar.</p> <p>The general registrar's office in counties with a population under 10,000 and in cities with a population under 7,500 shall be open a minimum of three days each week and additional days as required by the general appropriation act. The general registrar's office in all other counties and cities shall be open a minimum of five days each week. <u>The specific days of normal service each week for general registrars shall be determined by the State Board.</u></p> <p>22. § 24.2-411.1. Offices of the Department of Motor Vehicles.</p> <p>Any completed application for voter registration submitted by a person who is already registered shall serve as a written request to update his registration record. Any change of address form submitted for purposes of a motor vehicle driver's license or special identification card shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes. If the information from the notification of change of address for voter registration indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the registered voter. <u>The notification and the registered voter's registration record shall be transmitted as directed by the State Board of Elections to the appropriate general registrar who shall send a voter registration card as confirmation of the transfer to the voter pursuant to § 24.2-424.</u></p> <p>C. <u>The completed voter registration portion of the application shall be transmitted as directed by the State Board not later than five business days after the date of receipt.</u></p> <p>D. The State Board of Elections shall <u>maintain statistical records</u> on the number of applications to register to vote with information provided from the Department of Motor Vehicles.</p> <p>23. § 24.2-411.2. State-designated voter registration agencies.</p> <p>B. <u>The Secretary of the State Board of Elections, with the assistance of the Office of the Attorney General, shall compile and maintain a list of the specific</u></p>	<p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p> <p>B <u>D</u> S n/a</p> <p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>S</u></p>	<p>For Further Review</p>
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agencies covered by subdivisions A 1 and A 2 that, in the legal opinion of the Attorney General, must be designated to meet the requirements of the National Voter Registration Act.

The Secretary of the **State Board** of Elections shall notify each agency of its designation and thereafter notify any agency added to or deleted from the list.

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24. § 24.2-413. Accessible registration locations.

The office of the general registrar, and each agency, business, and establishment set for registration pursuant to §§ 24.2-411.1, 24.2-411.2 and subsection B of § 24.2-412 shall be accessible as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The **State Board** shall provide instructions to the Department of Motor Vehicles, state-designated voter registration agencies, local electoral boards and general registrars to assist them in complying with the requirements of the Acts.

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Notwithstanding the provisions of § 24.2-418, the national mail voter registration application form promulgated by the Federal Election Commission pursuant to the National Voter Registration Act (42 U.S.C. § 1973gg et seq.) shall be accepted for the registration of otherwise qualified voters to vote in federal, state, and local elections. In addition to the national form promulgated by the Federal Election Commission, the **State Board** of Elections shall design

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and distribute a state mail voter registration application form. Such state form shall include the eligibility requirements for registration as provided in this title and shall require each applicant to provide the information required subject to felony penalties for making false statements pursuant to § 24.2-1016.

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26. § 24.2-418. Application for registration.

Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § [24.2-1016](#), the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed by the **State Board**.

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The form of the application to register shall require the applicant to provide the following information: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated or convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored.

The form shall permit any active or retired law-enforcement officer, as defined in § [9.1-101](#) and in 5 U.S.C.A. § 8331 (20) but excluding officers whose duties relate to detention as defined in paragraphs (A) through (D) of § 8331 (20), to furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ [24.2-405](#) and [24.2-406](#), or on voter registration records made available for public inspection pursuant to § [24.2-444](#).

The form shall permit any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia, to furnish, in addition to his street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ [24.2-405](#) and [24.2-406](#), or on voter registration records made available for public inspection pursuant to § [24.2-444](#).

The form shall permit any party, who has furnished a signed written statement by the party that he is in fear for his personal safety from another person who has threatened or stalked him accompanied by evidence that he has filed a complaint with a magistrate or law-enforcement official against such other person, to furnish, in addition to his street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, that are furnished pursuant to §§ [24.2-405](#) and [24.2-406](#), or on voter registration records made available for public inspection pursuant to § [24.2-444](#).

27. § 24.2-416.3. Distribution of mail voter registration application forms.

The **State Board** of Elections shall make available to any individual or group a reasonable number of mail voter registration application forms.

28. § 24.2-420.1. Extended time for certain persons to register in person.

C. The **State Board** shall prescribe procedures for the addition of persons registered under this section to the lists of registered voters.

29. § 24.2-423. Notice of change of name of registered voter.

Whenever a registered voter changes his legal name, either by marriage, divorce, order of court, or otherwise, the voter shall promptly notify the general registrar of the jurisdiction where he is registered. Such notice may be made in writing or on a form approved by the **State Board** of Elections, which may be electronic. The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature.

The **State Board** is authorized to conduct a pilot program, under which electronic notice may be provided by electronic mail or such other electronic means as may be permitted by the **State Board** and signed by the voter in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The general registrar shall enter the new name on the registration records and issue the voter a new voter registration card.

30. § 24.2-424. Change of registered voter's address within the Commonwealth; pilot project.

A. Whenever a registered voter changes his place of residence within the Commonwealth, he shall promptly notify any general registrar of the address of his new residence. Such notice may be made in person, in writing, by return of the voter registration card noting the new address, or on a form approved by the **State Board** of Elections, which may be electronic. The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness

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shall be sufficient signature.

The **State Board** is authorized to conduct a pilot program, under which electronic notice may be provided by electronic mail or such other electronic means as may be permitted by the **State Board** and signed by the voter in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The fact that a voter provides an address on a candidate or referendum petition that differs from the address for the voter on the voter registration system shall not be deemed sufficient notice, in and of itself, to change the voter's registration address. Any statements made by any voter applying for transfer are subject to felony penalties for making a false statement pursuant to § 24.2-1016.

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31. § 24.2-428. Regular periodic review of registration records; notice to voters identified as having moved; placement on inactive status for failure to respond to notice.

A. The **State Board** shall establish a voter list maintenance program using the change of address information supplied by the United States Postal Service through its licensees or by other reliable sources to identify voters whose addresses may have changed. Any such program shall be regular and periodic and shall be conducted at least annually. The program shall be completed not later than ninety days prior to the date of a federal primary or federal general election.

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B. If it appears from information provided by the Postal Service or by other reliable sources that a voter has moved to a different address in the same county or city in which the voter is currently registered, the **State Board** of Elections shall provide to the general registrar the information necessary to change the registration records to show the new address.

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and the **State Board** of Elections or the general registrar shall send to the new address of the voter by forwardable mail, a notice of the change, along with a postage prepaid, pre-addressed return card by which the voter may verify or correct the address information.

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C. If it appears from information provided by the Postal Service or by other reliable sources that a voter has moved to a different address not in the same county or city, the **State Board** of Elections or the general registrar shall send to the last known address of the voter by forwardable mail,

a notice on a form prescribed by the **State Board**, along with a postage prepaid and pre-addressed return card on which the voter may state his current address.

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32. § 24.2-441. Application for temporary registration.

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Any person intending to register and vote under the provisions of this article shall apply by mail to the general registrar of the county or city in which he wishes to vote prior to the federal election. The application shall be on a form prescribed or approved by the **State Board** or on a Federal Post Card Application. The application shall be signed by the applicant who shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information required for registration under § 24.2-418, the applicant's resident address of previous domicile in Virginia and date of departure from this domicile, if applicable, and any information necessary to implement the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff et seq.).

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<p>33. § 24.2-443. Absentee ballots for persons registered under this article.</p> <p><u>In accordance with instructions provided by the State Board, the electoral board shall provide to any person registering under this article the ballot to vote absentee by mail for the federal election and no other ballot.</u> The absentee ballots shall be voted by mail, handled, and counted with other absentee ballots voted by mail in accordance with the provisions of this title.</p> <p>34. § 24.2-443.2. Application for temporary registration.</p> <p>Any person intending to register and vote under the provisions of this article shall apply to the general registrar of the county or city in which he had been registered immediately preceding his moving overseas prior to the election in which he seeks to vote. <u>The application shall be on a form prescribed or approved by the State Board or on a Federal Post Card Application.</u> The application shall be signed by the applicant who shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information required for registration under § 24.2-418 and the provisions of this article, including the applicant's resident address of previous place of abode and domicile in Virginia and any additional information necessary to implement the provisions of this article.</p> <p>35. § 24.2-443.4. Absentee ballots for persons registered under this article.</p> <p><u>In accordance with instructions provided by the State Board, the electoral board shall provide to any person registering under this article the ballot to vote absentee.</u> The absentee ballots shall be voted, handled, and counted with other absentee ballots in accordance with the provisions of this title.</p> <p>36. § 24.2-444. Registration records open to public inspection.</p> <p>C. The State Board shall provide to each general registrar, for each precinct in his county or city, lists of registered voters for inspection. The lists shall contain the name, addresses, date of birth, gender and all election districts applicable to each registered voter. New lists shall be provided not less than once each year to all localities except those in which an updated list is made available electronically for public inspection, and supplements containing additions, deletions and changes shall be provided not less than (i) weekly during the 60 days preceding any general election and (ii) monthly at other times. Notwithstanding any other provision of law regarding the retention of records, upon receipt of any new complete list, the general registrar shall destroy the obsolete list and its supplements.</p> <p>37. § 24.2-446. Reconstruction of destroyed registration records.</p> <p>Whenever the registration records of a county or city have been destroyed by fire or otherwise, the State Board shall provide substitute active registration records obtained from the Virginia voter registration system.</p> <p>38. § 24.2-501. Statement of qualification as requirement of candidacy.</p> <p>It shall be a requirement of candidacy for any office of the Commonwealth, or of its governmental units, that a person must file a written statement under oath, on a form prescribed by the State Board, that he is qualified to vote for and hold the office for which he is a candidate.</p>	<p style="text-align: center;"><u>D</u></p> <p style="text-align: center;"><u>B</u></p> <p style="text-align: center;"><u>D</u></p> <p style="text-align: center;"><u>D</u></p> <p style="text-align: center;"><u>D</u></p>	
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<p>Every candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall <u>file the statement with the State Board</u>. Every candidate for any other office shall file the statement with the general registrar of the county or city where he resides.</p>	<p><u>B</u></p>	
<p>Each <u>general registrar shall transmit to the State Board</u>, immediately after the filing deadline, <u>a list of the candidates</u> who have filed statements of qualification.</p>	<p><u>D</u></p>	
<p>The candidate may state, as part of his statement of qualification, how he would like his name to appear on the ballot; however, <u>all names printed on the ballot shall meet the criteria established by the State Board</u>.</p>	<p><u>D</u></p>	
<p>39. § 24.2-502. Statement of economic interests as requirement of candidacy.</p>	<p><u>B</u></p>	
<p>The Secretary of the Commonwealth, the clerks of the Senate and House of Delegates, the general registrar, and the clerk of the local governing body shall <u>transmit to the State Board</u>, immediately after the filing deadline, <u>a list of the candidates who have filed initial or annual statements of economic interests</u>.</p>	<p><u>D</u></p>	
<p>The <u>Secretary</u> of the <u>State Board</u> shall <u>notify the appropriate local electoral boards</u> of the filings.</p>	<p><u>D</u></p>	
<p>40. § 24.2-503. Deadlines for filing required statements; extensions.</p>	<p><u>S</u></p>	
<p>The <u>State Board</u> may <u>grant an extension of any deadline for filing either or both written statements and shall notify all candidates who have not filed their statements of the extension</u>. Any extension shall be granted for a fixed period of time of ten days from the date of the mailing of the notice of the extension.</p>	<p><u>D</u></p>	
<p>41. § 24.2-503.1. Compliance with reporting requirements of Campaign Finance Disclosure Act as requirement of candidacy for certain offices.</p>		
<p>It shall be a requirement of candidacy in any election for Governor, Lieutenant Governor, Attorney General, or the General Assembly that the candidate shall have filed the disclosure reports required by the Campaign Finance Disclosure Act (§ 24.2-900 et seq.) for any election in which he participated as a candidate for any such office and which was held within the five years preceding the date of the election in which he seeks to be a candidate. <u>For the purposes of this section, the candidate shall be presumed to have complied with the candidate disclosure reporting requirements unless (i) the State Board of Elections or local electoral board, whichever is appropriate, has notified the candidate, at least sixty days prior to the applicable deadline for him to file his written statement of qualification set out in § 24.2-503, that he has failed to file a required report or reports and (ii) the candidate fails to file the specified report or reports by the applicable deadline for filing his written statement of qualification.</u></p>	<p><u>D</u></p>	
<p><u>The authority of the State Board to grant an extension of the deadline established in § 24.2-503 shall include the authority to grant such extension with respect to the requirements of this section.</u></p>	<p><u>D</u></p>	
<p>42. § 24.2-505. Declaration of candidacy required of independent candidates.</p>		
<p>A. Any person, other than a candidate for a party nomination or a party nominee,</p>		

