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STATE BOARD *of* ELECTIONS

BOARD MEETING

Tuesday, March 3, 2015
Washington Building
Room B27
2:00PM

SBE Board Working Papers

STATE BOARD OF ELECTIONS
AGENDA

DATE: March 3, 2015
LOCATION: Washington Building, Room B27
TIME: 2:00 p.m.

I. CALL TO ORDER	*James B. Alcorn* *Chairman*
II. APPROVAL OF MINUTES **February 4, 2015**	*SBE Board Members*
III. COMMISSIONER'S REPORT	*Edgardo Cortés* *ELECT Commissioner*
IV. REPORT FROM LEGAL COUNSEL	*Anna Birkenheier* *SBE & ELECT* *Legal Counsel*
V. OLD BUSINESS	
a) SB11 Update- Workgroup Recommendation	*Edgardo Cortés* *ELECT Commissioner*
b) Process for Certifying Elections	*James B. Alcorn* *Chairman*
VI. NEW BUSINESS	
A. GREB Workgroup	*Edgardo Cortés* *ELECT Commissioner*
B. Administrative Code **a)** Administrative Code – 1 VAC 20-20-10 **b)** Administrative Code –1 VAC 20-20-30 **c)** Administrative Code – 1 VAC 20-20-60	*Martha Brissette* *ELECT Policy Analyst*

VII. OTHER BUSINESS & PUBLIC COMMENT
VIII. GOOD OF THE ORDER
IX. ADJOURNMENT

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Approval of Minutes
February 4, 2015

BOARD WORKING PAPERS
SBE Board Members

MINUTES

The State Board of Elections Board Meeting was held on Wednesday, February 4, 2015. The meeting was held in the Washington Building, Room B27, Richmond, Virginia. In attendance, representing the State Board of Elections (SBE) was James Alcorn, Chairman; Matthew Gray, Vice Chairman; Singleton McAllister, Secretary. Also in attendance, representing the Department of Elections (ELECT) was Edgardo Cortés, Commissioner; Elizabeth Howard, Deputy Commissioner; and Rose Mansfield, Clerk. Kristina Perry Stoney, Senior Assistant Attorney General and Counsel to SBE and ELECT attended. Chairman Alcorn called the meeting to order at 2:00PM.

The first order of business was an introduction of the newly sworn-in members of the Virginia State Board of Elections whose term initiated on February 1, 2015. Chairman James Alcorn, Vice Chairman Matthew Gray, and Secretary Singleton McAllister each provided an overview of their professional background and expressed enthusiasm for their upcoming term.

The Honorable Governor Terry McAuliffe approached the podium to address SBE Board Members. Governor McAuliffe welcomed the Board Members to the Virginia State Board of Elections. Governor McAuliffe thanked the Secretary of Administration; Nancy Rodrigues, ELECT Commissioner Edgardo Cortés, Deputy Commissioner Elizabeth Howard, Kristina Perry Stoney; Senior Assistant Attorney General, and the entire elections team for their hard work. Governor McAuliffe welcome aboard Board Members and thanked all for the hard work they are about to undertake.

The first order of business was the Commissioner's Report delivered by Commissioner Cortés. Commissioner Cortés stated that ELECT is tracking 150 legislative bills associated to elections during this session. Commissioner Cortés stated that ELECT is working on the list maintenance procedures.

The next order of business was the Legal Report presented by Kristina Perry Stoney, Senior Assistant Attorney General. Ms. Stoney requested an executive closed session. Ms. Stoney noted that Anna Birkenheier, Assistant Attorney General, was unavailable for this Board Meeting due to a work related commitment and would be providing Freedom of Information Act (FOIA) and Conflict of Interest Act (COIA)

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training to the Board Members in addition to attending the SBE Board Meetings on a regular basis. Chairman Alcorn stated that an executive closed session would be conducted at the close of business.

The next order of business was the Electronic Participation in Meetings-Policy presented by Edgardo Cortés, ELECT Commissioner. Commissioner Cortés stated that ELECT previously proposed a policy regarding electronic participation by Board Members during meetings in the case of an emergency or personal matter of a member. Commissioner Cortés stated that a policy has been drafted based on the code requirements. Chairman Alcorn asked: "Is this a broad policy?" Martha Brissette, ELECT Policy Analyst, stated: "The code has two provisions for electronic meetings and this policy allows a member to participate remotely from a location that is not public." Vice Chairman Gray stated that there is a requirement that two members are present and only a third member could call-in remotely. Secretary McAllister stated that this would be applicable for executive sessions. Ms. Brissette stated that both statements were correct under this policy. Vice Chairman Gray moved *that the Board approve the proposed policy to allow members of the State Board of Elections to participate electronically in meetings effective immediately*. Secretary McAllister seconded the motion and Chairman Alcorn asked if there were public comments. Robin Lind, Secretary of the Goochland Electoral Board approached the podium. Mr. Lind asked if there was a copy of the proposed policy on-line. Rose Mansfield, SBE Clerk, stated that the policy was posted on the ELECT website. Chairman Alcorn asked if there were additional public comments and there were none. The Board unanimously approved the motion.

The next order of business was the SB11 Update-Workgroup Recommendations presented by Edgardo Cortés, ELECT Commissioner. Commissioner Cortés stated that SB11 was adopted in 2014, which provides for the electronic return of ballots by uniformed military members. SBE is required to establish a working group to outline the details of how this program will function before the bill returns to the general assembly next year for final approval. Commissioner Cortés stated that a Request for Information (RFI) has been distributed to solicit information and to provide feedback to ELECT. Commissioner Cortés presented a list containing the names of suggested individuals to

consider as members of the workgroup and stated that the Board Materials contain a draft project charter for the members to review.

Vice Chairman Gray asked if ELECT has spoken to the leadership about the selection of members for the workgroup. Commissioner Cortés stated that the legislators that were selected for this workgroup were co-patrons of SB11 and other suggested members would need to be contacted to check their current availability. Secretary McAllister asked: "Do we know if there are some best practices adopted by other states?" Commissioner Cortés stated that discussions have been held with other states who have implemented similar legislation. Matt Davis, ELECT Chief Information Officer, stated that a RFI has been submitted through the Department of General Services (DGS) and ELECT will receive information on proposed systems that will be reviewed by ELECT. Mr. Davis stated a balance would have to be achieved between the security of the system and economic impact. Vice Chairman Gray stated that there was concern about party representation and recommendations from the parties should be received before establishing the workgroup membership. This action is needed to cement the support extended to the workgroup members who are selected and their project goals. Secretary McAllister stated that support for a workgroup is essential during the initiation stage to have a win-win situation and with the recommendation of activating the group in April 2015; we have the opportunity to review the suggested membership and charter before the Board. Vice Chairman Gray moved *that the SB11Update-Workgroup Recommendations be tabled until the next SBE Meeting.* Secretary McAllister seconded the motion and without public comment the Board unanimously approved the motion.

The next order of business was the Administrative Code updates presented by Edgardo Cortés, ELECT Commissioner. Commissioner Cortés stated as a result of the change of structure, of the now Department of Elections, that occurred in July, 2014, several administrative code sections require updating. The position of commissioner needs to be inserted in the code with previously aligning responsibilities of the secretary who was the previously designated agency head. Chairman Alcorn stated that a review of the code(s) indicate that a cleanup of terminology related to position titles was necessary. This requires being sent out for public comment to make the changes to the regulations. Ms. Stoney offered assistance in reviewing the regulations to advise the Board Members

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of the appropriate promulgation process prior to regulatory action and placement of the proposed regulatory amendments on the Regulatory Town Hall for public comment. ELECT staff will collaborate with the attorney general's office before presenting regulatory action to the Board to determine whether the formal regulatory process is required. Vice Chairman Gray moved *that the review of the administrative codes presented during this meeting be tabled until the next available Board Meeting.* Secretary McAllister seconded the motion and the Board unanimously approved the motion.

The next order of business was the Certifying Elections Process introduced by James Alcorn, SBE Chairman. Chairman Alcorn stated that having observed numerous elections and previously taken part in the certification of those elections an introduction to a conversation of the process was desired. Chairman Alcorn stated that both SBE and ELECT staff members should collaborate on this process. Placing consideration to the improvement of the election process as there is an opportunity to learn from previous elections and lessons that can be shared from the election experience.

Chairman Alcorn asked Matt Abell, Senior Election Administrator, to explain the certification process. Mr. Abell explained the process and associated details of certifying elections in the commonwealth. Mr. Abell stated that ELECT staff is in constant communication with the localities during the process and reviews all associated reports. The written statements are then communicated to the Board Members, during the certification process, and Board Members certify that the vote totals are correct before signing the abstracts. Chairman Alcorn stated that there is comfort in knowing that the quality control checks are completed prior to the abstracts being introduced to Board Members for certification. Chairman Alcorn thanked ELECT staff members for the quality of their work and their tireless efforts. The focus should be on how to improve the quality of elections and to look for best practices to ensure uniformity across the commonwealth. Chairman Alcorn stated that he would like to promote the sharing of information between the localities and SBE Board Members. The creation of a workgroup would be desirable to facilitate this goal. Secretary McAllister offered support for the establishment of a workgroup to study the subject presented and suggested the inclusion of the information technology staff. Vice Chairman Gray also expressed support.

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Commissioner Cortés stated that if an official working group is established by SBE that ELECT supports, the consideration of the administrative tasking, to include staff expertise to research and develop information, should be considered. Commissioner Cortés stated that he was supported of the concept of the working group but, would defer until ELECT staff could visit the goals internally and submit a plan to SBE Board Members prior to the formal establishment of a workgroup. Chairman Alcorn stated that this suggestion was open for consideration and representatives from the Virginia Electoral Board Association (VEBA), Virginia Registrars Association of Virginia (VRAV), and other organizations should be included in the workgroup. Chairman Alcorn asked if there were public comments and there were none. Chairman Alcorn stated that advisement from the commissioner on how to proceed would be welcomed in the near future.

Chairman Judd opened the floor to other business and public comment. Therese Martin, Virginia League of Women's Voters approached the podium. Ms. Martin welcomed the new Board Members and stated that the league is in agreement with the comments of the governor made during this meeting about the necessity of making it easier to vote for all Virginia's citizens. Chairman Alcorn asked if there were additional public comments and there were none.

Chairman Alcorn then moved *to close the meeting to discuss actual and probable litigation matters and specific legal matters requiring the provision of legal advice by legal counsel as authorized by § 2.2-3711(A)(7) of the Code of Virginia.* Vice Chairman Gray seconded the motion and the Board unanimously carried the motion. Chairman Alcorn directed Matthew Gray, Vice Chairman; Singleton McAllister, Secretary; Kristina Perry Stoney; Senior Assistant Attorney General and SBE Counsel; Anthony F. Troy, Eckert Seamans-Attorneys at Law and Daniel A. Glass, Eckert Seamans-Attorneys at Law, to remain with the Board during the closed session. The Board went into Executive Session at 3:10PM.

At 3:45PM Chairman Alcorn *moved to reconvene in open session and a roll call vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously certifying that during the closed meeting (i) only public business matters lawfully exempted from open meeting requirements under this chapter, and (ii) only such public*

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business matters as were identified in the motion by which the closed meeting was concerned were heard, were discussed or considered. Vice Chairman Gray seconded the motion and the Board unanimously approved the motion. Rose Mansfield, Clerk, performed the roll call vote and all Board Members approved the motion.

Chairman Alcorn asked if there were comments for the Good of the Order. Vice Chairman Gray stated that he was looking forward to working with the Board. Secretary McAllister stated that she was looking forward to making Virginia the best state in the union in the area of voting in the commonwealth. Chairman Alcorn stated that a Board Meeting schedule should be established.

Chairman Alcorn asked if there were additional comments and there were none.

Chairman Alcorn moved *that the Board adjourn*. Vice Chairman Gray seconded the motion and without further comment the Board voted to adjourn. The meeting was adjourned at approximately 5:15PM.

The Board shall reconvene on March 3, 2015 at 2:00PM in the Washington Building, 1100 Bank Street, Room B27, Richmond, Virginia.

_____

Secretary

_____

Chair

_____

Vice Chairman

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Call to Order

BOARD WORKING PAPERS

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Commissioner's Report

BOARD WORKING PAPERS

Edgardo Cortés
Commissioner
Department of Elections

2015 Legislative Session - Passed Both Houses

Bill ID	Bill Description	Bill Category	Bill Status
HB1296	Members of the United States Congress; filling vacancies.	Ballot Access	Passed Both
HB1315	Jury commissioners; lists of unqualified persons transmitted to State Board of Elections.	List Maintenance	Passed Both
HB1318	Applications for absentee ballots; photo identification required.	Absentee	Passed Both
HB1332	House of Delegates districts; technical adjustment.	Redistricting	Passed Both
HB1333	Polling places; designation of authorized representatives of political parties.	Election Day Procedures	Passed Both
HB1417	House of Delegates districts; technical adjustments.	Redistricting	Passed Both
HB1433	General registrars; reassigning duties of the electoral board.	Duties of Officers of Elections & SBE	Passed Both
HB1460	Campaign finance reports; ends pre-election reporting period for certain reports.	Campaign Finance	Passed Both
HB1473	General registrars; appointment from adjoining locality.	Other	Passed Both
HB1538	Voter identification; reasonable match of identification and pollbook name.	Election Day Procedures	Passed Both
HB1653	Voter identification; accepted forms of identification.	Election Day Procedures	Passed Both
HB1699	House of Delegates districts; technical adjustment to Districts 26 and 26 in Rockingham County.	Redistricting	Passed Both
HB2056	Election administration; lists of registered voters and persons who voted in certain elections.	Absentee	Passed Both
HB2062	Elections administration; pre-election and post-election activities.	Administration	Passed Both
HB2379	Voter list maintenance; use of interstate cross-check data.	List Maintenance	Passed Both
HB2397	Uniform Military and Overseas Voters Act; efficiencies reforms.	Absentee	Passed Both
SB0816	Absentee voting; reason for application.	Absentee	Passed Both
SB0871	Political campaign advertisements; includes yard signs in definition of print media.	Ballot Access	Passed Both
SB0986	Senate districts; adjustment.	Redistricting	Passed Both
SB1062	Presidential elections; number of officers of election and ballot scanner machines.	Voting Equipment	Passed Both
SB1066	Elected offices; term of officer elected to fill vacancy, filling vacancies in U.S. Senate & House.	Ballot Access	Passed Both
SB1084	General Assembly districts; technical adjustments.	Redistricting	Passed Both
SB1089	Constitutional office; filling a vacancy.	Administration	Passed Both
SB1092	General registrars; reassigning duties of the electoral board.	Duties of Officers of Elections & SBE	Passed Both
SB1237	Senate districts; adjustments.	Redistricting	Passed Both
SB1350	Voter registration; cancellation of registration by general registrar.	List Maintenance	Passed Both
SB1351	Polling place; authorized representative of political party, permitted handheld wireless devices.	Election Day Procedures	Passed Both

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Legal Report

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Anna Birkenheier
Assistant Attorney General

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Old Business

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SB11 Update Workgroup Recommendation

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Edgardo Cortés
ELECT Commissioner

REQUEST FOR INFORMATION (RFI)
RFI #EKB-2015-0106

< This is NOT a Bid Solicitation >

The Department of General Services (DGS), at its sole discretion, may or may not issue a solicitation as a result of this RFI.

TITLE: Military / Overseas Online Balloting **ISSUE DATE:** **January 06, 2015**

CONTRACTING OFFICER: Ebony K. Beaver, CPPB, VCO, VCA
PHONE (804) 786-8425 **E-mail:** ebony.beaver@dgs.virginia.gov

RESPONSES DUE: Wednesday, February 11, 2015 02:00PM

Prospective suppliers requesting clarification on this RFI must submit questions **in writing** to Ebony K. Beaver, CPPB, VCO, VCA, via email at: ebony.beaver@dgs.virginia.gov, no later than 5:00PM on **Wednesday February 4, 2015.** No questions will be answered by telephone. **No prospective supplier or vendor is to directly or indirectly contact any employee, board member, agent or representative of the Virginia State Board of Elections, or the Virginia Department of Elections (ELECT) regarding this RFI.**

This public body does not discriminate against faith-based organizations in accordance with the Code of Virginia or against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by State law relating to discrimination in employment. This public body complies with the Department of General Services' Division of Purchases and Supply *Agency Procurement and Surplus Property Manual* and the *Vendors Manual,* and the *Code of Virginia*, § 2.2-4310a and § 2.2-4343.1d.

I. PURPOSE OF RFI

This RFI is being issued by the Department of General Services (DGS) for the purpose of assisting the Virginia Department of Elections (ELECT) in the feasibility of providing eligible uniformed services voters deployed outside of the United States to return a voted absentee ballot securely and electronically in a manner that ensures integrity, confidence and accuracy of the vote. Authorizing legislation, 2014 Virginia Acts of Assembly Chapter 604, is available at http://leg1.state.va.us/cgi-bin/legp504.exe?141+ful+CHAP0604.

This RFI's goal is to:

1. survey the marketplace as it relates to the type/s of services and suppliers currently available for this purpose;
2. solicit, collect and assess information from qualified potential vendors regarding their experience and capabilities;
3. assess potential budget constraints, technology, process methodologies;
4. and to assess other possible factors to determine the most secure and auditable methodology.

This RFI is solely intended to gather information; **it is not a procurement.**

II. OBJECTIVE

The objective of this RFI is to obtain information from industry leaders about all factors that may bear upon any secure electronic return of voted ballots program and/or system that might be contemplated. Any response to this RFI should include, but is not limited to:

1. program or system development, production, training, deployment/distribution and scalability;
2. program or system management and/or administration;
3. security and fraud prevention;
4. business intelligence, data management, analytics, and dashboard features (if any);
5. policy and regulatory development (if needed);
6. any other component, feature, or activity integral to the deployment or administration of any such statewide program or system for use in the secure distribution and return of voted absentee ballots from eligible uniformed services voters deployed outside the United States

Information provided should include product information and specifications concerning any overall program system and/or service, as well as any information relative to any and all integral components to the aforesaid program, system and/or services, to include training, maintenance and technical support services, and pricing.

Maintenance and technical support and services are to include, but are not limited to, design, installation, training, asset management/reporting, maintenance, and warranty of hardware and software products provided under a master ordering agreement.

All respondents are encouraged to review the Department of Elections' Military and Overseas voting information page on the web site to become familiar with the Commonwealth of Virginia's specific requirements at http://elections.virginia.gov/index.php/registration/military-overseas/ .

This information may potentially assist the Department of Elections in providing guidance to the General Assembly regarding the implementation of legislation related to this RFI, and with the development of requirements for any potential future Request for Proposals (RFP).

III. REQUIREMENTS

The intent is that any proposed Solution should support the online distribution of absentee ballots to eligible uniformed services voters outside the United States, the secure return of those online voted ballots, proof that these voted ballots can be securely transmitted from the voter to their respective local election office for printing, and proof that the secrecy of the ballot can be maintained. In addition, the use of the U. S. Department of Defense's Common Access Card (CAC) for authentication and/or verification of a voter's identity for secure return of ballots is strongly desired.

A. Design Requirements

i. The ballot creation, delivery and marking solution must meet all State and federal website design guidelines and standards, including accessibility standards and security standards.

ii. The solution must be hosted at the Commonwealth's Enterprise Server Center in Chester, VA on equipment operated by the Virginia Information Technologies Agency (VITA) and Northrop Grumman (NG) partnership. Detailed specifications for server, licensing and networking needs should be included in the response. (Additional information may be found at www.vita.virginia.gov).

B. System/Technical Requirements

i. The Commonwealth seeks a completely web-based solution, meaning that all applications (e.g., maintenance portals, end user interface and reporting) are available to approved users and appropriate login rights via the current version of all standard web browsers, such as, but not limited to: Explorer, Mozilla Firefox, Google Chrome, and Safari.

ii. The front or "start" page of the Services website must be password protected to prevent unauthorized users from accessing or viewing any content or material within the application.

iii. The Solution shall provide authorized users the ability to access the Service via the internet twenty-four (24) hours per day, seven (7) days per week, and 365 days per year. Ideally, web browsing software shall be the only tool necessary to access the application. If the solution requires other tools (e.g., CAC card reader, Adobe Flash Player, etc.) please provide a list of those necessary tools.

iv. The application shall accommodate, at a minimum, 10,000 registered users.

v. The application shall accommodate, at a minimum, 5,000 simultaneous users.

vi. The application must not require the user to pay for the download of any software to leverage the online content.

vii. Application must have the ability to be accessible and to operate on PC's utilizing low bandwidth and/or dial-up internet access.

viii. The application itself must be password protected for access, moderations, and control.

ix. Access to the application must not be limited to any group of IP addresses.

x. The application shall include contingencies and alternatives to address emergencies and system failures or shutdowns.

xi. The application shall not allow for any outside pop-up windows and/or advertisements to display at any time during a user's session.

xii. Solution shall comply with all provisions of the then-current Commonwealth of Virginia security procedures published by the Virginia Information Technologies Agency ("VITA") and which may be found at:

http://www.vita.virginia.gov/library/default.aspx?id=537#securityPSGs or a successor URL(s), as are pertinent to Contractor's operation.