<p>who intends to be a candidate for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district shall <u>file a declaration of candidacy with the State Board</u>,</p> <p><u>on a form prescribed by the Board</u>, designating the office for which he is a candidate. The written declaration shall be attested by two witnesses who are qualified voters of the Commonwealth or of the congressional district, or acknowledged before some officer authorized to take acknowledgements to deeds. The declaration shall be signed by the candidate, but if he is incapable of writing his proper signature then some mark adopted by him as his signature shall be acknowledged before some officer authorized to take acknowledgements to deeds.</p> <p>The State Board shall <u>notify the respective secretaries of the appropriate electoral boards of the qualified candidates who have so filed.</u></p> <p>B. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate for election to the General Assembly shall file a declaration of candidacy with the general registrar of the county or city where he resides. <u>The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates.</u> The general registrar shall, within three days after receiving the declaration, (i) deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the general registrars of the other counties or cities, if any, in the legislative district for delivery to the secretaries of the electoral boards and (ii) deliver the declaration and such petitions to the secretary of his electoral board. <u>He shall transmit the names of the candidates who have filed with him to the State Board immediately after the filing deadline.</u></p> <p>C. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate at any election for any other office shall file a declaration of candidacy with the general registrar of the county or city where he resides. <u>The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates.</u> The general registrar shall, within three days after receiving the declaration, deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the secretaries of the electoral boards of the counties or cities whose electors vote for the office. <u>He shall transmit the names of the candidates who have filed with him to the State Board immediately after the filing deadline.</u></p> <p>43. § 24.2-506. Petition of qualified voters required; number of signatures required; certain towns excepted.</p> <p>The name of any candidate for any office, other than a party nominee, shall not be printed upon any official ballots provided for the election unless he shall file along with his declaration of candidacy <u>a petition therefore, on a form prescribed by the State Board</u>, signed by the number of qualified voters specified below after January 1 of the year in which the election is held and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself a qualified voter, or qualified to register to vote, for the office for which he is circulating the petition and whose affidavit to that effect appears on each page of the petition.</p> <p>44. § 24.2-511. Party chairman to certify candidates to State Board and secretary</p>	<p><u>D</u></p> <p><u>B</u></p> <p><u>D</u></p> <p><u>n/a</u></p> <p><u>D</u></p> <p><u>n/a</u></p> <p><u>D</u></p> <p><u>B</u></p>	
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<p>of electoral board; failure to certify.</p> <p>A. <u>The state, district, or other appropriate party chairman shall certify the name of any candidate who has been nominated by his party by a method other than a primary for any office to be elected by the qualified voters of (i) the Commonwealth at large, (ii) a congressional district or a General Assembly district, or (iii) political subdivisions jointly electing a shared constitutional officer to the State Board not later than five days after the last day for nominations to be made.</u></p> <p>The State Board shall <u>notify the secretaries of every electoral board of the names of the candidates to appear on the ballot for such offices.</u></p> <p>B. <u>The party chairman of the district or political subdivision in which any other office is to be filled shall certify the name of any candidate for that office who has been nominated by his party by a method other than a primary to the State Board and to the secretary or secretaries of the electoral boards of the cities and counties in which the name of the candidate will appear on the ballot not later than five days after the last day for nominations to be made. <u>Should the party chairman fail to make such certification, the State Board shall declare that the candidate is the nominee of the particular party and direct that his name be treated as if certified by the party chairman.</u></u></p> <p>45. § 24.2-516. Party to furnish names of chairmen and notify State Board of adoption of direct primary.</p> <p><u>Each political party within the Commonwealth shall furnish to the State Board the names and addresses of its state, county, and city party chairmen in January of each year, and during the remainder of the year it shall notify the Board of any changes in such names and addresses.</u></p> <p><u>At least 120 days prior to the regular date for a primary, the Board shall inquire of each state chairman and each county and city chairman whether a direct primary has been adopted.</u></p> <p><u>The Board shall advise each chairman that notification to the Board of the adoption of a direct primary is required</u></p> <p><u>and must be filed with the Board not more than 110 days and not less than 90 days before the date set for the primaries.</u></p> <p><u>Each chairman shall file timely written notice with the Board whether or not a primary has been adopted and identify each office for which a primary has been adopted.</u></p> <p>The requirement to <u>notify the Board of the adoption of a direct primary</u></p> <p>shall be satisfied when the Board <u>receives by the deadline</u> (i) written notice from the appropriate party chairman or (ii) a copy of the written notice from an incumbent officeholder to his party chairman of the incumbent's selection, pursuant to § 24.2-509, of the primary as the method of nomination.</p> <p>46. § 24.2-517. State Board to order election.</p> <p>The State Board shall <u>order the holding of a primary election in any county, city,</u></p>	<p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p> <p>B D S — n/a 9.14.2010</p> <p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p>	<p>For Further Review</p>
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or other district of the Commonwealth in which it is notified pursuant to § 24.2-516 that a primary is intended to be held.

The notice ordering the primary shall be sent to the secretary of the electoral board. Each secretary shall forthwith post a copy of the notice at the courthouse of the county or city, or publish the notice in a newspaper of general circulation in the county or city.

47. § 24.2-520. Declaration of candidacy required.

A candidate for nomination by primary for any office shall be required to file a written declaration of candidacy on a form prescribed by the State Board. The declaration shall include the name of the political party of which the candidate is a member, a designation of the office for which he is a candidate, and a statement that, if defeated in the primary, his name is not to be printed on the ballots for that office in the succeeding general election. The declaration shall be acknowledged before some officer who has the authority to take acknowledgments to deeds, or attested by two witnesses who are qualified voters of the election district.

48. § 24.2-521. Petition required to accompany declaration; number of signatures required.

A candidate for nomination by primary for any office shall be required to file with his declaration of candidacy a petition for his name to be printed on the official primary ballot, on a form prescribed by the State Board, signed by the number of qualified voters specified below after January 1 of the year in which the election is held or before or after said date in the case of a March primary, and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself a qualified voter, or qualified to register to vote, for the office for which he is circulating the petition and whose affidavit to that effect appears on each page of the petition.

49. § 24.2-522. When and to whom filings to be made.

C. Any candidate for nomination for United States Senator, Governor, Lieutenant Governor, or Attorney General shall file with the State Board (i) his declaration of candidacy, (ii) the petitions for his candidacy, sealed in one or more containers to which is attached a written statement under oath by the candidate giving his name and the number of signatures on the petitions contained in the containers, and (iii) a receipt indicating the payment of his filing fee.

The State Board shall transmit the material so filed to the state chairman of the party of the candidate on the fifty-ninth day before the primary. The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate.

50. § 24.2-524. To whom fees paid; refund of fees.

B. All other candidates shall pay the fee to the treasurer, or director of finance if there is no treasurer, of the city or county in which they reside. The treasurer or director of finance shall pay back the fee in the event the prospective candidate does not become a candidate, or becomes a candidate and must refile for any reason. In the event the candidate is unopposed, the State Board or the local electoral board, as appropriate, shall notify, no less than forty-five days before the primary, the treasurer or director of finance to whom the fee was paid that the

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candidate is unopposed and shall provide the name and mailing address for returning the fee to the candidate. The treasurer or director of finance promptly shall return the fee to the candidate.

51. § 24.2-527. Chairman to furnish **State Board** and local electoral boards with names of candidates.

It shall be the duty of the chairman or chairmen of the several committees of the respective parties to furnish the name of any candidate for nomination for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district or of a General Assembly district to the **State Board**, and to furnish the name of any candidate for any other office to the **State Board** and to the electoral boards charged with the duty of preparing and printing the primary ballots. The chairman shall also certify the order and date and time of filing for purposes of printing the ballots as prescribed in § 24.2-528, provided that the **State Board** shall determine the order and date and time of filing for candidates for United States Senator, Governor, Lieutenant Governor, and Attorney General for such purposes. Each chairman shall comply with the provisions of this section not less than fifty-five days before the primary

52. § 24.2-529. Primary ballots.

The primary ballots for the several parties taking part in a primary shall be composed, arranged, printed, delivered, and provided in the same manner as the general election ballots except that at the top of each official primary ballot shall be printed in plain black type the name of the political party and the words "Primary Election." The names of the candidates for various offices shall appear on the ballot in an order determined by the priority of the time of filing for the office. In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board or the **State Board** as in the case of a tie vote for the office. No write-in shall be permitted on ballots in primary elections.

53. § 24.2-532. Abstracts of votes; law-enforcement officer to obtain returns not forwarded.

As soon as the electoral board shall determine the persons who have received the highest number of votes for nomination to any such office, the secretary of the board shall immediately make out abstracts and certificates of the votes cast as provided in § 24.2-675 and forward certified copies thereof to the **State Board**. The secretary in addition shall place certified copies thereof in an envelope and forward them in person or by certified mail (i) for members of the House of Representatives of the United States, to the chairman of the congressional district committee, (ii) for members of the General Assembly, to the chairman of the Senate or House of Delegates district committee, and (iii) for county and city and district officers, to the chairman of the county or city. "Chairman" means the chairman of the political party under whose auspices the primary is held.

If the abstract of votes shall not have been received by the **State Board** from any county or city within six days after any state primary election, the **Board** shall dispatch a law-enforcement officer to obtain them as provided in § 24.2-678.

54. § 24.2-534. Returns tabulated by **State Board**; when nominee declared.

As soon as possible after receipt of the certified abstract and not later than

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<p>fourteen days after the day of the election, the State Board shall open and tabulate the returns.</p> <p><u>Upon completion of the tabulation the Board shall declare the nominee in the manner and form as it does in general elections.</u></p> <p>55. § 24.2-537. Procedure when nominee by default dies or withdraws or nomination is set aside prior to primary.</p> <p>If more than one person qualifies, <u>the party chairman shall promptly certify their names to the State Board</u> and the appropriate electoral boards as having qualified under the provisions of this section. The electoral boards having charge of the printing of the official ballots for the primary election shall either: ...</p> <p>56. § 24.2-538. Procedure when opposed candidate for nomination dies prior to primary.</p> <p>The <u>party chairman or chairmen shall promptly certify the names of every such person to the State Board</u> and appropriate electoral boards as having qualified under the provisions of this section. Every electoral board having charge of the printing of official ballots for the primary election shall either:</p> <p>57. § 24.2-542. State Board to be furnished names of electors selected by political parties; oaths of electors.</p> <p><u>In elections for President and Vice-President of the United States, the appropriate chairman or secretary of each political party shall furnish to the State Board by noon of the seventy-fourth day before the presidential election (i) the names of the electors selected by the party at its convention held for that purpose, together with the names of the political party and of the candidates for President and Vice-President for whom the electors are required to vote in the Electoral College and (ii) a copy of a subscribed and notarized oath by each elector stating that he will, if elected, cast his ballot for the candidates for President and Vice-President nominated by the party that selected the elector, or as the party may direct in the event of death, withdrawal or disqualification of the party nominee. In the event of the death or withdrawal of a candidate of a political party for President or Vice-President, that party may substitute the name of a different candidate before the State Board certifies to the county and city electoral boards the form of the official ballots.</u></p> <p><u>The State Board shall also be furnished, if it requests, with satisfactory evidence that any person undertaking to act as an elector on behalf of any political party is, in fact, duly and properly authorized to do so.</u></p> <p>58. § 24.2-542.1. State Board to be furnished names of electors selected by political parties; certain national conventions.</p> <p>Notwithstanding the provisions of § 24.2-542, (i) <u>the state political party chairman of a political party whose national convention has been scheduled to be held after the seventy-fourth day before the presidential election, shall file by noon on the seventy-fourth day before the presidential election, with the certification of its at-large electors, a certification of the persons expected to be nominated for President and Vice-President at its national convention;</u> (ii) the State Board of Elections shall certify candidates to the local electoral boards and ballot preparation shall proceed based on the state party chairman's certifications;</p>	<p><u>D</u></p> <p><u>B</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>B D S n/a</u></p> <p><u>D</u></p> <p><u>D</u></p>	<p>For Further Review</p>
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and (iii) the persons nominated by the party at its national convention shall be certified to the State Board no later than 5:00 p.m. on the sixtieth day before the presidential election.

59. § 24.2-543. How other groups may submit names of electors; oaths of electors.

A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have the names of electors selected by them, including one elector residing in each congressional district and two from the Commonwealth at large, printed upon the official ballot to be used in the election of electors for President and Vice-President by filing a petition pursuant to this section. The petition shall be filed with the State Board by noon of the seventy-fourth day before the presidential election. The petition shall be signed by at least 10,000 qualified voters and include signatures of at least 400 qualified voters from each congressional district. The petition shall be signed by petitioners on and after January 1 of the year of the presidential election only and contain the residence address of each petitioner. The signature of each petitioner shall be witnessed by a person who is a qualified voter, or qualified to register to vote, and whose affidavit to that effect appears on each page of the petition. The petition shall state the names of the electors selected by the petitioners, the party name under which they desire the named electors to be listed on the ballot, and the names of the candidates for President and Vice-President for whom the electors are required to vote in the Electoral College. The persons filing the petition shall file with it a copy of a subscribed and notarized oath by each elector stating that he will, if elected, cast his ballot for the candidates for President and Vice-President named in the petition, or as the party may direct in the event of death, withdrawal or disqualification of the party nominee. In order to utilize a selected party name on the ballot, the petitioners shall have had a state central committee composed of registered voters from each congressional district of the Commonwealth, a party plan and bylaws, and a duly designated chairman and secretary in existence and holding office for at least six months prior to filing the petition. The State Board may require proof that the petitioners meet these requirements before permitting use of a party name on the ballot. The party name shall not be identical with or substantially similar to the name of any political party qualifying under § 24.2-101 and then in existence.

In the event of the death or withdrawal of a candidate for President or Vice-President qualified to appear on the ballot by party name, that party may substitute the name of a different candidate before the State Board certifies to the county and city electoral boards the form of the official ballots.

In the event that a group of qualified voters meets the requirements set forth in this section except that they cannot utilize a party name, the electors selected and the candidates for President and Vice-President shall be identified and designated as "Independent" on the ballot. Substitution of a different candidate for Vice-President may be made by the candidate for President before the State Board certifies to the county and city electoral boards the form of the official ballot.

60. § 24.2-544. Time presidential primaries to be held and completion of duties by officers of election; age qualifications for participation.

B. The provisions of this title shall apply to the conduct of presidential year primaries including the time limits applicable to notices and candidate filing deadlines and the closing of registration records before the primary. The State Board shall provide a schedule for the notices and filing deadlines by the August

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1 prior to the February primary including a campaign finance disclosure report filing schedule adjusted to reflect the differences between the June date for other primaries and the February date for the presidential primary, and the March and February primary dates.

61. § 24.2-545. Presidential primary.

A. The duly constituted authorities of the state political party shall have the right to determine the method by which the state party will select its delegates to the national convention to choose the party's nominees for President and Vice-President of the United States including a presidential primary or another method determined by the party. The state chairman shall notify the **State Board** of the party's determination at least 90 days before the primary date. If the party has determined that it will hold a presidential primary, each registered voter of the Commonwealth shall be given an opportunity to participate in the presidential primary of the political party, as defined in § 24.2-101, subject to requirements determined by the political party for participation in its presidential primary. The requirements may include, but shall not be limited to, the signing of a pledge by the voter of his intention to support the party's candidate when offering to vote in the primary. The requirements applicable to a party's primary shall be determined at least 90 days prior to the primary date and certified to, and approved by, the **State Board**.

B. Any person seeking the nomination of the national political party for the office of President of the United States, or any group organized in this Commonwealth on behalf of, and with the consent of such person, may file with the **State Board** petitions signed by at least 10,000 qualified voters, including at least 400 qualified voters from each congressional district in the Commonwealth, who attest that they intend to participate in the primary of the same political party as the candidate for whom the petitions are filed. Such petitions shall be filed with the **State Board** by the primary filing deadline.

The petitions shall be on a form prescribed by the **State Board** and shall be sealed in one or more containers to which is attached a written statement giving the name of the presidential candidate and the number of signatures on the petitions contained in the containers. Such person or group shall also attach a list of the names of persons who would be elected delegates and alternate delegates to the political party's national convention if the person wins the primary and the party has determined that its delegates will be selected pursuant to the primary. The slate of delegates and alternates shall comply with the rules of the national and state party.

The **State Board** shall transmit the material so filed to the state chairman of the party of the candidate immediately after the primary filing deadline. The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate. The state chairman of the party shall, by the deadline set by the **State Board**,

furnish to the **State Board** the names of all candidates who have satisfied the requirements of this section. Whenever only one candidate for a party's nomination for President of the United States has met the requirements to have his name on the ballot, he will be declared the winner and no presidential primary for that party will be held.

C. The names of all candidates in the presidential primary of each political party

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<p><u>shall appear on the ballot in an order determined by lot by the State Board.</u></p> <p>D. The State Board shall certify the results of the presidential primary to the state chairman. If the party has determined that its delegates and alternates will be selected pursuant to the primary, the slate of delegates and alternates of the candidate receiving the most votes in the primary shall be deemed elected by the state party. If the party has determined to use another method for selecting delegates and alternates, those delegates and alternates shall be bound to vote on the first ballot at the national convention for the candidate receiving the most votes in the primary unless that</p> <p>62. § 24.2-603.1. Postponement of certain elections; state of emergency.</p> <p>The State Board shall prescribe appropriate procedures to implement this section</p> <p>63. § 24.2-604.2. Polling places; prohibited area; emergency situations.</p> <p><u>If an emergency causes the dimensions of the prohibited area for a polling place to be perceived as increasing the risk of danger for persons outside the polling place, the electoral board may modify the distance requirements for the prohibited area, subject to the prior approval of the State Board.</u> For purposes of this section, an "emergency" includes a state of emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States.</p> <p>64. § 24.2-610. Materials at polling places.</p> <p>A. The State Board shall provide copies of this title to each electoral board for each precinct in its county or city. The electoral board shall furnish a copy of this title to each precinct for the use of the officers of election on election day.</p> <p>B. Pursuant to subdivision A 7 of § 24.2-404, the State Board shall transmit to the general registrar of each county and city pollbooks for each precinct in which the election is to be held. The data elements printed or otherwise provided for each voter on the pollbooks shall be uniform throughout the Commonwealth.</p> <p>C. <u>The electoral board, general registrar, and officers of election shall comply with the requirements of this title and the instructions of the State Board to ensure that the pollbooks, ballots, voting equipment keys, and other materials and supplies required to conduct the election are delivered to the polling place before 6:00 a.m. on the day of the election and delivered to the proper official following the election.</u></p> <p>65. § 24.2-611. Form and signing of pollbooks; records of persons voting; electronic pollbooks.</p> <p>A. <u>The following oath shall be on a form prescribed by the State Board, administered to all officers of election, and kept by the officers of election with the pollbook:</u></p> <p>"I do solemnly swear (or affirm) that I will perform the duties for this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting this election."</p> <p>The oath shall be administered to each officer of election by the general registrar,</p>	<p><u>B</u></p> <p><u>B</u></p> <p>B <u>D</u> S n/a</p> <p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p>	<p>For Further Review</p>
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<p>a member of the electoral board, or an officer of election designated by the general registrar and secretary of the electoral board, who shall be so identified on the form. The oath shall be signed by each officer of election and the person administering the oath. The pollbook shall be marked to identify the election for which it is used.</p> <p>B. The State Board shall provide the pollbook pursuant to subdivision A 7 of § 24.2-404. The pollbook shall (i) provide a space for the officer of election to record the name and consecutive number of the voter at the time he offers to vote and (ii) be retained in accordance with the provisions governing pollbooks in this title. <u>If the pollbook is provided in printed form, the State Board shall provide a numerical check sheet to be used to determine the consecutive number to be recorded with the name of the voter by the officer of election.</u> If the pollbook is provided in electronic form, the consecutive number shall be entered automatically when the officer of election records that the voter has voted. When the name and number of the last qualified voter have been entered on the pollbook, the officer of election responsible for that pollbook shall sign a statement on the check sheet, or on a separate form if an electronic pollbook is used, certifying the number of qualified registrants who have voted. The State Board shall provide instructions to the local electoral boards, general registrars, and officers of election for the conduct of the election and for procedures for entering a voting record for each voter and recording each voter's name, including voters unable to enter the polling place, and for verifying the accurate entry of the voting record for each registrant on the Virginia Voter Registration System.</p> <p>C. The State Board shall incorporate safeguards to assure that the records of the election, including the pollbook, voter count sheets, or other alternative records, will provide promptly an accurate and secure record of those who have voted.</p> <p>The State Board may provide for the pollbook to be in a paper format or in an electronic format if funds are appropriated to cover the costs associated with the provision of a pollbook in an electronic format.</p> <p>The State Board shall be authorized to conduct pilot programs in one or more localities, with the consent of the electoral board of the locality, to test the use of an electronic pollbook in one or more precincts, notwithstanding any other provision of law to the contrary.</p> <p>66. § 24.2-612. List of offices and candidates filed with State Board and checked for accuracy; when ballots printed; number required.</p> <p>Immediately after the expiration of the time provided by law for a candidate for any office to qualify to have his name printed on the official ballot and prior to printing the ballots for an election, each electoral board shall forward to the State Board a list of the county, city, or town offices to be filled at the election and the names of all candidates who have filed for each office. In addition, each electoral board shall forward the name of any candidate who failed to qualify with the reason for his disqualification.</p> <p>The State Board shall promptly advise the electoral board of the accuracy of the list.</p> <p>The failure of any electoral board to send the list to the State Board for verification shall not invalidate any election.</p>	<p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p> <p>B <u>D</u> S n/a</p> <p><u>D</u></p> <p><u>B</u></p> <p><u>D</u></p> <p><u>D</u></p>	<p>For Further Review</p>
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68. § 24.2-613. Form of ballot.

The ballots shall be white paper without any distinguishing mark or symbol and shall contain the names of all the candidates qualifying to have their names printed on the official ballot as provided by law. Their names shall be printed in black ink, immediately below the office for which they have qualified as candidates. The names on the ballot shall be in clear print; each name shall be on a separate line; and the type used in printing the ballots shall be plain roman type, not smaller than twelve-point pica. Immediately to the left of and on the same line with the name of each candidate shall be printed a square, not less than one-quarter, nor more than one-half inch in size, printed thus:

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However, the provisions of this title pertaining to ballot squares shall not be applicable to punchcard or mark sense ballots.