C. Ballot Creation

i. Each of Virginia's 133 localities will be able to manage its individual ballot styles within the system. Data can be provided by the Department of Elections for the ballots and their associated precincts, but each locality should have the ability to finalize and approve its ballot styles.
ii. The system shall handle a federal-only ballot style for federal elections and state-only ballot style for statewide office elections.

D. Ballot Distribution

i. All Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) eligible voters with active, approved absentee applications entered into the statewide voter registration system can access their ballots using this system.
ii. Each locality will be able to send a link via e-mail to its eligible voters inviting them to access their ballot through the system.
iii. The voter will access a secure website, authenticate to the website and then view their ballot. The correct and full ballot style will be presented to the voter.
iv. The ballot distribution website must meet all state and federal website design guidelines and standards, including the Americans with Disabilities Act (ADA) accessibility standards.
v. The voter can print the ballot and ballot return package information without marking it so that the ballot may be completed and returned by mail. The printed ballot and package shall scale to print on paper sizes A4 and 8.5"x11".

E. Marking Ballots

i. Voter can mark the ballot online and review their selections before finalizing the ballot.
ii. Voter can enter write-in candidates when allowed under state and federal law. (Write-ins are not allowed for primary elections in Virginia).
iii. System should alert the voter if they under or over vote and provide an opportunity for the voter to correct the issue.
iv. The voter can print the marked ballot and ballot return package information so that the ballot can be signed and returned by mail. The printed ballot and package shall scale to print on paper sizes A4 and 8.5"x11".

F. Secure Return of Ballots

i. Only voters with an active, approved absentee voting request with a reason code representing that they are an eligible uniformed services voter deployed outside the United States can return a ballot electronically. UOCAVA voters who are not deployed overseas can access the system, but must print and return their ballot either in person or by mail.
ii. Absentee ballots being submitted require a signature from the voter and a witness. 2014 *Acts of Assembly* Chapter 604 amends *Code of Virginia,* § 24.2-706 to allow for the modification of the voter statement to make it compatible with electronic submission which could include removal of the witness feature.
iii. Only one (1) marked ballot can be submitted by each voter.
iv. Voter should be able to see the status of their submitted ballot at all times.

v. Voter should receive email confirmation that the ballot was successfully cast.
vi. Ballot should be returned to the correct local election office in a secure way, ensuring voter privacy. A certification of the recorded submission as cast would be preferred.

G. Other Considerations

i. Secrecy of voted ballots shall be maintained.
ii. Auditing controls shall be in place to identify and prevent fraudulent activity.
iii. The system should not tally any votes.

H. Management Platform

i. Provide a uniform, interactive solution that can be managed by the Department of Elections using separate user accounts based on user access roles.
ii. Marked ballots can only be accessed/viewed by the local election official(s) representing the locality where the ballot is cast.

I. Reports

i. Customizable
ii. Provide statistical information for online votes requested, approved, denied, and cast based on user access roles while maintaining privacy of the votes.
iii. Detailed audit log of all actions associated with using the system.
iv. Application shall be capable of generating user reports in any one or more of the following file formats:
    a. Text (.txt)
    b. Rich Text Format (.rtf)
    c. Microsoft Word (.doc or .docx)
    d. Adobe Acrobat (.pdf)
    e. Excel (.xls or xlsx)

Prospective suppliers are encouraged to submit information regarding their services, capabilities, costs, prior experience, examples of work performed, lists of US states where the system is currently in use, and any other information deemed pertinent in accordance with the information requested in this RFI.

The Commonwealth is investigating the market to assess available suppliers, information, services, capabilities, methodologies, processes, etc. prior to possibly conducting a formal procurement for the Goods and Services described above.

IV. TERMS AND CONDITIONS SPECIFIC TO THIS RFI

A. **General Terms and Conditions:** The Commonwealth of Virginia General Terms and Conditions are hereby incorporated into this RFI by reference. A copy of these General Terms and Conditions may be obtained by contacting the Contracting Officer whose name appears on the front of this RFI or by visiting: http://www.eva.virginia.gov/library/files/APSPM/Appendix_B_Sect_I_APSPM.pdf

B. **Proprietary Information/Disclosure:** Respondent is advised that the Virginia Public Procurement Act (Section §2.2-4342F, *Code of Virginia,* as amended*)* shall govern public inspection of all records submitted by Respondent. Trade secrets or proprietary information submitted by a Respondent in conjunction with this RFI are not subject to public disclosure under the Virginia Freedom of Information Act; however, Respondent must invoke the

protection prior to or upon submission of the data or other materials. Respondent must provide a statement that identifies the data or other materials to be protected and clearly state why such protection is necessary. Furthermore, Respondent shall submit trade secrets or other proprietary information separately in a sealed envelope clearly marked "PROPRIETARY". Information submitted that does not meet the above requirements will be considered public information in accordance with the Virginia Freedom of Information Act. An all-inclusive statement that the entire information package is proprietary is **unacceptable.** A statement that the Respondent's costs and/or pricing are to be protected is **unacceptable.** Respondent will be required to remove any such statement(s) in order to be eligible for further review.

C. **Disposition of Information Packages:** All materials submitted in response to this RFI shall become property of the Commonwealth of Virginia. The original submittal of each Information Package will be retained for official files. Said package will become a public record and will be open to public inspection subject to the Proprietary Information/Disclosure section of this RFI.

D. **Cost of Responding:** This RFI does not commit the Commonwealth to pay any costs incurred by the Respondent to this RFI or to any other party in the preparation and/or submission of proposals to the RFI or in making necessary studies or designs for the preparation thereof, nor is the Commonwealth obligated to procure or contract for such services.

Proposals should be prepared simply and economically, providing a straightforward, concise description of capabilities to satisfy the requirements outlined in this RFI. The Respondent is responsible for all costs of proposal preparation.

E. **Package submission requirements:** Respondent is required to submit **SIX** (6) hard copies, and one (1) electronic CD copy of their information package. **If the Respondent's proposal contains proprietary information, Respondent should submit an additional one (1) redacted hard copy and one (1) redacted electronic copy.**

F. **Identification of information package envelope:** The Respondent's information package should be contained in a sealed envelope, identified as follows:

From: _____ _____ _____
Name of Respondent Due Date Time

_____ _____
Street or Box Number RFI Number

_____ _____
City, State and Zip Code RFI Title
Name of Contracting Officer: _____

Information packages may be hand-delivered to the designated location in the office issuing the RFI. Packages submitted elsewhere, including to other state or federal agencies, **will not be accepted.**

G. **Presentations/Demonstrations:** The Commonwealth reserves the right to request any, all, or none of the suppliers responding to this RFI to present their response or demonstrate their services for discussion and clarification purposes, and as the Commonwealth deems necessary. In such event, the supplier is under no obligation to present their response to this RFI, but if it were to do so, the supplier would bear all expenses. A supplier should be prepared at such time to physically present their response to this RFI, and be prepared to answer any questions.

H. **SIGNATURE BLOCK**
Respondents to this RFI are **required** to provide the following information and return this page with their information package:

RFI EKB-2015-0106
ELECT MILITARY / OVERSEAS ONLINE BALLOTING

The **undersigned** acknowledges that a response to this RFI is for informational purposes only, that a information package submittal does not bind the Commonwealth to procure or contract with the Respondent for delineated goods and services, this RFI is not a bid solicitation or any form of a procurement, and that the Commonwealth may or may not issue a formal solicitation as a result of information obtained from the RFI.

Company Name: _____	Contractor's TIN: _____
Address: _____	eVA Vendor ID or DUNS Number: _____
City/State/ZIP: _____	Telephone: _____
Signature: _____	Cell: _____
Printed Name: _____	Email: _____
Title: _____	DSBSD SWaM Certification Number: _____ (if applicable)
Date: _____	State Corporation Commission (SCC) Number: _____ (if applicable)

This information below is requested for informational purposes only (please check all that apply):
Corporation: ___ Partnership: ___ Proprietorship: ___ Individual: ___ Woman Owned: ___ Small Business Owned: ___ Minority Owned: ___

NOTE: This public body does not discriminate against faith-based organizations in accordance with the *Code of Virginia*, §2.2-4343.1 or against an Offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.

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STATE BOARD *of* ELECTIONS

Certifying Elections Process

BOARD WORKING PAPERS

James B. Alcorn
SBE Chairman

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STATE BOARD *of* ELECTIONS

New Business

BOARD WORKING PAPERS

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GREB Workgroup

BOARD WORKING PAPERS
Edgardo Cortés
ELECT Commissioner

★ VIRGINIA ★

STATE BOARD *of* ELECTIONS

A Review of Duties and Responsibilities of Electoral Boards and General Registrars

INTRODUCTION

The Code of Virginia establishes general registrars to maintain voter registration records, electoral boards to administer elections, and a State Board of Elections and Department of Elections to supervise and coordinate their work "to obtain uniformity in their practices and proceedings and legality and purity in all elections." Increasing population and rapid advances in technology require study to clarify the lines of authority, reduce duplication of responsibilities, restore efficiencies, establish uniformity of access and exercise of the franchise, and ensure the integrity of the system for the voters of the Commonwealth and their posterity.

Two resolutions in the 2014 session of the Virginia General Assembly proposed studies related to general registrar duties and compensation (HJ22 (Minchew), HJ24 (Webert)). The proposed study resolutions noted more than 20 years have passed since the last comprehensive study by JLARC in 1992. The House Committee on Rules suggested these study requests be referred to the State Board of Elections.

At the May 14, 2014, meeting of the State Board of Elections, the Virginia Electoral Boards Association (VEBA) and the Voter Registrars Association of Virginia (VRAV) presented a resolution requesting a broader study, which would examine the duties and responsibilities of both groups in maintaining voter registrations and administering elections.

The Board voted unanimously to approve the study.

THE STUDY

The Study shall:

(i) analyze existing voter registration data in the 133 localities of the Commonwealth including the cost of administering the current system at both local and state levels

(ii) gather data over a four-year election cycle to identify specific workloads for federal, state, local and primary elections and costs per vote in each locality

(iii) examine the duties of general registrars and electoral board members set out in the Code of Virginia and the Virginia Administrative Code;

(iv) compare those statutory and regulatory duties with the duties currently undertaken by general registrars and electoral board members;

(v) identify any duties generally undertaken by general registrars but currently designated to the electoral boards;

(vi) evaluate the effects on local offices of increases and shifts in the overall number of registered voters in the Commonwealth;

(vii) analyze the impact on the workload of general registrars and electoral board members caused by changes in the manner in which votes are cast on and preceding election day;

(viii) review the educational requirements, qualifications and training of general registrars and electoral board members, and compensation schedules associated with the office;

(ix) identify efficiencies that may be achieved by uniform application of advances in technology utilized for voter registration and election administration;

(x) seek out "best practices" within the Commonwealth and beyond that offer improvements in the elections process

THE WORKGROUP

The Study shall be conducted by a Workgroup appointed by the State Board of Elections consisting of

- Charles Judd, State Board of Elections representative;
- Jean Jensen, Workgroup Co-Chair;
- John Hager, Workgroup Co-Chair;
- Renee Andrews, Virginia Electoral Boards Association representative;
- Mary P. ("Tommie") Doxey, Virginia Electoral Boards Association representative;
- Bill Bell, Virginia Electoral Boards Association representative;
- Larry Haake, Voter Registrars Association of Virginia representative;
- Tracy Howard, Voter Registrars Association of Virginia representative; and
- Barbara Gunter, Voter Registrars Association of Virginia representative.

Department of Elections Staff Martha Brissette and Rose Mansfield will provide administrative and technical support as requested by the workgroup.

The State Board shall request agencies of the Commonwealth to provide assistance to the Workgroup for this Study, as needed.

The Workgroup shall meet at least three times and submit a Report to the State Board of Elections on or before December 31, 2014 with an executive summary of its findings and recommendations. Upon acceptance and approval, the State Board shall transmit the Report to the House and Senate Committees on Privileges and Elections, and to the office of the Governor for such actions as may be necessary and desired.

_____ _____

Co-Chair Date

_____ _____

Co-Chair Date

A RESOLUTION REPORTING THE INITIAL RESULTS OF THE GENERAL REGISTRAR ELECTORAL BOARD (GREB) WORKGROUP COMMISSIONED BY THE VIRGINIA STATE BOARD OF ELECTIONS TO CONSIDER THE DUTIES OF THE ELECTORAL BOARDS AND GENERAL REGISTRARS IN THE COMMONWEALTH OF VIRGINIA

WHEREAS, elections are an essential part of government; and,

WHEREAS, Virginia's conduct and administration of elections in accordance with the 1971 Constitution of Virginia has served as a preeminent example of the highest standards of integrity and fairness towards all candidates and voters; and,

WHEREAS, the Virginia State Board of Elections, under the Code of Virginia, has a fundamental role in interpreting the law, setting policy where the law is unclear and ensuring that elections are conducted fairly and impartially and efficiently in accordance with law; and,

WHEREAS, the Commissioner of the Virginia Department of Elections is the chief administrative officer of the agency and serves, in part, to implement the policies and directives of the Virginia State Board of Elections as well as participating in ensuring uniformity, legality and purity in the conduct of elections; and,

WHEREAS, the duties of general registrars and electoral boards have not been reviewed since the 1992 JLARC study; and,

WHEREAS, both the Voter Registrars Association of Virginia and the Virginia Electoral Board Association resolved it was time for another study; and

WHEREAS, the Virginia State Board of Elections unanimously adopted a resolution on May 14, 2014, establishing a General Registrar and Electoral Board (GREB) Workgroup to study and evaluate the duties of the general registrars and electoral boards members, the effects of increases in population and number of registered voters, the impact on the workload caused by changes in how votes are cast, and the increased educational requirements, qualifications and training of general registrars and electoral board members and compensation schedules associated with the office; and,

WHEREAS, the GREB Workgroup has determined that the duties required of Electoral Boards and General Registrars have significantly increased and become more complex in the past 20 years, due in part to the National Voter Registration Act, the Help America Vote Act of 2002, and the continued passage of additional new legislation by the United States Congress and the Virginia General Assembly; and,

WHEREAS, the GREB Workgroup survey analysis shows that the number of elections in the Commonwealth has increased in the past 20 years: 907 elections for the period 2009 through 2012 compared with 687 elections for the period 1996 through1999 – a 32% increase; and,

WHEREAS, the GREB Workgroup survey of general registrars and electoral board secretaries shows that many of the duties assigned by the Code of Virginia to the Electoral Boards are in fact being performed by the General Registrars, most of these duties relating to elections and voting, and many due to the introduction of technology that specifically excludes Electoral Board participation; and,

WHEREAS, this is the first empirical data that confirms that general registrars work above and beyond the specifications in the Code of Virginia; and,

WHEREAS, a new four-year term for all general registrars of the Commonwealth begins July 1, 2015, it is a highly appropriate time to redefine certain duties and responsibilities; and,

WHEREAS, the execution of these election duties and the formal responsibility and accountability are essential to the high standard of uniformity and integrity of elections in Virginia;

NOW, THEREFORE BE IT RESOLVED on this 17th day of November 2014, by the GREB Workgroup that the following recommendations are made to the State Board of Elections regarding the duties of Electoral Boards and General Registrars:

1. The General Registrar should be designated as “Director of Elections” for the locality being served — this can be accomplished by an amendment to §24.2-114(18), adding language to the effect that “The general registrar shall serve as Director of Elections for the locality”.

2. The Code of Virginia should be modified to reassign duties associated with absentee voting and campaign finance reporting to the General Registrar in the role as Director of Elections, Chapters 7 and 9 respectively in §24.2.

3. The compensation for the General Registrar/Director of Elections should be adjusted to reflect the duties now being formally re-assigned with all due responsibility and accountability. The duties of General Registrar/Director of Elections require a constant availability and service to the population of the locality, accompanied by peak workloads leading up to and following an election. The job requires adherence to complex laws and procedures to ensure integrity and accountability. Such a job pattern is remarkably similar to that of a locality Treasurer: constant service with peak periods during the year and specific legal requirements and guidelines to ensure integrity and accountability. Notwithstanding that Treasurers are elected and General Registrars are appointed, the GREB Workgroup recognizes that the similar work pattern and essential service to the locality are more alike than different and therefore recommends that the salary and population brackets for General Registrar/Director of

Elections be the same as that of the Treasurer, including the additional compensation for completing a subject specific certification program as part of continuing education.

4. The General Assembly should be requested to resume 100% reimbursements through the Department of Elections for general registrar and electoral board salaries as provided for by statute 24.2-108 and 24.2-111

And, NOW BE IT FURTHER RESOLVED that the GREB Workgroup recommends to the State Board of Elections that their resolution be continued during the ensuing year with a final report to the Governor, Secretary of Administration, State Board of Elections and Commissioner of Elections, on or before December 31, 2015, directing the Workgroup to:

1. Work with the appropriate authority in the implementation of the recommendations contained herein;

2. Further evaluate the roles and responsibilities of Electoral Board members to make certain their historically important role of checks and balances is maintained and emphasized;

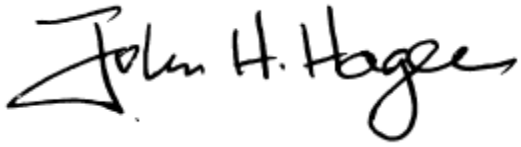
3. Examine and recommend state funding mechanisms for voter registration and elections for the localities;

4. Evaluate staffing of the general registrars' offices;

5. Establish standards for continuing education needs and recognition for advanced studies; and

6. Analyze and review minimum funding and staffing levels of the Department of Elections to ensure a robust, efficient and responsive agency capable of conscientiously serving the more than 5 million voters registered in the Commonwealth today.

7. Study other areas as deemed necessary.



The Honorable John H. Hager,
Co-Chair

The Honorable Jean R. Jensen,
Co-Chair

★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Administrative Code
1VAC 20-20-10
1VAC 20-20-30
1VAC 20-20-60

BOARD WORKING PAPERS

Martha Brissette
ELECT Policy Analyst

★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Members of the State Board of Elections
From: Martha Brissette, Policy Analyst
Date: March 3, 2015
Subject: Proposed Amendments to Regulations Conforming to 2013 Legislation

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Suggested motion for a Board member to make:

I move that the Board seek public comment on the proposed amendments to conform its regulations to 2013 legislation designating the Commissioner of Election as the agency head responsible for supervising the conduct of elections or eligibility to vote.

Affected Regulations: 1 VAC 20-20-10, 20-20-30, 20-20-60
Applicable Code Sections: 2013 Va. Acts Ch. 542

Board Materials:
Proposed amendments to regulations;
Board minutes adopting delegations 12.02.2004 and amending 09.14.2010 and 08.16.2011 (published in agency's Town Hall Guidance documents starting 04.14.2011).

Background:

At its initial meeting February 4, 2015, the Board directed staff to coordinate with the Office of Attorney General on proposed amendments to the Board's regulations dealing with administrative delegations. 2013 legislation effective July 1, 2014, restructured the agency to remove the Secretary of the State Board of Elections as agency head in favor of a more permanent position titled Commissioner of Elections with no fixed term. The Commissioner as a seasoned elections professional should have at least if not more authority delegated from the Board to conduct the day to day operations of the Department, bringing to the Board's attention only significant matters requiring public bipartisan deliberation.

Working closely with the Office of the Attorney General, agency staff in 2004 developed a detailed set of delegations that were adopted by the Board and later amended in 2010 and again in 2011. To assure public understanding of the rules under which the Board operates, these delegations have been published on the Virginia Regulatory Town Hall since 2011.

The 2013 legislation requires updating the regulations that reference the delegations to make clear that the Commissioner has the same authority as the Secretary. Counsel has determined the proposed regulations are exempt under the Virginia Administrative Process Act (APA). Based on that determination, staff requests approval to proceed with submitting the proposed amendments for public comment in the Virginia Regulatory Town Hall. The next submission deadline is noon March 4, 2015, for publication March 23, 2015. Publication opens the online public comment forum. Regulation 20-10-40(C)(1) calls for a minimum public comment period of 21 days, through Monday April 13, 2015.

VIRGINIA ACTS OF ASSEMBLY -- 2013 SESSION

CHAPTER 542

An Act to amend and reenact §§ 24.2-101, 24.2-102, 24.2-103, 24.2-404.1, 24.2-411.2, 24.2-455, 24.2-464, 24.2-502, 24.2-644, 24.2-713, 24.2-946.4, 24.2-953.3, 24.2-953.4, and 64.2-2014 of the Code of Virginia, relating to the State Board of Elections; definitions; providing for a Department of Elections and Commissioner of Elections.

[S 1229]

Approved March 18, 2013

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-101, 24.2-102, 24.2-103, 24.2-404.1, 24.2-411.2, 24.2-455, 24.2-464, 24.2-502, 24.2-644, 24.2-713, 24.2-946.4, 24.2-953.3, 24.2-953.4, and 64.2-2014 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established by a county or city pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, Section 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Department of Elections" means the state agency headed by the Commissioner of Elections.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve at a polling place for any election.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Person with a disability" means a person with a disability as defined by the Virginians with Disabilities Act (§ 51.5-1 et seq.).