For elections for federal, statewide, and General Assembly offices only, each candidate who has been nominated by a political party or in a primary election shall be identified by the name of his political party. Independent candidates shall be identified by the term "Independent." For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties. For the purpose of this section, a "recognized political party" is defined as an organization that, for at least six months preceding the filing of its nominee for the office, has had in continual existence a state central committee composed of registered voters residing in each congressional district of the Commonwealth, a party plan and bylaws, and a duly elected state chairman and secretary. A letter from the state chairman of a recognized political party certifying that a candidate is the nominee of that party shall constitute sufficient and appropriate evidence of nomination by a recognized political party. The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.

Except as provided for primary elections, the State Board shall determine by lot the order of the political parties, and the names of all candidates for a particular office shall appear together in the order determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section and § 24.2-640, except as provided for presidential elections in § 24.2-614, "recognized political parties" shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board; and the class shall follow the political parties as defined by § 24.2-101 and precede the independent class. Independent candidates shall be treated as a class under "Independent"; their names shall be placed on the ballot after the political parties and recognized political parties; and where there is more than one independent candidate for an office, their names shall appear alphabetically.

No individual's name shall appear on the ballot more than once for the same office.

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<p>In preparing the ballots for general, special and primary elections, the State Board and electoral boards shall cause to be printed in not less than ten-point type, immediately below the title of any office, a statement of the number of candidates who may be voted for for that office. The following language shall be used: "Vote for not more than"</p>	<p><u>D</u></p>	
<p><u>At any precinct at which mark sense ballots are used, the mark sense ballot may be used in lieu of the official paper ballot with the approval of the State Board.</u></p>	<p>B <u>D</u> S n/a</p>	<p>For Further Review</p>
<p><u>Any locality which uses mark sense ballots at one or more precincts, including any central absentee precinct, may, with the approval of the State Board, use the mark sense ballot or printed reproductions of the mark sense ballot in lieu of the official paper ballot. Such reproductions shall be printed and otherwise handled in accordance with all laws and procedures that apply to official paper ballots.</u></p>	<p>B <u>D</u> S n/a</p>	<p>For Further Review</p>
<p>69. § 24.2-614. Preparation and form of presidential election ballots.</p>		
<p>As soon as practicable after the seventy-fourth day before the presidential election, the State Board shall certify to the secretary of each county and city electoral board the form of official ballot for the presidential election which shall be uniform throughout the Commonwealth. Each electoral board shall have the official ballot printed at least forty-five days preceding the election.</p>		
<p><u>Groups of petitioners qualifying for a party name under § 24.2-543 shall be treated as a class; the order of the groups shall be determined by lot by the State Board; and the groups shall immediately precede the independent class on the ballot. The names of the candidates within the independent class shall be listed alphabetically.</u></p>	<p><u>B</u></p>	
<p>70. § 24.2-626. Governing bodies shall acquire mechanical or electronic voting or counting systems.</p>		
<p>A. <u>The governing body of each county having an optional form of government and of each city shall provide for the use of mechanical or electronic voting or counting systems, of a kind approved by the State Board, at every precinct and for all elections held in the county, the city, or any part of the county or city. The governing body of every other county shall provide for the use of such systems at every precinct having 750 or more registered voters. No county shall divide or create precincts so that resulting precincts will contain fewer than 750 registered voters, in order to avoid the requirements of this section.</u></p>	<p><u>B</u></p>	
<p>Each county and city governing body shall purchase, lease, lease purchase, or otherwise acquire such systems and may provide for the payment therefor in the manner it deems proper. <u>Systems of different kinds may be adopted for use and be used in different precincts of the same county or city, or within a precinct or precincts in a county or city, subject to the approval of the State Board.</u></p>		
<p>71. § 24.2-628. Authorized use of mechanical voting devices.</p>	<p><u>B</u></p>	
<p>A. <u>Any person, firm, or corporation manufacturing, owning, or offering for sale any mechanical voting device may apply to the State Board,</u></p>	<p><u>D</u></p>	
<p><u>in the manner prescribed by the Board, to examine and approve such device. The Board shall make, or have made, a report on the capacity of the device accurately to register and count votes, and in respect to its mechanical perfections and</u></p>	<p><u>B</u></p>	

imperfections, and whether it meets the requirements prescribed in this chapter. The report shall be filed in the office of the Board and shall state whether the kind of device so examined can be safely and conveniently used at elections.

If the Board determines that the device can be so used, and meets the requirements prescribed in this chapter, the Board shall approve the device for use at elections. No form of voting device not so approved shall be used at any election.

B. Any kind of mechanical voting device may be approved by the Board which meets the following requirements:

72. § 24.2-629. Authorized use of electronic systems and ballots.

A. Any person, firm, or corporation hereinafter referred to as the "vendor," manufacturing, owning, or offering for sale any electronic voting or counting system and ballots designed to be used with such equipment may apply to the State Board,

in the manner prescribed by the Board, to have examined a production model of such equipment and the ballots used with it.

The Board may require the vendor to pay a reasonable application fee when he files his request for testing or certification of new or upgraded voting equipment.

Receipts from such fees shall be credited to the Board for reimbursement of testing and certification expenses.

In addition to any other materials that may be required, a current statement of the financial status of the vendor, including any assets and liabilities, shall be filed with the Board; if the vendor is not the manufacturer of the equipment for which application is made, such a statement shall also be filed for the manufacturer. These statements shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The Board shall also require, at a site of its choosing, a demonstration of such system and ballots and may require that a production model of the system and a supply of ballots

be provided to the Board for testing purposes.

B. The provisions of this title pertaining to mechanical voting devices and ballots shall be deemed applicable to such equipment and ballots provided that (i) the counting equipment used with punchcard or mark sense ballots shall not be required to prevent a voter from voting for a greater number of candidates than he is lawfully entitled to; (ii) the provisions of this title pertaining to ballot squares shall not be applicable to punchcard or mark sense ballots; and (iii) any system approved pursuant to this title shall segregate ballots containing write-in votes from all others. Every electronic voting system shall ensure voting in absolute secrecy, and systems requiring the voter to vote a ballot that is inserted in an electronic counting device shall provide for secrecy of the ballot and a method to conceal the voted ballot. Systems requiring the voter to vote a ballot that is inserted in an electronic counting device shall report, if possible, the number of ballots on which a voter voted for a lesser number of candidates for an office than the number he was lawfully entitled to vote and the number of ballots on which a voter voted for a greater number of candidates than the number he was lawfully entitled to vote. Electronic voting devices shall be programmable, if possible, to

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<p>allow such undervoted and overvoted ballots to be separated when necessary.</p> <p>B1. The system shall provide the voter with an opportunity to correct any error before a permanent record is preserved.</p> <p>C. After its examination of the equipment, ballots, and other materials submitted by the vendors, the Board shall prepare and file in its office a report of its finding as to (i) the apparent capability of such equipment to accurately count, register, and report votes; (ii) whether the system can be conveniently used without undue confusion to the voter; (iii) its accessibility to voters with disabilities; (iv) whether the system can be safely used without undue potential for fraud; (v) the ease of its operation and transportation by voting equipment custodians and officers of election; (vi) the financial stability of the vendor and manufacturer; (vii) whether the system meets the requirements of this title; (viii) whether the system meets federal requirements;</p> <p>and (ix) whether, in the opinion of the Board, the potential for approval of such system is such as to justify further examination and testing.</p> <p>D. <u>If the Board determines that there is such potential prior to its final determination as to approval or disapproval of such system,</u></p> <p><u>the Board shall obtain a report by an independent electronics or engineering consultant as to (i) whether the system accurately counts, registers, and reports votes; (ii) whether it is capable of storing and retaining existing votes in a permanent memory in the event of power failure during and after the election; (iii) the number of separate memory capabilities for the storage of recorded votes; (iv) its mechanical and electronic perfections and imperfections; (v) the audit trail provided by the system; (vi) the anticipated frequency of repair; (vii) the ease of repair; (viii) the anticipated life of the equipment; (ix) its potential for fraudulent use; (x) its accessibility to voters with disabilities; (xi) the ease of its programming, transportation, and operation by voting equipment custodians and officers of election; and (xii) any other matters deemed necessary by the Board.</u> Failure by an applicant to cooperate with the consultant by furnishing information and production equipment and ballots requested shall be deemed a withdrawal of the application, but nothing in this section shall require the disclosure of trade secrets by the applicant. If such trade secrets are essential to the proper analysis of the system and are provided for that reason, the consultant shall subscribe to an oath subject to the penalty for perjury that he will neither disclose nor make use of such information except as necessary for the system analysis. <u>The report of the consultant shall be filed in the office of the Board.</u></p> <p>E. <u>If the Board determines that there is potential for approval of the system and prior to its final determination, the Board shall also require that the system be tested in an actual election in one or more counties or cities.</u></p> <p><u>Its use at such election shall be as valid for all purposes as if it had been legally approved by the Board and adopted by the counties or cities.</u></p> <p>F. <u>If, following testing, the Board approves any electronic system and its ballots for use,</u></p> <p><u>the Board shall so notify the electoral boards of each county and city. Systems so approved may be adopted for use at elections as herein provided. No form of electronic system and ballots not so approved shall be adopted by any county or</u></p>	<p><u>D</u></p> <p><u>B</u></p> <p><u>B</u></p> <p><u>D</u></p> <p><u>B</u></p> <p><u>S</u></p> <p><u>B</u></p> <p><u>n/a</u></p> <p><u>B</u></p> <p><u>D</u></p>	
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<p>city. <u>Any electronic system and ballots approved for use by the Board shall be deemed to meet the requirements of this title and any applicable federal laws, and their use in any election shall be valid.</u></p> <p>73. § 24.2-630. Experimental use of approved systems.</p> <p><u>With the approval of the State Board, the governing body of any county, city, or town may provide for the experimental use at an election in one or more election districts or precincts of a voting or counting system which it might legally adopt without a formal adoption thereof, and its use at such election shall be valid for all purposes.</u></p> <p>74. § 24.2-631. Experimental use of voting systems and ballots prior to approval of the system.</p> <p><u>The State Board is authorized to approve the experimental use of voting or counting systems and ballots for the purpose of casting and counting absentee ballots in one or more counties and cities designated by the Board (i) that have established central absentee voter election districts</u></p> <p><u>and (ii) whose electoral board submits to the Board for approval a plan for the use of such system and ballots.</u></p> <p><u>The Board is also authorized to approve the experimental use of voting or counting systems and ballots in one or more precincts in any county or city whose electoral board</u></p> <p><u>submits to the Board for approval a plan for such use. The use of such systems and ballots at an election shall be valid for all purposes.</u></p> <p>75. § 24.2-632. Voting equipment custodians.</p> <p>A. For the purpose of programming and preparing voting and counting equipment, including the programming of any electronic activation devices or data storage media used to program or operate the equipment, and maintaining, testing, calibrating, and delivering it, the electoral board shall employ one or more persons, to be known as custodians of voting equipment. The custodians shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least 30 days before each election. <u>With the approval of the State Board, the electoral board may contract with the voting equipment vendor or another contractor for the purpose of programming, preparing and maintaining the voting equipment.</u> The voting equipment custodians shall instruct and supervise the vendor or contractor technicians and oversee the programming, testing, calibrating and delivering of the equipment. The vendor or contractor technicians shall be sworn to perform their duties honestly and faithfully and be informed of and subject to the misdemeanor and felony penalties provided in §§ 24.2-1009 and 24.2-1010.</p> <p>76. § 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.</p> <p>A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official</p>	<p><u>n/a</u></p> <p><u>B</u></p> <p><u>B</u></p> <p><u>D</u></p> <p><u>B</u></p> <p><u>D</u></p> <p><u>D</u></p>	
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ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and repeat, in a voice audible to party and candidate representatives present, the full name and address stated by the voter. The officer shall ask the voter to present any one of the following forms of identification: his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

If the voter's name is found on the pollbook, if he presents one of the forms of identification listed above, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth.