"Polling place" means the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be

served by one polling place.

"Primary" or "primary election" means an election held for the purpose of selecting a candidate to be the nominee of a political party for election to office.

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) registered to vote. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority. No person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as provided by law.

"Qualified voter in a town" means a person who is a resident within the corporate boundaries of the town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified voter.

"Referendum" means any election held pursuant to law to submit a question to the voters for approval or rejection.

"Registered voter" means any person who is maintained on the Virginia voter registration system. All registered voters shall be maintained on the Virginia voter registration system with active status unless assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For purposes of applying the precinct size requirements of § 24.2-307, calculating election machine requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306, and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, applications, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.

"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

§ 24.2-102. Appointment; terms; Commissioner of Elections; prohibited activities.

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.

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.

The Governor shall ~~designate one member of the Board as the Secretary~~ *appoint a Commissioner of Elections*, who shall receive the salary fixed by law. The ~~Secretary~~ *Commissioner of Elections* may employ the personnel required to carry out the duties imposed by ~~this title~~ *the State Board of Elections*. ~~The provisions of § 2.2-106 shall not apply to this section.~~

No member of the Board shall be eligible to offer for or hold an office to be filled in whole or in part by qualified voters in the Commonwealth. If a member resigns to offer for or hold such office, the vacancy shall be filled as provided in this section.

No member of the Board shall serve as the chairman of a state, local, or district level political party committee or as a paid worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by qualified voters in the Commonwealth.

§ 24.2-103. Powers and duties in general.

A. The State Board*, through the Department of Elections,* shall supervise and coordinate 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. It shall make rules and regulations and issue instructions and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws. Electoral boards and registrars shall provide information requested by the *State* Board and shall follow (i) the elections laws and (ii) the rules and regulations of the *State* Board insofar as they do not conflict with Virginia or federal law. The *State* Board shall post on the Internet within three business days any rules or regulations made by the *State* Board. Upon request and at a reasonable charge not to exceed the actual cost incurred, the State Board shall provide to any requesting political party or candidate, within three days of the receipt of the request, copies of any instructions or information provided by the State Board to the local electoral boards and registrars.

B. The *State* Board, *through the Department of Elections,* shall ensure that the members of the electoral boards and general registrars are properly trained to carry out their duties by offering training annually, or more often, as it deems appropriate, and without charging any fees to the electoral boards and general registrars for the training. The *State* Board shall set the training standards for the officers of election to be fulfilled by the local electoral boards and general registrars. The *State* Board shall require certification that officers of election have been trained consistent with the training standards set by the Board. Such certification shall be submitted each year prior to the November general election by the local electoral board.

C. The *State* Board may institute proceedings pursuant to § 24.2-234 for the removal of any member of an electoral board who fails to discharge the duties of his office in accordance with law. The *State* Board may petition the local electoral board to remove from office any general registrar who fails to discharge the duties of his office according to law. The *State* Board may institute proceedings pursuant to § 24.2-234 for the removal of a general registrar 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. Any action taken by the *State* Board pursuant to this subsection shall require a recorded majority vote of the Board.

D. The *State* Board may petition a circuit court or the Supreme Court, whichever is appropriate, for a writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that elections are conducted as provided by law.

E. The ~~Board~~ *Department of Elections* shall supervise its own staff to assure that no member of its staff shall serve (i) as the chairman of a political party or other officer of a state-, local-, or district-level political party committee or (ii) as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the Commonwealth.

F. The *State* Board shall adopt a seal for its use and bylaws for its own proceedings.

§ 24.2-404.1. Commissioner of Elections to serve as state coordinator for the administration of the National Voter Registration Act.

The ~~Secretary of the State Board~~ *Commissioner* of Elections shall be the chief state election officer responsible for the coordination of state responsibilities under the National Voter Registration Act (42 U.S.C. § 1973gg et seq.).

§ 24.2-411.2. State-designated voter registration agencies.

A. The following agencies are designated as voter registration agencies in compliance with the National Voter Registration Act (42 U.S.C. § 1973gg et seq.) and shall provide voter registration opportunities at their state, regional, or local offices, depending upon the point of service:

1. Agencies whose primary function is to provide public assistance, including agencies that provide benefits under the Temporary Assistance for Needy Families program; Special Supplemental Food Program for Women, Infants, and Children; Medicaid program; or Food Stamps program;

2. Agencies whose primary function is to provide state-funded programs primarily engaged in providing services to persons with disabilities;

3. Armed Forces recruitment offices; and

4. The regional offices of the Department of Game and Inland Fisheries and the offices of the Virginia Employment Commission in the Northern Virginia Planning District 8.

B. The ~~Secretary of the State Board~~ *Commissioner* of Elections, with the assistance of the Office of the Attorney General, shall compile and maintain a list of the specific 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~~ *Commissioner* of Elections shall notify each agency of its designation and thereafter notify any agency added to or deleted from the list.

C. At each voter registration agency, the following services shall be made available on the premises of the agency:

1. Distribution of mail voter registration forms provided by the State Board of Elections;

2. Assistance to applicants in completing voter registration application forms, unless the applicant refuses assistance; and

3. Receipt of completed voter registration application forms.

D. A voter registration agency, which provides service or assistance in conducting voter registration, shall make the following services available on the premises of the agency:

1. Distribution with each application for its service or assistance, or upon admission to a facility or program, and with each recertification, readmission, renewal, or change of address form, of a voter registration application prescribed by the State Board of Elections that complies with the requirements of the National Voter Registration Act (42 U.S.C. § 1973gg et seq.).

2. Provision, as part of the voter registration process, of a form that includes:

a. The question: "If you are not registered to vote where you live now, would you like to apply to register to vote here today?"

b. If the agency provides public assistance, the statement: "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."

c. Boxes for the applicant to check to indicate whether the applicant would like to register, declines to register to vote, or is already registered (failure to check any box being deemed to constitute a declination to register for purposes of subdivision 2 a), together with the statement (in close proximity to the boxes and in prominent type): "IF YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

d. The statement: "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek help or accept help is yours. You may fill out the application form in private."

e. The statement: "If you believe that someone has interfered with your right to register or to decline to register to vote, or your right to privacy in deciding whether to register or in applying to register to vote, you may file a complaint with the State Board of Elections." The statement shall include the address and telephone number of the State Board.

f. The following statement accompanying the form which features prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO $2,500."

3. Provision to each applicant who does not decline to register to vote of the same degree of assistance with regard to the completion of the voter registration application as is provided by the office with regard to the completion of its own applications, unless the applicant refuses assistance.

E. If a voter registration agency designated under subsection A of this section provides services to a person with a disability at the person's home, the agency shall provide the voter registration services as provided for in this section.

F. A person who provides services at a designated voter registration agency shall not:

1. Seek to influence an applicant's political preference;

2. Display any material indicating the person's political preference or party allegiance;

3. Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits; or

4. Disclose, except as authorized by law for official use, the social security number, or any part thereof, of any applicant for voter registration.

Any person who is aggrieved by a violation of this subsection may provide written notice of the violation to the State Board of Elections. The Board shall be authorized to cooperate with the agency to resolve the alleged violation. Nothing contained in this subsection shall prohibit an aggrieved person from filing a complaint in accordance with § 24.2-1019 against a person who commits any election law offense enumerated in §§ 24.2-1000 through 24.2-1016.

G. A completed voter registration application shall be transmitted as directed by the State Board of Elections not later than five business days after the date of receipt.

H. Each state-designated voter registration agency shall maintain such statistical records on the number of applications to register to vote as requested by the State Board of Elections.

§ 24.2-455. Role of Commissioner of Elections.

A. The ~~Secretary of the State Board~~ *Commissioner* of Elections is the state official responsible for implementing this chapter and Virginia's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff et seq.

B. The ~~Secretary~~ *Commissioner* shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots. The ~~Secretary~~ *Commissioner* may delegate the responsibility under this subsection only to the state office designated in compliance with § 102(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-1(b)(1).

C. The ~~Secretary~~ *Commissioner* shall coordinate with local electoral boards to establish an appropriate system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information under this chapter.

D. The ~~Secretary~~ *Commissioner* shall:

1. Develop standardized absentee-voting materials, including privacy and transmission envelopes, authentication materials, and voting instructions to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in this state; and

2. To the extent reasonably possible, coordinate with other states to carry out this subsection.

E. The ~~Secretary~~ *Commissioner* shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of an overseas-military ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot, as modified to be consistent with this chapter. The ~~Secretary~~ *Commissioner* shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

§ 24.2-464. Confirmation of receipt of application and voted ballot.

The ~~Secretary~~ *Commissioner*, in coordination with local election officials, shall implement a free-access system by which a covered voter may determine whether:

1. The voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted; and

2. The voter's military-overseas ballot has been received and the current status of the ballot.

§ 24.2-502. Statement of economic interests as requirement of candidacy.

It shall be a requirement of candidacy that a written statement of economic interests shall be filed by (i) a candidate for Governor, Lieutenant Governor, or Attorney General with the Secretary of the Commonwealth, (ii) a candidate for Senate or House of Delegates with the clerk of the appropriate house, (iii) a candidate for a constitutional office with the general registrar for the county or city, and (iv) a candidate for member of the governing body or elected school board of any county, city, or town with a population in excess of 3,500 persons with the general registrar for the county or city. The statement of economic interests shall be that specified in § 30-111 for candidates for the General Assembly and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a candidate for reelection to the same office who has met the requirement of annually filing a statement pursuant to § 2.2-3114, ~~§~~ 2.2-3115, or ~~§~~ 30-110.

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 transmit to the State Board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests. The ~~Secretary of the State Board~~ *Commissioner of Elections* shall notify the appropriate local electoral boards of the filings.

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

A. The qualified voter shall take the official paper ballot and enter the voting booth. After entering the voting booth, the qualified voter shall mark immediately preceding the name of each candidate for whom he wishes to vote a check (√) or a cross (X or +) or a line (-) in the square provided for such purpose, leaving unmarked the square preceding the name of each candidate for whom he does not wish to vote. Any ballot marked so that the intent of the voter is clear shall be counted.

B. The qualified voter at a presidential election shall mark the square preceding the names and party designation for his choice of candidates for President and Vice President. His ballot so marked shall be counted as if he had marked squares preceding the names of the individual electors affiliated with his choice for President and Vice President. The qualified voter at a presidential election may cast a write-in vote for President and Vice President as provided in subsections C and D ~~of this section~~.

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~~ *Commissioner of Elections* not less than ~~ten~~ *10* 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.

D. No write-in vote shall be counted unless the name is entered on the ballot in conformance with this section. No write-in vote shall be counted when it is apparent to the officers of election that a voter has voted for the same person for the same office more than one time. No write-in vote shall be counted for an office for any person whose name appears on the ballot as a candidate for that office. If two or more persons are to be elected to the same office, a voter may vote for one or more persons whose names do appear on the ballot and one or more persons whose names do not appear on the ballot, provided that the total number of votes cast by him for that office does not exceed the number of persons to be elected to that office.

§ 24.2-713. Emergency authority of the Commissioner of Elections.

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. The ~~Secretary of the State Board~~ *Commissioner* of Elections shall have the authority to designate alternative methods and procedures to handle such applications and ballots. Nothing in this section shall authorize the counting of any absentee ballot returned after the polls have closed. For purposes of this section, "an emergency" shall mean (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) 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~~ *Commissioner* of Elections.

§ 24.2-946.4. Right to grant extensions in special circumstances.

A. The State Board shall provide instructions to filers for delivery of campaign finance reports within the time periods prescribed by law.

B. Notwithstanding any other provision of law, any candidate or treasurer required to file a report pursuant to this chapter 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.

C. The ~~Secretary of the State Board~~ *Commissioner of Elections* shall have additional authority to extend a deadline established in this chapter 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.

D. The ~~Secretary of the State Board~~ *Commissioner of Elections* shall have additional authority to extend a deadline established in this chapter 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.

E. The State Board shall have authority to extend any deadline applicable to 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. The extension shall not exceed a period of up to five days after restoration of the filing system to operating order.

F. The State Board shall have authority also to grant extensions as provided in §§ 24.2-503 and 24.2-948.3.

§ 24.2-953.3. Incomplete reports.

A. In the case of a violation of this chapter that relates to the filing of an incomplete report, the violator shall be subject to a civil penalty not to exceed $500 unless a greater penalty is imposed pursuant to this section. However the civil penalty shall in no case exceed $500 unless the total of the filer's reportable contributions or the total of the filer's reportable expenditures is $10,000 or more.

B. Prior to assessing a penalty pursuant to this section for the filing of an incomplete report, the ~~Secretary of the State Board~~ *Commissioner of Elections* or the general registrar or secretary of the local electoral board, as appropriate, shall notify, by certified mail, 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.

C. If the information required to complete the report is not filed within the 10-day period, the ~~Secretary of the State Board~~ *Commissioner of Elections* 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 $500. The ~~Secretary of the State Board~~ *Commissioner of Elections* or the general registrar or secretary of the local electoral board, as appropriate, shall consider the following factors in determining the civil penalty assessed: the number of omissions, the amount of money involved, and the proportion of contributions or expenditures containing omissions.

D. The ~~Secretary of the State Board~~ *Commissioner of Elections* 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.

E. The civil penalty assessed for filing an incomplete report shall be increased by $500 every 60 days following the date for compliance established pursuant to this section and until compliance is

complete. If the failure to comply continues for more than 120 days following the date for compliances established pursuant to this section, there shall be a rebuttable presumption that the violation was willful, and the matter shall be forwarded to the appropriate attorney for the Commonwealth.

F. The civil penalty assessed for filing any subsequent incomplete report (i) that is filed more than 20 days after notice has been given of a violation or (ii) that is filed during the 60 days prior to the elections for which the person is a candidate shall be $1,000.

G. The State Board shall notify the public through its official Internet website of a failure to file a complete report by a candidate for statewide office or the General Assembly and the identity of the violator following the date for compliance established pursuant to this section.

§ 24.2-953.4. Additional civil penalties for late and incomplete filings for statewide campaigns.

A. In addition to the penalties provided in §§ 24.2-953.1, 24.2-953.2, and 24.2-953.3, any candidate for statewide office, and his campaign treasurer, who fails to file any report required in Article 3 *(§ 24.2-947 et seq.)* in a timely manner or files an incomplete report may be assessed a civil penalty by the ~~Secretary of the State Board~~ *Commissioner of Elections* pursuant to this section.

B. Prior to assessing a penalty pursuant to this section, the ~~Secretary~~ *Commissioner* shall notify, within 14 days of the deadline for the required report, the candidate and treasurer in writing that a report has not been filed or that a filed report has not been completed, citing the omissions from the report. No penalty shall be assessed pursuant to this section if the report or information required to complete the report is filed within seven days of the date of mailing the written notice.

C. If the report or information required to complete the report is not filed within the seven-day period, the ~~Secretary~~ *Commissioner* shall assess against the candidate and treasurer, who shall be jointly and severally liable, a civil penalty of $500 for each day that the violation continues on and after the eighth day following the date of mailing the written notice. The ~~Secretary~~ *Commissioner* may grant an additional period for compliance, not to exceed two weeks, for good cause shown and in response to a request filed within the seven-day period. However, no additional period shall be granted for compliance with the requirement under subdivision 8 of § 24.2-947.6 to file a report not later than the eighth day before the election. The State Board shall notify the public through its official Internet website of the violation and identity of the violator.

D. If requested by the ~~Secretary~~ *Commissioner*, the attorney for the Commonwealth of the City of Richmond shall assist the ~~Secretary~~ *Commissioner* in collecting the civil penalty.

E. Any candidate or treasurer aggrieved by the assessment pursuant to this section shall have a right to the direct review of the assessment by a court of competent jurisdiction as provided in the Administrative Process Act (§ 2.2-4000 et seq.). The provisions of the Act shall not apply, however, to the assessment of civil penalties by the ~~Secretary~~ *Commissioner* pursuant to this section.

F. Civil penalties collected pursuant to this section shall be payable to the State Treasurer for deposit to the general fund.

§ 64.2-2014. Clerk to index findings of incapacity or restoration; notice of findings.

A. A copy of the court's findings that a person is incapacitated or has been restored to capacity, or a copy of any order appointing a conservator or guardian pursuant to § 64.2-2115, shall be filed by the judge with the clerk of the circuit court. The clerk shall properly index the findings in the index to deed books by reference to the order book and page whereon the order is spread and shall immediately notify the Commissioner of Behavioral Health and Developmental Services in accordance with § 64.2-2028, the commissioner of accounts in order to ensure compliance by a conservator with the duties imposed pursuant to §§ 64.2-2021, 64.2-2022, 64.2-2023, and 64.2-2026, and the ~~Secretary of the State Board of Elections~~ *Commissioner of Elections* with the information required by § 24.2-410. If a guardian is appointed, the clerk shall forward a copy of the court order to the local department of social services of the jurisdiction where the person then resides. If a guardianship is terminated or otherwise modified, the clerk shall forward a copy of the court order to the local department of social services to which the original order of appointment was forwarded and, if different, to the local department of social services in the jurisdiction where the person then resides.

B. The clerk shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any order adjudicating a person incapacitated under this article, any order appointing a conservator or guardian pursuant to § 64.2-2115, and any order of restoration of capacity under § 64.2-2012. The copy of the form and the order shall be kept confidential in a separate file and used only to determine a person's eligibility to possess, purchase, or transfer a firearm.

2. That the provisions of this act shall become effective on July 1, 2014.

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1VAC20-20-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Board" means the Virginia State Board of Elections.

"Secretary" means the Secretary of the State Board of Elections.

"Commissioner" means the Commissioner of Elections. Unless the context requires otherwise, all references to the Secretary in forms, regulations and guidance documents prepared before July 1, 2014, shall include the Commissioner.

1VAC20-20-30. Organization of State Board of Elections; seal.

A. The board shall have a chairman and a vice chairman of the board, in addition to the ex-officio secretary. The chairman shall preside at all meetings and perform the usual functions of a presiding officer and such other duties as are imposed by these regulations or from time to time by the board. In the chairman's absence, the vice chairman shall perform these functions and duties. Each member, ~~except the secretary,~~ shall receive a per diem and expenses for attendance. Expenses shall be reported on forms approved by the Department of Accounts. The secretary is authorized to sign the vouchers for the payment of such expenses.

~~B. The secretary shall be authorized and it shall be the secretary's duty to employ such assistants and to purchase such equipment and supplies as are necessary from time to time, subject to the provisions of the law creating the board and the provisions of the laws and rules relating to the budgetary and personnel systems. The secretary or secretary's designee is authorized to execute necessary vouchers for the payment of the salaries of such assistants and for equipment and supplies so secured.~~

~~C~~B. The ~~secretary~~ Commissioner is authorized and directed to perform all duties of a routine and administrative character imposed upon the board by the law creating the same and other such duties delegated to the ~~secretary~~ Commissioner by the board.

~~D~~C. The ~~secretary~~ Commissioner is authorized to do all things necessary to the proper execution of the law creating and governing the board and in the performance of the duties imposed upon it insofar as the same are not from their nature such as can be performed only by the board in its corporate capacity.

~~E~~D. The ~~secretary~~ Commissioner is authorized and directed to consult with and obtain the advice of the Attorney General, on behalf of and in the name of the board, whenever in the ~~secretary~~ Commissioner's judgment occasion arises.

~~F~~E. Routine and informal action of the board or of the ~~secretary~~ Commissioner within the scope of the ~~secretary~~Commissioner's authority may be evidenced merely by the signature of the ~~secretary~~Commissioner.

~~G~~F. Two members of the board shall constitute a quorum for the transaction of business at any duly constituted meeting.

~~H~~G. Notice of each meeting of the board shall be given to all board members either by the secretary or the member calling the meeting at least three business days prior to the meeting except in the case of an emergency as defined in § 2.2-3701 of the Code of Virginia. Notice shall be given to the public as required by § 2.2-3707 of the Code of Virginia. All meetings shall be conducted in accordance with the requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia). All meetings shall be open to the public unless the board goes into a closed meeting pursuant to § 2.2-3711 of the Code of Virginia.

~~I~~H. A record of formal official and definitive actions of the board shall be preserved in a record book which may be bound or loose leaf.

~~J~~I. The secretary shall keep the seal of the board and affix the seal to evidence formal action of the board.

1VAC20-20-60. Delegations to ~~Secretary~~ Commissioner of State Board of Elections.

A. In addition to the authority described in 1VAC20-20-30, the ~~secretary~~ Commissioner has the delegations of authority to the secretary detailed in the ~~board's minutes of December 2, 2004, as amended September 14, 2010~~board's published guidance documents available through the Virginia Regulatory Town Hall and Registrar of Regulations. Board staff (i) may update that listing to correct citations and (ii) shall post the list to the Internet in order that additional delegations or other modifications may be proposed to the board by any interested person.

B. The ~~secretary~~ Commissioner is authorized to prescribe the paper ballot reconciliation form under § 24.2-666 of the Code of Virginia and to develop, maintain, and prepare instructions for the operation of poll equipment before, during, and after the closing of the polls and in preparation of the statements of results.