Except as provided in subsection E of this section, if a voter is entitled to vote except that he is unable to present one of the forms of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter who he claims to be. A voter who requires assistance in voting by reason of physical disability or inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement.

A voter may be accompanied into the voting booth by his child age 15 or younger.

C. If the current residence address stated by the voter is different from the address shown on the pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.) of this title.

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

E. For federal elections held after January 1, 2004, this subsection shall apply in

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the case of any voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state. At such election, such voter shall present: (i) a current and valid photo identification; or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this paragraph shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification requirements of subsection B of this section, nor the identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election. The **State Board** of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

77. § 24.2-644. Voting by paper ballot; voting for presidential electors; write-in votes.

C. At all elections except primary elections it shall be lawful for any voter to vote for any person other than the listed candidates for the office by writing or hand printing the person's name on the official ballot. No check or other mark shall be required to cast a valid write-in vote. Write-in votes for President and Vice-President shall be counted only for candidates who have filed a joint declaration of intent to be write-in candidates for the offices with the **Secretary of the State Board** not less than ten days before the date of the presidential election. The declaration of intent shall be on a form prescribed by the **State Board** and shall include a list of presidential electors pledged to those candidates which equals the whole number of senators and representatives to which the Commonwealth at that time is entitled in the Congress of the United States. A write-in vote cast for candidates for President and Vice-President, or for a candidate for President only, shall be counted for the individual electors listed on the declaration of intent as pledged to those candidates.

78. § 24.2-649. Assistance for certain voters.

A. Any voter age 65 or older or physically disabled may request and then shall be handed a paper ballot or a mark sense ballot by an officer of election outside the polling place but within 150 feet of the entrance to the polling place. The voter shall mark the paper ballot in the officer's presence but in a secret manner and fold and return the ballot to the officer. The officer shall immediately return to the polling place and deposit the ballot in the ballot container in accordance with § 24.2-646. The voter shall mark the mark sense ballot in the officer's presence but in a secret manner and cover and return the ballot to the officer who shall immediately return to the polling place and deposit the ballot in the ballot counter in accordance with the instructions of the **State Board**.

The officer of election or other person so designated shall not enter the booth with the voter unless (i) the voter signs a request stating that he requires assistance by reason of physical disability or inability to read or write and (ii) the officer of election or other person signs a statement that he is not the voter's employer or an agent of that employer, or an officer or agent of the voter's union, and that he will act in accordance with the requirements of this section. The request and statement shall be on a single form furnished by the **State Board**. If the voter is unable to sign the request, his own mark acknowledged by him before an officer of election shall be sufficient signature. If the voter being assisted is blind, neither the request nor the statement shall be required to be signed and an officer of election shall advise the voter and person assisting the voter of the requirements of this section

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<p>and record the name of the voter and the name and address of the person assisting him</p> <p>79. § 24.2-650. Officers to sign only official papers, etc.</p> <p><u>No officer of election shall sign or otherwise mark any paper, form, or item, other than one furnished by the State Board</u>, his electoral board, or general registrar, at his polling place during the hours that the polls are open.</p> <p>80. § 24.2-651. Voter who is challenged; how challenge tried.</p> <p>When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, <u>and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board</u>.</p> <p>81. § 24.2-651.1. Voter who is shown as having already voted; challenge and procedure for voting; voter identification.</p> <p>When the voter has shown the requested identification, has signed the statement, and is permitted to vote, the officers of election shall mark his name on the pollbook with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, and shall <u>indicate on the pollbook that the person has signed the required statement in accordance with the instructions of the State Board</u> of Elections.</p> <p>82. § 24.2-652. Voter whose name erroneously omitted from pollbook.</p> <p>When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, and <u>shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board</u>.</p> <p>83. § 24.2-653. Voter whose name does not appear on pollbook; handling of provisional ballots; ballots cast after normal close of polls due to court order extending polling hours.</p> <p>A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available or cannot state that the person is registered to vote, then such person shall be allowed to vote by paper ballot in the manner provided in this section.</p> <p>Such person shall be given a paper ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, <u>on a green envelope supplied by the State Board</u>, the identifying information required in § 24.2-652. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. If he is unable to present one of these forms of identification, he shall sign a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter who he claims to be, and the officers of election shall note on the green envelope that the required statement was signed in lieu of presenting one of the specified forms of identification. <u>The officers of election shall enter the appropriate information for the person on the pollbook in accordance with the instructions of the State Board</u> but shall not</p>	<p><u>n/a</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>B</u></p>	
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<p>enter a consecutive number for the voter nor otherwise mark his name as having voted.</p> <p>C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B of this section; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. <u>The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section</u></p>	<p>B <u>D</u> S n/a</p>	<p>For Further Review</p>
<p>84. § 24.2-654. Officers to lock and seal voting equipment and ascertain vote after polls closed; statement of results.</p> <p><u>In ascertaining the vote, the officers of election shall complete a statement of results in duplicate on the form and in the manner prescribed by the State Board.</u></p>	<p><u>B</u></p>	
<p>85. § 24.2-659. Locking voting and counting devices after election and delivering keys to clerk; printed returns as evidence.</p> <p>The voting and counting devices shall remain locked and sealed for the period of 15 days after the results of the election have been ascertained and, if any contest or recount is pending thereafter, until it has been concluded. <u>The devices shall be opened and all data examined only (i) on the order of a court of competent jurisdiction or (ii) on the request of an authorized representative of the State Board</u></p> <p><u>or the electoral board at the direction of the State Board in order to ensure the accuracy of the returns</u></p>	<p>B <u>D</u> S n/a</p>	<p>For Further Review</p>
<p>86. § 24.2-666. Procedures to account for paper ballots.</p> <p>The <u>State Board shall prescribe appropriate forms and procedures for use by the local electoral boards, general registrars, and officers of election to account for all paper ballots, used and unused.</u></p>	<p><u>D</u></p> <p><u>D</u></p>	
<p>87. § 24.2-668. Pollbooks, statements of results, and ballots to be sealed and delivered to clerk or general registrar.</p> <p>A. After ascertaining the results and before adjourning, the officers shall put the pollbooks, the duplicate statements of results, and any printed inspection and return sheets <u>in the envelopes provided by the State Board.</u> The officers shall seal the envelopes and direct them to the clerk of the circuit court for the county or city. The pollbooks, statements, and sheets thus sealed and directed, the sealed counted ballots envelope or container, and the unused, defaced, spoiled and set aside ballots properly accounted for, packaged and sealed, shall be conveyed by one of the officers to be determined by lot, if they cannot otherwise agree, to the</p>	<p>B <u>D</u> S n/a</p> <p><u>D</u></p>	<p>For Further Review</p>

clerk of court by noon on the day following the election.

The clerk shall retain custody of the pollbooks until the time has expired for initiating a recount, contest, or other proceeding in which the pollbooks may be needed as evidence and there is no proceeding pending. After that time the clerk shall deliver the pollbooks to the general registrar who shall return the pollbooks or transfer a copy of the electronic data to the State Board as directed by § 24.2-114 for voting credit purposes.

After the pollbooks are returned by the State Board, the general registrar shall retain the pollbooks in his principal office for two years from the date of the election. The clerk shall retain the statement of results and any printed inspection and return sheets for two years and may then destroy them.

C. If an electronic pollbook is used, the data disc or cartridge containing the electronic records of the election, or, alternately, a printed copy of the pollbook records of those who voted, shall be transmitted, sealed and retained as required by this section, and otherwise treated as the pollbook for that election for all purposes subsequent to the election. Nothing in this title shall be construed to require that the equipment or software used to produce the electronic pollbook be sealed or retained along with the pollbook, provided that the records for the election have been transferred or printed according to the instructions of the State Board.

88. § 24.2-669. Clerk to keep ballots; inspection; destruction.

The clerk to whom the counted and uncounted ballots are delivered shall, without breaking the seal, deposit them in a secure place in his office, where they shall be kept for the time required by this section. He shall not allow the ballots to be inspected except (i) 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, (ii) 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, or (iii) on the order of a court before which there is pending a proceeding for a contest or recount under Chapter 8 (§ 24.2-800 et seq.) of this title or before whom there is then pending a proceeding in which the ballots are necessary for use in evidence.

89. § 24.2-674. Determination by lot in case of tie.

If two or more persons have an equal number of votes for any county, city, town, or district office, and a higher number than any other person, the electoral board shall proceed publicly to determine by lot which of the candidates shall be declared elected.

If any two or more persons have an equal number of votes and a higher number than any other person for member of the General Assembly or of the Congress of the United States, or elector of President and Vice-President of the United States, the State Board of Elections shall proceed publicly to determine by lot which of them shall be declared elected. Reasonable notice shall be given to such candidates of the time when such elections shall be so determined; and if they, or either of them, shall fail to appear in accordance with such notice, the Board shall proceed so as to determine the election in their absence.