C. The ~~secretary~~ Commissioner shall monitor and control the quality and cost of the copies of Title 24.2 of the Code of Virginia and other election materials that the board provides to electoral boards for use at each precinct.

D. Subject to the board's policy oversight, the ~~secretary~~ Commissioner has authority to conduct the board's administrative and programmatic operations and to discharge the board's duties consistent with specific delegations of authority.

E. The ~~secretary~~ Commissioner is authorized to establish and maintain a central repository of forms and instructions approved for use in conducting elections. The forms and instructions shall be organized following a standard naming convention consisting of name taken from the first descriptive line, a statutory or other authority identifier, and revision date.

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MINUTES

Michael G. Brown, Chairman, called the Board meeting of the State Board of Elections to order on Monday December 2, 2004 at 10:40 a.m. The meeting was held in the State Capitol in House Room 2. In attendance were Michael G. Brown, Chairman; Barbara Hildenbrand, Vice Chairwoman and Jean Jensen, Secretary. Other SBE staff and invited guests were Matt Abell, Assistant Manager, Election Services; Lynda Sharp Anderson, Deputy Secretary and Barbara Cockrell, Assistant Secretary; Jim Hopper, Assistant Attorney General; Clay Landa Policy Analyst; Rosanna Bencoach, Senior Analyst ; Mary Spain, Legislative Services and Susan McCleary Assistant Secretary.

The first order of business was the approval of the November 22, 2004 minutes. Vice-Chair Hildenbrand moved to approve the minutes Secretary Jensen seconded the motion and the motion was unanimously approved and the minutes signed.

The next order of business was the review and approval of the Administrative Process. Secretary Jensen read a statement explaining the reason for this review. A copy of the statement is as follows:

STATEMENT

The challenges we faced last August in receiving and processing the petitions circulated by independent and third party candidates have led us to review all documents used by the State Board of Elections. We determined that we need to identify which procedures and documents fall within the administrative authority of the Secretary and which need to be approved by the three members of the Board.

Clay Landa reviewed fifty years of Board minutes and the By-Laws of the Agency to obtain a historical perspective.

We have an important opportunity to clarify these issues and establish a protocol for moving forward in a business- like fashion. We do not expect to solve all issues at the meeting on December 2. I suggest that we:

1. Review and make recommendations to the document on the filing of petitions. We must be ready for the petition process next year. I have attached the information posted on our web site for candidates. The staff can prepare a new document reflecting the Board's recommendations on December 2 for action to be taken by the Board on December 17th.

2. Take a "big picture" look at all other documents.

The staff has prepared some material to assist us with this process. After several discussions with Jim Hopper from the Attorney General's Office, he compiled an initial draft motion for potential Board action concerning the administrative responsibilities of the State Board imposed by Title 24.2. We have divided this initial draft into the two separate lists attached here.

The first list titled "Administrative Duties: Secretary & Staff" is what we feel falls under the purview of the Secretary and staff under the Secretary's authority. These responsibilities would not need to be specifically delegated by the full three-member Board and the basis for this reasoning is included. The second document lists a number of Board responsibilities to be discussed concerning the possible delegation of authority to the Secretary going forward.

In addition, the most recent version of the by-laws as listed in the official State Board minutes and a resolution from the Board adopted in November 1999 concerning the administrative and programmatic operations of the Board are attached.

These documents are strictly discussion drafts and will need to be updated to reflect gender neutral statements and specific responsibilities if the Board decides to take any action on these matters.

Clay Landa, Policy Analyst, reviewed the agency by-laws. Secretary Jensen read a Resolution adopted by a previous Board in 1999 regarding the responsibilities of the Board. Rosanna Bencoach, Senior Analyst. reviewed the administrative process

The first item to be reviewed was "filing of petitions and what constituted a filing." After considerable discussion it was decided the SBE staff would research historical records and decide what the definition of "filing constitutes." The findings are to be presented at the December 17, 2004 meeting of the Board.

Rosanna Bencoach and Clay Landa presented a report listing every code section giving the Board authority. The Board with the assistance of James Hopper, Attorney for SBE from the Office of the Attorney General, reviewed each code sections to decide which of the following headings each section would fall under:

- Board responsibility only
- Delegate to the Secretary (all or partially, with Board retaining oversight)
- Secretary's administrative duties already specified in the Code (no delegation required)
- Not applicable - (no decision required)
- Need to discuss further

The list and subsequent decisions are as follows:

State Board of Election Duties and Responsibilities	**Decision (circle one)**	**Notes/Comments**
	B D S n/a	
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.	Key **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]	
1. 24.2-101. Definitions.		
"**State Board**" or "Board" means the **State Board** of Elections.	**n/a**	
2. § 24.2-102. Appointment; terms; Secretary.		
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.	**n/a**	
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	**S**	

the two succeeding four-year terms.				
The Governor shall designate one member of the **Board** as the **Secretary**, who shall receive the salary fixed by law. The **Secretary** may employ the personnel required to carry out the duties imposed by this title. The provisions of § 2.2-106 shall not apply to this section.		**D**		
3. § 24.2-103. Powers and duties in general.		**B**		
A. The **State Board** shall supervise and coordinate 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.	**B n/a**	**D**	**S**	For Further Review
It shall make rules and regulations		**D**		
and issue instructions and provide information to the electoral boards and registrars to promote the proper administration of election laws.		**D**		
Electoral boards and registrars shall provide information requested by the **Board**.		**B**		
The **Board** shall ensure that the members of the electoral boards and general registrars are properly trained to carry out their duties by offering training annually, or more often, as it deems appropriate.		**B**		
B. The **Board** may institute proceedings pursuant to § 24.2-234 for the removal of any member of an electoral board who fails to discharge the duties of his office in accordance with law.		**B**		
The **Board** may petition the local electoral board to remove from office any general registrar who fails to discharge the duties of his office according to law.		**n/a**		
The **Board** may institute proceedings pursuant to § 24.2-234 for the removal of a general registrar 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.		**B**		
Any action taken by the **Board** pursuant to this subsection shall require a recorded majority vote of the **Board**.		**B**		
C. The **Board** may petition a circuit court or the Supreme Court, whichever is appropriate, for a writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that elections are conducted as provided by law.		**B**		

The **Board** shall **adopt** a seal for its use and bylaws for its own proceedings. **B**

4. § 24.2-104. Requesting assistance for attorney for the Commonwealth; investigative committees.

When the **State Board** is of the opinion that the public interest will be served, it may request the Attorney General, or other attorney designated by the Governor for the purpose, to assist the attorney for the Commonwealth 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.

When the **State Board** makes its request pursuant to a unanimous vote of all members, 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**.

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 boards, and registrars' offices shall not serve on the committee but may provide assistance to the committee. **B** **D**

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. **D**

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. **D**

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.

D

B

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.

D

D

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**.

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

B

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 member of the registrar's staff to attend the annual training offered by the **State Board**; (ii) adequate training for officers of election; (iii) conducting elections as required by this title; and (iv) voter education.

D

D

10. § 24.2-114. Duties and powers of general registrar.

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 multijurisdictional staffing for voter registration offices, approved by the **State Board**, that are located at facilities of the Department of Motor Vehicles.		**D**		
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. 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, lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and poll books used for the conduct of elections.		**D** **D**		
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. 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** 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.	**B** **n/a**	**B** **D**	**S**	For Further Review
8. 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**; 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.		**D**		
10. Verify the accuracy of the poll books provided for each election by the **State Board**, make the poll books available to the precincts, and according to the instructions of the **State Board** return the poll books, or transfer a copy of the data from any electronic poll books, to the **State Board** after each election for voting credit purposes.		**D**		

11. § 24.2-234. Removal of officer appointed for a term certain.

The circuit court also shall proceed pursuant to § 24.2-235 for the removal of a 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. **B**

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.

D

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.

13. § 24.2-310. Requirements for polling places. **D**

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. **D** **D** **D**

D. 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**. The electoral board shall provide notice to the voters appropriate to the circumstances of the emergency. **D**

D

14. § 24.2-310.1. Polling places; additional requirement.

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. **D** **D**

15. § 24.2-404. Duties of **State Board**.

D

A. The **State Board** shall provide for the continuing operation and maintenance of a central record-keeping system, the Virginia **D**

Voter Registration System, for all voters registered in the Commonwealth.

D

In order to operate and maintain the system, the **Board** shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth. **D**

2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary. **D**

3. Provide to each general registrar, voter registration cards for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places. **D**

4. 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. **S**

5. Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.

D

6. 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.

D

7. 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 poll books. **D**

Prior to any general, primary, or special election, the **State Board** shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. **D**

If electronic poll books 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 **D**

provided.

8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the **Board**.

9. 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. **D**

10. 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. **D**

B. The **State Board** shall be authorized to 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. **D**

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. **D**

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 Voter Registration Act (42 U.S.C. § 1973gg et seq.).

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

D

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. **D** **D**

B **D** **S**

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.

n/a

For Further Review

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

D

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.

D

D

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.

S

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.

S

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. Information in the lists shall be confidential and consistent with the requirements of § 32.1-271.

20. § 24.2-409. Division of Criminal Records to transmit monthly lists of felony convictions to **State Board**.

D

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.

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. **B**

D

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.

21. § 24.2-411. Office of the general registrar.

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. The specific days of normal service each week for general registrars shall be determined by the **State Board**. **B**

22. § 24.2-411.1. Offices of the Department of Motor Vehicles.

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. 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.

C. 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.

D. The **State Board** of Elections shall maintain statistical records on the number of applications to register to vote with information provided from the Department of Motor Vehicles.

23. § 24.2-411.2. State-designated voter registration agencies.

B. 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 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. **D**

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.

D

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. **B** **B**

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

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. **B**

26. § 24.2-418. Application for registration. **B**

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**.

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 **D**

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. **D**

D

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. **D**

B

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. **B**

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. **D**

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 **B**

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. **D**

D

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 shall be sufficient signature.

D

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. **B** **D**

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. **D**

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 **B**

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.

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, **D** **S**

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. **D**

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.

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

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.). **D** **D**

33. § 24.2-443. Absentee ballots for persons registered under this article.

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. 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. **B**

34. § 24.2-443.2. Application for temporary registration.

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. 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 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.

D

n/a

35. § 24.2-443.4. Absentee ballots for persons registered under this article.

D

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. The absentee ballots shall be voted, handled, and counted with other absentee ballots in accordance with the provisions of this title.

n/a

36. § 24.2-444. Registration records open to public inspection.

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.

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37. § 24.2-446. Reconstruction of destroyed registration records.

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.

38. § 24.2-501. Statement of qualification as requirement of candidacy.