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<p>90. § 24.2-675. Abstracts of votes to be made by secretary and forwarded to State Board and to clerks.</p> <p>The abstracts shall be certified and signed by the electoral board, attested by the secretary, and retained by the electoral board as part of its records. <u>A copy of each, certified under the official seal of the electoral board, shall immediately be mailed or delivered by hand to the State Board.</u></p> <p>The State Board shall require the electoral board of any county or city to correct <u>any errors</u> found on such abstracts prior to completing the requirements of § 24.2-679.</p> <p>91. § 24.2-677. State Board to open and record returns; application of Freedom of Information Act.</p> <p>The State Board, <u>on receipt of the certified abstracts of the votes given in the several counties and cities, shall open the abstracts and record and carefully preserve them.</u></p> <p>The provisions of Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2, the Virginia Freedom of Information Act, shall not apply to the certified abstracts of the votes or any other documents used by the Board in ascertaining the results of any election until the results have been finally determined by the Board.</p> <p>92. § 24.2-678. Law-enforcement officer to be sent for abstracts not forwarded.</p> <p><u>If the State Board has not received the abstracts of votes from any county or city within seven days after any election, it shall dispatch a law-enforcement officer to obtain a copy of the abstract from the official having charge thereof.</u></p> <p>That official shall immediately, on demand of the officer, make out and deliver to him the copy required, and <u>the officer shall deliver the abstract to the State Board without delay.</u></p> <p>93. § 24.2-679. State Board to meet and make statement as to number of votes.</p> <p>A. The State Board shall meet on the fourth Monday in November to ascertain <u>the results of the November election.</u> If a majority of the Board is not present or if, for any other reason, the Board is unable to ascertain the results on that day, the meeting shall stand adjourned from day to day for not more than three days until a quorum is present and the Board has ascertained the results as provided in this section.</p> <p>The Board shall examine the certified abstracts on file in its office and make <u>statements of the whole number of votes given at any such election</u> for members of the General Assembly, Governor, Lieutenant Governor and Attorney General, members of the United States Congress and electors of President and Vice-President of the United States, and any officer shared by more than one county or city, or any combination thereof, or for so many of such officers as have been voted for at the election.</p> <p>The statement shall show, for each office and each county, city, and election district, the whole number of votes given to each candidate and to any other person elected to office. The Board members shall certify the statements to be</p>	<p><u>B</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>n/a</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>B</u></p> <p><u>B</u></p>	
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<p><u>correct and sign the statements.</u></p> <p>The Board shall then determine those persons who received the greatest number of votes and have been duly elected to each office.</p> <p>The Board members shall endorse and subscribe on such statements a certificate of their determination.</p> <p>The Board shall record each certified statement and determination in a suitable book to be kept by it in its office.</p> <p>B. The State Board shall meet as soon as possible after it receives the returns for any special election held at a time other than the November general election to ascertain the results of the special election in the manner prescribed in subsection A. If the returns have not been received within seven days of the election, the Board shall meet and adjourn from day to day until it receives the returns, ascertains the results, and makes its determination.</p> <p>94. § 24.2-680. Certificates of election.</p> <p>Subject to the requirements of § 24.2-922, the State Board shall without delay complete and transmit to each of the persons declared to be elected a certificate of his election, certified by it under its seal of office.</p> <p><u>In the election of a member of the United States Congress, it shall also forward a certificate of election to the clerk of the United States Senate or House of Representatives, as appropriate.</u></p> <p><u>The names of members elected to the General Assembly shall be certified by the State Board to the clerk of the House of Delegates or Senate, as appropriate.</u></p> <p><u>The names of the persons elected Governor, Lieutenant Governor, and Attorney General shall be certified by the State Board to the clerks of the House of Delegates and Senate.</u></p> <p><u>The name of any officer shared by more than one county or city, or any combination thereof, shall be certified by the State Board to the clerk of the circuit court having jurisdiction in each affected county or city.</u></p> <p><u>The names of the persons elected to soil and water conservation districts shall be certified by the State Board to the Director of the Department of Conservation and Recreation.</u></p> <p>95. § 24.2-701. Application for absentee ballot.</p> <p>A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.</p> <p>The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet.</p> <p>Electronic absentee ballot applications shall be in a form approved by the State</p>	<p><u>B</u></p> <p><u>B</u></p> <p><u>B</u></p> <p><u>D</u></p> <p><u>B</u></p> <p><u>B</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>B</u></p> <p><u>B</u></p> <p><u>B</u></p> <p><u>D</u></p> <p><u>D</u></p>	<p>Board Complete Certificate</p> <p>Secretary Transmit Certificate</p>
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<p>Board.</p> <p>For federal elections held after January 1, 2004, this paragraph shall apply in the case of any voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to show identification the first time that voter votes in a federal election in the state. After completing an application for an absentee ballot in person, such voter shall present: (i) a current and valid photo identification; or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this paragraph shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification requirements of subsection B of § 24.2-643, nor the identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election. The State Board of Elections <u>shall provide instructions to the electoral boards for the handling and counting of such provisional ballots</u> pursuant to subsection B of § 24.2-653 and this section.</p> <p>96. § 24.2-703. Application for absentee ballots for multiple elections for uniformed and overseas voters.</p> <p><u>The general registrar shall retain the application and process the applicant's request for an absentee ballot for each election in accordance with procedures established by the State Board.</u> The applicant shall specify by party designation the primary ballots he is requesting.</p> <p>97. § 24.2-703.1. Special annual applications for absentee ballots for certain ill or disabled voters.</p> <p>Any person who is eligible for an absentee ballot under subdivision 4 of § 24.2-700 because of a physical disability or physical illness and who is likely to remain so disabled or ill for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in a calendar year. <u>His first such application shall be accompanied by a statement, on a form prescribed by the State Board and signed by the voter and his physician or accredited religious practitioner,</u> that the voter is eligible for an absentee ballot under subdivision 4 of § 24.2-700 because of a physical disability or physical illness and likely to remain so disabled or ill for the remainder of the calendar year.</p> <p><u>In accordance with procedures established by the State Board, the general registrar shall retain the application and form, enroll the applicant on a special absentee voter applicant list, and process the applicant's request</u> for an absentee ballot for each succeeding election in the calendar year. The applicant shall specify by party designation the primary ballots he is requesting.</p> <p>98. § 24.2-703.2. Replacement absentee ballots for certain disabled or ill voters; penalty.</p> <p>A voter seeking to cast an absentee ballot may obtain a replacement absentee ballot subject to the following conditions: (i) the voter applied for an absentee ballot under subdivision 4 of § 24.2-700 because of a physical disability or physical illness; (ii) the application was approved and an absentee ballot mailed to the voter; and (iii) the voter did not receive or has lost the absentee ballot on or before the Saturday before the election. In such case, the voter may request a</p>	<p><u>B</u></p> <p>B <u>D</u> S n/a</p> <p><u>D</u></p> <p><u>B</u></p> <p><u>D</u></p>	<p>For Further Review</p>
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replacement absentee ballot by the close of business for the local elections office on the Saturday before election day and designate, in writing, a representative to obtain a replacement absentee ballot on his behalf from the electoral board or general registrar and to return the properly completed ballot as directed by the electoral board or general registrar no later than the close of polls on the day of election for which the absentee ballot is valid. The representative shall be age eighteen or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate. The voter and representative shall complete the form prescribed by the **State Board** to implement the provisions of this section. The form shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.

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99. § 24.2-704. Applications and ballots for persons requiring assistance in voting.

The application for an absentee ballot shall provide space for the applicant to indicate that he will require assistance to vote his absentee ballot by reason of blindness, physical disability, or inability to read or write. On receipt of an application from an applicant marked to indicate he will require assistance, the electoral board shall deliver, with the items required by § 24.2-706, the voter assistance form furnished by the **State Board** pursuant to § 24.2-649. The voter and any person assisting him shall complete the form by signing the request for assistance and statement required of the assistant. If the voter is unable to sign the request, the witness will note this fact on the line for signature of voter. The provisions of § 24.2-649 shall apply to absentee voting and assistance for absentee voters.

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100. § 24.2-705. Emergency applications and absentee ballots for persons incapacitated or hospitalized.

The application shall be on a form prescribed by the **State Board** and shall require the applicant (i) to state the cause of his incapacity, (ii) to state that he is unable to be present at the polls on election day, and that he was either incapacitated on or after the seventh day preceding the election or hospitalized on or after the fourteenth day preceding the election and unable to request the application earlier than the seventh day preceding the election, (iii) to designate a representative to receive, deliver and return the ballot, and (iv) to provide other information required by law for an absentee ballot application.

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101. § 24.2-706. Duty of general registrar and electoral board on receipt of application; statement of voter.

No list or application containing an individual's social security number shall be made available for inspection or copying by anyone. The **State Board** of Elections shall prescribe procedures for local electoral boards and general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers.

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For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot: (i) a copy of a current and valid photo identification; or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other document that shows

<p>the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.</p> <p>5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff et seq.), information provided by the State Board specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.</p> <p><u>The envelopes and instructions shall be in the form prescribed by the State Board.</u></p> <p>102. § 24.2-707. How ballots marked and returned by mail; cast in person; cast on voting equipment.</p> <p>The electoral board of any county or city using a central absentee voting precinct may provide for the casting of absentee ballots on voting equipment prior to election day by applicants who are voting in person. The State Board shall prescribe procedures for the use of voting equipment. The procedures shall provide for the casting of absentee ballots prior to election day by in-person applicants on voting equipment which has been certified, and is currently approved, by the State Board.</p> <p><u>The procedures shall be applicable and uniformly applied by the State Board to all jurisdictions using comparable voting equipment.</u> At least two officers of election, one representing each political party, shall be present during all hours that absentee voting is available at any location at which absentee ballots are cast prior to election day.</p> <p>103. § 24.2-710. Further duties of electoral board and general registrar; absentee voter applicant lists.</p> <p>On the day before the election, the general registrar shall (i) <u>make out in triplicate on a form prescribed by the State Board the absentee voter applicant list</u> containing the names of all persons who applied for an absentee ballot through the third day before the election and (ii) by noon on the day before the election, deliver two copies of the list to the electoral board. The general registrar shall make out a supplementary list containing the names of all persons voting absentee in person pursuant to §§ 24.2-705.1 and 24.2-705.2, or applying to vote absentee pursuant to § 24.2-705, for delivery by 5:00 p.m. on the day before the election. <u>The supplementary list shall be deemed part of the absentee voter applicant list and shall be prepared and delivered in accordance with the instructions of the State Board.</u> The general registrar shall maintain one copy of the list in his office for two years as a public record open for inspection upon request during regular office hours.</p> <p>104. § 24.2-711.1. Rejected absentee ballots; notice of reason for rejection.</p> <p>The electoral board of each county and city shall send a written explanation of the reason for rejection of an absentee ballot to the voter whose absentee ballot is</p>	<p>B <u>D</u> S n/a</p> <p><u>D</u></p> <p><u>B</u></p> <p><u>B</u></p> <p><u>n/a</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p>	<p>For Further Review</p>
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<p>rejected within ninety days of the date on which the ballot is rejected. <u>The State Board of Elections shall promulgate instructions to implement the provisions of this section.</u></p> <p>105. § 24.2-712. Central absentee voter precincts; counting ballots.</p> <p>D. Absentee ballots may be processed as required by § 24.2-711 by the officers of election at the central absentee voter precinct prior to the closing of the polls but the ballot container shall not be opened and the counting of ballots shall not begin prior to that time. <u>In the case of punch card or mark sense ballots to be inserted in electronic counting equipment, the ballot container may be opened and the absentee ballots may be inserted in the counting equipment prior to the closing of the polls in accordance with procedures prescribed by the State Board, including procedures to preserve ballot secrecy,</u> but no ballot count totals shall be initiated prior to that time.</p> <p>106. § 24.2-713. Emergency authority of the Secretary of the State Board of Elections.</p> <p>The provisions of this section shall apply in the case of an emergency that will not allow sufficient time for the distribution and handling of absentee ballot applications and absentee ballots, in accordance with the procedures of this title, for qualified voters who are unable to vote in person because of the emergency. <u>The Secretary of the State Board of Elections shall have the authority to designate alternative methods and procedures to handle such applications and ballots.</u> Nothing in this section shall authorize the counting of any absentee ballot returned after the polls have closed. <u>For purposes of this section, "an emergency" shall mean</u> (i) any emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44, (ii) any emergency declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by the executive order as an emergency for the purposes of this section, or (iii) <u>any public emergency that interferes with the electoral process or the opportunity for qualified voters to exercise their right to vote as determined by the Secretary of the State Board of Elections.</u></p> <p>107. § 24.2-800. Recounts in all elections.</p> <p>A. The provisions of this article apply to all elections held in the Commonwealth.</p> <p>B. <u>When there is between any candidate apparently nominated or elected and any candidate apparently defeated a difference of not more than one percent of the total vote cast for the two such candidates as determined by the State Board or the electoral board, the defeated candidate may appeal from the determination of the State Board or the electoral board for a recount of the vote as set forth in this article.</u> In an election of electors for the President and Vice-President of the United States, the presidential candidate shall represent the vice-presidential candidate and slate of electors and be the party to the recount for purposes of this article.</p> <p>C. <u>When there is between the vote for a question and the vote against a question a difference of not more than fifty votes or one percent of the total vote cast for and against the question as determined by the State Board or the electoral board, whichever is greater, fifty or more voters qualified to vote on the question, by signing and filing their petition, may appeal from the determination of the State</u></p>	<p>B D S n/a</p> <p>D</p> <p>S</p> <p>S</p> <p>n/a</p> <p>n/a</p> <p>n/a</p> <p>n/a</p>	<p>For Further Review</p>
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<p>Board or the electoral board for a recount of the vote as set forth in this article.</p> <p>108. § 24.2-801.1. Petition for recount of election for presidential electors; recount court.</p> <p>The petition for a recount of an election for presidential electors shall be filed no later than 5:00 p.m. <u>on the second calendar day after the day the State Board certifies the result of the election under § 24.2-679, but not thereafter.</u> Presidential candidates who anticipate the possibility of asking for a recount are <u>encouraged to so notify the State Board by letter as soon as possible after election day.</u> The petition shall be filed in the Circuit Court of the City of Richmond. If any presidential candidate is eligible to seek a recount of the results of the election for presidential electors under § 24.2-800 the State Board shall, <u>within 24 hours of the certification of the results, notify the Circuit Court of the City of Richmond and the Supreme Court of Virginia</u> (i) that a recount is possible, (ii) which presidential candidate is eligible to seek a recount, and (iii) of the date the results were certified. The Circuit Court of the City of Richmond shall make arrangements to receive any such filing if the office would normally be closed the entire day, or prior to 5:00 p.m., <u>on the second calendar day after the day the State Board certified the result of the election</u></p> <p>109. § 24.2-802. Procedure for recount.</p> <p>A. The State Board of Elections shall promulgate standards for (i) the proper handling and security of voting and counting devices, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the counting device and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.</p> <p>The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting devices in use in the election district.</p> <p>After the full court is appointed under § 24.2-801 or § 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally. <u>The court shall call for the advice and cooperation of the State Board or any local electoral board, as appropriate, and such boards shall have the duty and authority to assist the court.</u> The court shall fix procedures that shall provide for the accurate determination of votes in the election.</p> <p>110. § 24.2-903. Summary of election laws; forms.</p> <p>The State Board shall <u>summarize the provisions of the election laws relating to campaign contributions and expenditures and provide for distribution of this summary and prescribed forms to each candidate, person, or committee on request or upon their first filing with the State Board pursuant to this chapter, whichever occurs first.</u></p> <p><u>The Board shall designate the form of the report of contributions and expenditures which shall be the only such form used in complying with the</u></p>	<p>n/a</p> <p><u>D</u></p> <p><u>D</u></p> <p>n/a</p> <p><u>B</u></p> <p>n/a</p> <p><u>D</u></p> <p><u>D</u></p> <p><u>B</u></p>	
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provisions of this chapter.

The **Board** shall also prescribe a separate form for the required reporting of certain large contributions and expenditures pursuant to § 24.2-919.

The **State Board** shall provide, with the summary required by this section, instructions for persons filing reports pursuant to this chapter to assist them in completing the reports. The instructions shall include directions for the reporting of candidate primary filing fees.

111. §24.2-904. Appointment of campaign treasurer; designation of campaign committee and depository.

A. Upon accepting any contribution for his candidacy, each candidate for nomination or election shall appoint a single campaign treasurer and may designate not more than one campaign committee to receive all contributions and make all expenditures for him or on his behalf in connection with his nomination or election and to file the reports required by this chapter. The payment of a primary filing fee by the candidate constitutes the acceptance of a contribution for the purposes of this section. At the same time he shall designate a campaign depository in a financial institution within the Commonwealth. He shall provide, on a statement of organization form prescribed by the **State Board**, the name and address of the campaign treasurer, the name of the financial institution for his campaign depository, and, if one, the name of the campaign committee. In the case of any candidate who seeks election for successive terms in the same office, the form filed by the candidate shall continue in effect for such successive elections, but the candidate shall file notice of any changes in the information provided on the form within 10 days of the change with the **State Board**, local electoral board, or both, as appropriate.

He shall file the form with the (i) electoral board of the county or city in which he resides if he is a candidate for local office, (ii) electoral board of the county or city in which he resides and the **State Board** if he is a candidate for the General Assembly, or (iii) **State Board** if he is a candidate for statewide office. Every treasurer so appointed shall accept the appointment, in writing on the form, prior to the filing thereof. No individual shall act as treasurer unless the required statement of appointment shall have been filed. No individual shall be appointed or act as treasurer in any election who is not a qualified voter of the Commonwealth. The same person may serve as campaign treasurer for more than one candidate.

B. In the event of the death, resignation, removal, or change of the treasurer, the candidate shall designate a successor and file the name and address of the successor within 10 days of the change with the **State Board**, local electoral board, or both, as provided in subsection A.

C. Any candidate who fails to appoint and report the appointment of a treasurer or successor treasurer shall be deemed to have appointed himself treasurer and shall comply as such with the provisions of this chapter.

112. § 24.2-906.1. Exemption from reporting requirements for certain candidates for local office.

This section shall apply to candidates for local office. A candidate for local office may seek an exemption from the requirements for filing disclosure reports of

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<p>contributions and expenditures set out in Article 4 (§ 24.2-914 et seq.) of Chapter 9 of Title 24.2 except for the filing requirements of §§ 24.2-919 and 24.2-920 pertaining to certain large contributions and the filing of a final report. <u>The request for an exemption shall be filed with the electoral board of the county or city where the candidate resides on a form prescribed by the State Board of Elections</u></p>	<p>B <u>D</u> S n/a</p>	<p>For Further Review</p>
<p><u>and in accordance with instructions by the State Board for the time for filing and the process for approval by the electoral board.</u></p>	<p>B <u>D</u> S n/a</p>	<p>For Further Review</p>
<p>113. § 24.2-912. Political party committees required to report designated contributions.</p>		
<p>A. Every state, district, county, and city party committee and every organized political party group of elected officials shall file a report of contributions received by it and designated in writing, orally, or otherwise by the contributor for the election of a specified candidate or candidates. <u>The report shall (i) be on a form prescribed by the State Board and may be incorporated in the report of contributions and expenditures prescribed in § 24.2-914, (ii) provide for the reporting of the receipt and disbursement of designated contributions, including information to identify the contributor, as provided in § 24.2-914, (iii) include the name of the candidate for whose election the contributor has designated the contribution, and (iv) be filed with the State Board in accordance with § 24.2-923.</u></p>	<p><u>B</u></p> <p><u>D</u></p>	
<p>114. § 24.2-914. Information to be included on report of contributions and expenditures.</p>		
<p>A. The report required by this chapter shall be <u>filed on a form prescribed by the State Board and shall include all contributions and expenditures. All completed forms shall be submitted in typed, printed, or legibly hand printed format or as provided in § 24.2-914.1. Except as provided by § 24.2-910 for certain political committees, reports required by this chapter shall be received by the State Board, local electoral board, or both, by the deadline for filing the report.</u></p>	<p><u>B</u></p> <p><u>D</u></p>	
<p><u>The State Board shall provide instructions to filers for delivery of reports within the time periods prescribed by law.</u></p>	<p><u>D</u></p>	
<p><u>The State Board shall provide instructions for candidates who seek election for successive terms in the same office for the filing of reports within each appropriate election cycle for the office and for the aggregation of contributions and expenditures within each election cycle. Solely for the purpose of filing reports pursuant to this section, an incumbent with any activity to report in a new election cycle shall be presumed to be a candidate for reelection in the succeeding election. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.</u></p>	<p><u>D</u></p>	
<p>115. § 24.2-914.1. Standards and requirements for electronic preparation and transmittal of campaign finance disclosure reports; database.</p>		
<p>A. The State Board of Elections <u>shall review or cause to be developed and shall approve standards for the preparation, production, and transmittal by computer or electronic means of the reports of contributions and expenditures required by this article (§ 24.2-914 et seq.).</u></p>	<p><u>B</u></p>	

<p>The State Board <u>may prescribe the method of execution and certification of electronically filed statements</u></p> <p>and the procedures for receiving statements in the office of the State Board or by the local electoral boards.</p>	<p><u>D</u></p> <p><u>S</u></p>	
<p>B. 1. The State Board <u>shall accept any report of contributions and expenditures filed by candidates for the General Assembly, Governor, Lieutenant Governor, and Attorney General by computer or electronic means</u></p> <p><u>in accordance with the standards approved by the State Board</u></p> <p><u>and using software meeting standards approved by it.</u></p>	<p><u>D</u></p> <p><u>B</u></p> <p><u>B</u></p>	
<p>2. A local electoral board may accept reports of contributions and expenditures filed by computer or electronic means from any candidate or political committee that is required to file reports with that board. <u>Such reports shall be filed in accordance with, and using software that meets, standards approved by the State Board.</u> The electoral board shall promptly make the information that it accepts in this manner available to the public through the global information system known as the Internet.</p>	<p><u>B</u></p>	
<p>3. The State Board <u>may provide software to filers without charge or at a reasonable cost.</u></p>	<p><u>D</u></p>	
<p>C. On and after January 1, 2001, the State Board <u>shall enter or cause to be entered into a campaign finance database, available to the public through the global information system known as the Internet, the information from required reports of contributions and expenditures filed by computer, electronic, or other means by candidates for the General Assembly, Governor, Lieutenant Governor, and Attorney General.</u></p>	<p><u>D</u></p>	
<p>D. <u>Candidates for Governor, Lieutenant Governor, and Attorney General shall file by computer or electronic means in accordance with the standards approved by the State Board the reports required by this article.</u></p>	<p><u>B</u></p>	
<p><u>Candidates for the General Assembly may file the reports required by this article with the State Board by computer or electronic means</u></p> <p><u>in accordance with the standards approved by the State Board.</u></p>	<p><u>D</u></p> <p><u>B</u></p>	
<p><u>This information shall be made available to the public promptly by the State Board through the global information system known as the Internet.</u></p>	<p><u>D</u></p>	
<p>E. <u>Other committee reports required by this chapter to be filed with the State Board or a local electoral board, or both,</u></p> <p><u>may be filed electronically on terms agreed to by the committee and Board.</u></p>	<p><u>D</u></p> <p><u>D</u></p>	
<p>F. On and after January 1, 2004, <u>a political committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means</u></p>	<p><u>n/a</u></p> <p><u>D</u></p>	

<p>in accordance with the standards approved by the State Board until such time as the political committee files a final report. However, a county, city or local district political party committee shall not be required to file by computer or electronic means if it files its reports with the electoral board of that county or city. Any political committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, <u>may sign a waiver, on a form prescribed by the State Board</u>, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.</p>	<p><u>B</u></p>	
<p>G. The State Board shall have authority to extend any deadline applicable to <u>reports required to be filed by computer or electronic means in the event of a failure of the computer or electronic filing system that prevents timely filing</u>. The extension shall not exceed a period of up to five days after restoration of the filing system to operating order.</p>	<p><u>D</u></p>	
<p>116. § 24.2-920.1. Dormant campaigns.</p>		
<p>The State Board or the electoral board of any county or city <u>may close the file of any candidate required to file with it provided (i) the candidate has not filed a final report; (ii) the candidate has not filed a report with it for any campaign for any office within the prior five years; and (iii) the Board or board cannot locate either the candidate or his campaign treasurer</u>. Once the file has been closed, no more reports will be due and no additional fines for failure to file will accrue. However, if the whereabouts of the candidate later becomes known to the Board or board, it <u>may reopen the file and send notice to the candidate</u> requesting that he file the appropriate reports and pay any fines that were levied before the file was closed by it.</p>	<p><u>B</u></p> <p><u>B</u></p>	
<p>117. § 24.2-923. Filing schedule for persons and political committees.</p>		
<p>F. The State Board shall provide for a "no activity" report that may be filed for <u>any period set out in subsection C in which the filer has no activity to report</u>.</p>	<p><u>B</u></p>	
<p>118. § 24.2-923.1. Dormant committees.</p>		
<p>The State Board <u>may close the file of any committee provided (i) the committee has not filed a final report pursuant to § 24.2-923 or notified the Board pursuant to § 24.2-908 that it has disbanded or determined it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$200; (ii) the committee has not filed any reports within the prior five years; and (iii) the Board cannot locate any of the officers listed on the committee's most recent statement of organization</u>. Once the file has been closed, no more reports will be due and no additional fines for failure to file will accrue. However, if the whereabouts of any officer listed on the most recent statement of organization later becomes known to the Board, it <u>may reopen the file and send notice to such officer</u> requesting that he file the appropriate reports or notice and pay any fines which were levied before the file was closed by it.</p>	<p><u>B</u></p> <p><u>B</u></p>	
<p>119. § 24.2-926. Custody of reports; inspection and copying.</p>		
<p><u>Every officer or electoral board, other than the State Board</u>, with whom reports are required by this chapter to be filed, shall file and preserve such reports and keep them as part of the office's records for at least one year after the final report</p>	<p><u>n/a</u></p>	

is filed, or through the next general election for the office to which they pertain, whichever is later, or in the case of a candidate who has not filed a final report and seeks election to the same office in a successive election, through the next general election for the office to which they pertain. The **State Board** shall file and preserve as part of its records the reports required by this chapter to be filed with it for at least one year after the final report is filed, or in the case of a candidate who has not filed a final report and seeks election to the same office in a successive election, through the next general election for the office to which they pertain.

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Thereafter, the **State Board** shall forward the reports it preserves to The Library of Virginia for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).

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120. § 24.2-927. Failure to report or filing of late report a violation; certain extensions; penalties.

A. Either the failure to file any report or the late filing of any report required by this article shall constitute a violation of this chapter subject to the penalties provided in §§ 24.2-929 and 24.2-930.

B. Notwithstanding any other provision of law, any candidate or treasurer required to file a report pursuant to this article shall be entitled to a 72 -hour extension of the filing deadline if his spouse, parent, grandparent, child, grandchild or sibling died within the 72 hours before the deadline. The **State Board** or the local electoral board shall be authorized to grant an extension of the filing deadline for a period not to exceed five days for good cause shown by the filer and found by the **Board** or board sufficient to justify the granting of the extension.

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C. The **Secretary** shall have additional authority to extend a deadline established in this article for filing reports in emergency situations that interfere with the timely filing of reports. The extension shall be limited in scope to the areas and times affected by the emergency. The provisions of this subsection shall be applicable only in the case of an emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States and confirmed by the Governor by executive order as an emergency for the purposes of this subsection.

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D. The **Secretary** shall have additional authority to extend a deadline established in this article for filing reports for a reasonable period for a candidate who serves as his own campaign treasurer and who is a member of a uniformed service of the United States called to active duty during a reporting period.

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121. § 24.2-928. Reporting of certain violations; penalties.

A. It shall be the duty of the **State Board** to report any violation of the provisions of Article 4 (§ 24.2-914 et seq.) of Chapter 9 of this title to the appropriate attorney for the Commonwealth. The **State Board** shall report to the attorney for the Commonwealth of the City of Richmond in the case of reporting requirements for statewide campaigns and for political committees and to the attorney for the Commonwealth of the county or city of the residence of a candidate for the General Assembly. If all the officers of a political committee are residents of one county or city as shown on the statement of organization filed by the committee pursuant to § 24.2-908, the **State Board** shall report violations for that political

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committee to the attorney for the Commonwealth of that county or city.

B. It shall be the duty of the electoral board of a county or city to report any violation of the provisions of Article 4 (§ 24.2-914 et seq.) of Chapter 9 of this title relating to the filing of reports with the electoral board to the attorney for the Commonwealth for the county or city in which the electoral board has jurisdiction.

C. In order to fulfill the duty to report violations pursuant to subsections A and B, the Board shall establish and implement a system for receiving, cataloging, and reviewing reports filed pursuant to the provisions of Article 4 (§ 24.2-914 et seq.) of Chapter 9 of this title and for verifying that reports are complete and submitted on time. As part of the system referred to in this subsection, the general registrar for each county and city, or the secretary of the electoral board in any county or city in which the electoral board chooses to perform the duties stated in this subsection, shall be required, in accordance with instructions provided by the Board, to receive, catalog, and review the reports filed with the local electoral board and to verify that the reports are complete and submitted on time.

The State Board, or the general registrar or secretary of the electoral board,

in accordance with the instructions of the State Board, shall notify, no later than 14 days after the report due date, any person submitting an incomplete report of the need for additional information.

The State Board, or the general registrar or secretary of the electoral board

in accordance with the instructions of the State Board, may request additional information to correct obvious mathematical errors and to fulfill the requirements for information on the reports.

D. The State Board,

and the general registrar or secretary of the electoral board in accordance with the instructions of the State Board,

(i) shall assess and collect the civil penalties provided in § 24.2-929 and (ii) if unable to collect the penalty, shall report the violation to the appropriate attorney for the Commonwealth for enforcement.

Each locality shall advise the State Board of penalties assessed, collected and reported to the attorney for the Commonwealth.

E. In the case of any committee that is required to file a statement of organization pursuant to § 24.2-908 but excluding campaign committees, the State Board shall be authorized to waive a penalty that has been assessed if the filer demonstrates that there exists good cause to waive the penalty.

122. § 24.2-929. Penalties for violations of chapter.

A. Any person who violates, or aids, abets, or participates in the violation of, this chapter shall be subject to a civil penalty not to exceed \$50, unless a greater penalty is imposed as follows:

3. In the case of a violation of Article 4 (§ 24.2-914 et seq.) of Chapter 9 of this

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title, that relates to the failure to file a required report by the deadline specified in Article 4, he shall be assessed a civil penalty not to exceed \$500. In the case of a second or any subsequent such violation pertaining to one election cycle, he shall be assessed a civil penalty of \$500 for each such failure to file. The **State Board** shall assess the civil penalty imposed by this subdivision and shall notify the public through the Internet of the violation and identity of the violator.

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Upon notice of a violation of this chapter by the **State Board** or the general registrar or local electoral board, as appropriate, the attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties and penalties assessed by the **State Board** or the local electoral board as provided herein. Any civil penalties collected pursuant to action by the **State Board** shall be payable to the State Treasurer for deposit to the general fund; and any civil penalties collected pursuant to action by a general registrar or local electoral board shall be payable to the treasurer of the locality for deposit to its general fund. The statute of limitations applicable to a violation of this chapter is stated in § 19.2-8. There shall be a rebuttable presumption that the violation of this chapter was willful if the violation is based on a person's failure to file a report required by this chapter and his failure to file continues for more than 60 days following his actual receipt of written notice of his failure to file sent to him by certified mail, return receipt requested, by the **State Board** or an electoral board. Such notice shall be sent to the most recent mailing address provided by the candidate or committee. Prior to assessing a penalty pursuant to this section for the filing of an incomplete report, the **Secretary** of the **State Board** or the general registrar or secretary of the local electoral board, as appropriate, shall notify, in writing, the candidate and treasurer, or person or political committee required to file a report with that board, that a filed report has not been completed, citing the omissions from the report. No penalty shall be assessed if the information required to complete the report is filed within 10 days of the date of mailing the written notice.

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C. If the information required to complete the report is not filed within the 10-day period, the **Secretary** of the **State Board** or the general registrar or secretary of the local electoral board, as appropriate, shall then assess against the candidate and treasurer, who shall be jointly and severally liable, or person or political committee required to file a report, a civil penalty not to exceed \$300.

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The **Secretary** of the **State Board** or the general registrar or secretary of the local electoral board may grant an additional period for compliance, not to exceed two weeks, to permit the completion of a filed report for good cause shown and in response to a request filed within the 10-day period. However, no additional period shall be granted thereafter for compliance.

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D. The additional periods for filing specified in subsections B and C shall apply only to the completion of a timely filed report and not to any case of a failure to file a required report by the specified deadline, the length of the delinquency shall be a factor in determining the amount of the civil penalty assessed. The **State Board** shall notify the public through the Internet of any violation based on the failure to file a required report by a candidate for statewide office or the General Assembly and the identity of the violator.

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F. In the case of any other violation of this title that is to be enforced under this section, the electoral board for the locality in which the violation occurred, if the violation was by or on behalf of a candidate for local office or to influence a local ballot issue, or the **State Board** if the violation was by or on behalf of a candidate

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<p>for any other office or to influence any other ballot issue, <u>shall determine whether a violation was committed and assess the appropriate civil penalty, if any.</u></p> <p>If it appears that a criminal violation has occurred, the electoral board or State Board shall not assess a penalty but shall forward the complaint to the appropriate attorney for the Commonwealth.</p> <p>G. The State Board shall determine the schedule of fines required to be followed by its staff and local electoral boards in assessing penalties under this section. No election official or staff may waive or reduce such fines, except as provided above.</p> <p>123. § 24.2-930. Civil penalties for late and incomplete filings for statewide campaigns.</p> <p>A. In addition to the penalties provided in § 24.2-929, any candidate for Governor, Lieutenant Governor, or Attorney General, and his campaign treasurer, who fail to file any report required in § 24.2-916 in a timely manner or file an incomplete report <u>may be assessed a civil penalty by the Secretary of the State Board pursuant to this section.</u></p> <p>124. § 10.1-528. Expenses and publication of results.</p> <p>The expenses of such elections shall be paid by the counties or cities concerned. <u>The State Board of Elections shall publish, or have published within the district, the results of the election.</u></p> <p>125. § 30-19.10. Distribution of information on proposed questions to be submitted to voters.</p> <p>Whenever a statewide referendum on a matter other than a constitutional amendment is submitted to the voters by the General Assembly, the State Board of Elections <u>shall cause to be printed and distributed to the general registrar of each county and city, not less than ninety days prior to the election, copies of an explanation of the referendum to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election.</u> The State Board of Elections <u>also shall cause the explanation to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the referendum.</u></p> <p>The explanation shall contain the ballot question and a statement of not more than 500 words on the proposed question. The explanation shall be presented in plain English, shall be limited to a neutral explanation, and shall not present arguments by either proponents or opponents of the proposal. The Division of Legislative Services, in consultation with such agencies of state government as may be appropriate, including the Office of the Attorney General, shall prepare the explanation. The explanation shall be approved for distribution as to form and content by the Committee on Privileges and Elections of the house of introduction of the legislation authorizing the referendum. For purposes of this section and § 30-19.9, "plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily</p>	<p><u>B</u></p> <p><u>B</u></p> <p><u>S</u></p> <p><u>D</u></p> <p><u>D</u></p> <p><u>D</u></p>	
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is limited to a particular field or profession.

Any failure to comply with the provisions of this section shall not affect the validity of the statewide referendum.

126. § 30-19.9. Distribution of information on proposed constitutional amendments to voters.

When a proposed amendment is to be submitted to the people for their approval and ratification pursuant to Article XII, Section 1 of the Constitution of Virginia and § 30-19, the **State Board** of Elections shall cause to be printed and distributed to the general registrar of each county and city, not less than ninety days prior to the election, copies of an explanation of such amendment to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election. The **State Board** shall post the explanation on its site on the Internet. It also shall cause such explanation to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the election at which the proposed amendment is to be presented to the people.

The explanation shall contain the ballot question, the full text of the proposed constitutional amendment, and a statement of not more than 500 words on the proposed amendment. The explanation shall be presented in plain English, shall be limited to a neutral explanation, which may include a brief statement on the effect of a "yes" and "no" vote on the question but shall not include arguments submitted by either proponents or opponents of the proposal. The Division of Legislative Services, in consultation with such agencies of state government as may be appropriate, including the Office of Attorney General, shall prepare an explanation for any such proposal which is approved by the General Assembly on first reference and referred to the next regular session of the General Assembly following the general election of members of the House of Delegates. The explanation shall be approved for distribution as to form and content by the Committee on Privileges and Elections of the first house of introduction of the resolution proposing the amendment as soon as practicable after enactment of the ballot question.

Any failure to comply with the provisions of this section shall not affect the validity of the constitutional amendment.

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