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It shall be a requirement of candidacy for any office of the

	B	D	S	
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.		**D**		
Every candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall file the statement with the **State Board**. Every candidate for any other office shall file the statement with the general registrar of the county or city where he resides.		**D**		
Each general registrar shall transmit to the **State Board**, immediately after the filing deadline, a list of the candidates who have filed statements of qualification.	**n/a**	**D**	**S**	
The candidate may state, as part of his statement of qualification, how he would like his name to appear on the ballot; however, all names printed on the ballot shall meet the criteria established by the **State Board**.		**D**		
39. § 24.2-502. Statement of economic interests as requirement of candidacy.				
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 transmit to the **State Board**, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests.		**D**		For Further Review
The **Secretary** of the **State Board** shall notify the appropriate local electoral boards of the filings.		**D**		
40. § 24.2-503. Deadlines for filing required statements; extensions.		**D**		
The **State Board** may 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.		**D**		
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.		**D**		
41. § 24.2-503.1. Compliance with reporting requirements of Campaign Finance Disclosure Act as requirement of candidacy for certain offices.				
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. For the purposes of this section, the candidate		**B** / **D**		

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. **B**

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.

42. § 24.2-505. Declaration of candidacy required of independent candidates. **B**

A. Any person, other than a candidate for a party nomination or a party nominee, 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 file a declaration of candidacy with the **State Board**,

on a form prescribed by the **Board**, 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 acknowledgments to deeds. **D**

The **State Board** shall notify the respective secretaries of the appropriate electoral boards of the qualified candidates who have so filed. **D**

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. 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. 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. He shall **D**

transmit the names of the candidates who have filed with him to the **State Board** immediately after the filing deadline.

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. 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. 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. He shall transmit the names of the candidates who have filed with him to the **State Board** immediately after the filing deadline.

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43. § 24.2-506. Petition of qualified voters required; number of signatures required; certain towns excepted.

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 a petition therefore, 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 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.

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44. § 24.2-511. Party chairman to certify candidates to **State Board** and secretary of electoral board; failure to certify.

A. 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.

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The **State Board** shall notify the secretaries of every electoral board of the names of the candidates to appear on the ballot for such offices.

D

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B. 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

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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. 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.	**B**			
45. § 24.2-516. Party to furnish names of chairmen and notify **State Board** of adoption of direct primary.	**D**			
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.				
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.	**D**			
The **Board** shall advise each chairman that notification to the **Board** of the adoption of a direct primary is required				
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.	**D**			
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.				
The requirement to notify the **Board** of the adoption of a direct primary				
shall be satisfied when the **Board** receives by the deadline (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.	**B** **n/a**	**D**	**S**	
46. § 24.2-517. **State Board** to order election.	**D**			
The **State Board** shall order the holding of a primary election in any county, city, 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.	**D**			For Further Review
	D			

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

D

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.

D

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.

D

n/a

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.

n/a

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 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. **B**

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 **D** **B**

52. § 24.2-529. Primary ballots. **D**

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. **D** **B**

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

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 **B** **D**

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.		**B**		
		B		
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 fourteen days after the day of the election, the **State Board** shall open and tabulate the returns.	**B** **n/a**	**D**	**S**	
Upon completion of the tabulation the **Board** shall declare the nominee in the manner and form as it does in general elections.				
55.§ 24.2-537. Procedure when nominee by default dies or withdraws or nomination is set aside prior to primary.				
If more than one person qualifies, the party chairman shall promptly certify their names to the **State Board** 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: ...		**D**		
56. § 24.2-538. Procedure when opposed candidate for nomination dies prior to primary.		**D**		For Further Review
The party chairman or chairmen shall promptly certify the names of every such person to the State Board 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:		**D**		
57. § 24.2-542. **State Board** to be furnished names of electors selected by political parties; oaths of electors.		**D**		
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		**D**		

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.				
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.		**D**		
58. § 24.2-542.1. **State Board** to be furnished names of electors selected by political parties; certain national conventions.		**D**		
Notwithstanding the provisions of § 24.2-542, (i) 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; (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; 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.		**D**		
	B	**D**	**S**	
	n/a			
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		**D**		
		B		
				For Further Review
		D		

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.

D

n/a

D

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.

D

D

D

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.

D

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 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.

D

D

61. § 24.2-545. Presidential primary.

	B	D	S	
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**.	**n/a**			For Further Review
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.	**n/a**			For Further Review
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.		**B**		
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		**B**		

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 shall appear on the ballot in an order determined by lot by the **State Board**. **B**

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 **D**

62. § 24.2-603.1. Postponement of certain elections; state of emergency.

B **D** **S**
n/a

The **State Board** shall prescribe appropriate procedures to implement this section

63. § 24.2-604.2. Polling places; prohibited area; emergency situations.

B **D** **S**
n/a

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**. 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.

64. § 24.2-610. Materials at polling places.

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. **B**

For Further Review

For Further Review

B. Pursuant to subdivision A 7 of § 24.2-404, the **State Board** shall transmit to the general registrar of each county and city poll books for each precinct in which the election is to be held. The data elements printed or otherwise provided for each voter on the poll books shall be uniform throughout the Commonwealth.

C. The electoral board, general registrar, and officers of election **B**

shall comply with the requirements of this title and the instructions of the **State Board** to ensure that the poll books, 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.

65. § 24.2-611. Form and signing of poll books; records of persons voting; electronic poll books.

A. 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 poll book: **B**

"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." **D** **B**

The oath shall be administered to each officer of election by the general registrar, 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 poll book shall be marked to identify the election for which it is used. **S** **B**

B. The **State Board** shall provide the poll book pursuant to subdivision A 7 of § 24.2-404. The poll book 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 poll books in this title. If the poll book 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. If the poll book 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 poll book, the officer of election responsible for that poll book shall sign a statement on the check sheet, or on a separate form if an electronic poll book 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. **D** **B** **B** **D** **D**

C. The **State Board** shall incorporate safeguards to assure that the records of the election, including the poll book, voter count

sheets, or other alternative records, will provide promptly an accurate and secure record of those who have voted. **B**

The **State Board** may provide for the poll book 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 poll book in an electronic format. **D**

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 poll book in one or more precincts, notwithstanding any other provision of law to the contrary.

66. § 24.2-612. List of offices and candidates filed with **State Board** and checked for accuracy; when ballots printed; number required.

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.

The **State Board** shall promptly advise the electoral board of the accuracy of the list. **D**

The failure of any electoral board to send the list to the **State Board** for verification shall not invalidate any election.

Each electoral board shall have printed the number of ballots it determines will be sufficient to conduct the election.

Notwithstanding any other provisions of this title, the **State Board** may print or otherwise provide (i) one statewide paper ballot style for each paper ballot style in use for presidential and vice-presidential electors for use only by persons eligible to vote for those offices only under § 24.2-402 or clause (iii) or (v) of subsection B of § 24.2-416.1, (ii) one statewide paper ballot style for each paper ballot style in use for Governor, Lieutenant Governor or Attorney General only for use as the early absentee ballot specified in § 24.2-702, and (iii) single paper ballot styles for each ballot style in use for each congressional district for federal offices for use only by overseas voters eligible to vote in federal elections only pursuant to Article 7 (§ 24.2-440 et seq.) of Chapter 4 of this title. The **State Board** may apportion or authorize the printer or vendor to apportion the costs for these ballots among the localities based on the number of ballots ordered. Any printer employed by the **State Board** shall execute **B** **B** **D**

the statement required by § 24.2-616. The **State Board** shall designate a representative to be present at the printing of such ballots and deliver them to the appropriate electoral boards pursuant to § 24.2-617. Upon receipt of such paper ballots, the electoral board shall affix its seal. Thereafter, such ballots shall be handled and accounted for, and the votes counted as the **State Board** shall specifically direct. **B**

The electoral board shall make printed ballots available for absentee voting at least (i) 45 days prior to any November general election or special election held at the same time; (ii) 30 days prior to any other general, special, or primary election; or (iii) in the case of a special election, if time is insufficient to meet the applicable deadline established herein, then as soon after the deadline as possible. **S** **B**

Only the names of candidates for offices to be voted on in a particular election district shall be printed on the ballots for that election district. **n/a**

B

The electoral boards shall send to the **State Board** a statement of the number of paper ballots ordered to be printed, proofs of each paper and voting equipment ballot for verification, and copies of each final ballot. **D**

If the **State Board** finds that, in its opinion, the number of ballots ordered to be printed by any local electoral board is not sufficient, it may direct the local board to order the printing of a reasonable number of additional ballots. **n/a**

67. § 24.2-612.1. Ballots; death, withdrawal, or disqualification of candidates. **B**

In the case of the death, withdrawal, or disqualification of any candidate, other than a party nominee, who has qualified to have his name printed on the ballot for any election other than a presidential or primary election, the **State Board** of Elections shall take into account the time available before the election and the status of the ballots for the election and shall have authority to direct the electoral boards on how to proceed to print the ballot without the candidate's name, correct the ballot to delete the candidate's name, or provide notice to voters of the death, withdrawal, or disqualification of the candidate. **B**

B

The **State Board** shall have like authority in the case of the death, withdrawal, or disqualification of a party nominee subject to the provisions of Article 5 (§ 24.2-539 et seq.) of Chapter 5 of this title. **D**

B

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 **D**

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:

_ JOHN DOE

D

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

D

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.

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 that office. The following language shall be used: "Vote for not more than . . . . . ." **B**

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**.

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. **B**

69. § 24.2-614. Preparation and form of presidential election ballots.

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.

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. **B**

70. § 24.2-626. Governing bodies shall acquire mechanical or electronic voting or counting systems.

A. 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 **S**

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. **B**

Each county and city governing body shall purchase, lease, lease purchase, or otherwise acquire such systems and may provide for the payment therefore in the manner it deems proper. 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**.

71. § 24.2-628. Authorized use of mechanical voting devices.

A. Any person, firm, or corporation manufacturing, owning, or offering for sale any mechanical voting device may apply to the **State Board**, **B** **D** **S** **n/a**

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 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. **B**

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: **n/a**

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**, For Further Review

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

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.

D

D

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 allow such under voted and over voted ballots to be separated when necessary.

B

B n/a **D** **S**

B1. The system shall provide the voter with an opportunity to correct any error before a permanent record is preserved.

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

B

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;				
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.	**B n/a**	**D**	**S**	For Further Review
D. If the **Board** determines that there is such potential and prior to its final determination as to approval or disapproval of such system,				
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**. 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. The report of the consultant shall be filed in the office of the **Board**.	**B n/a**	**D** **D** **D**	**S**	For Further Review
E. 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.				
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.				
F. If, following testing, the **Board** approves any electronic system and its ballots for use,		**D**		For Further Review
the **Board** shall so notify the electoral **board**s 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 city.		**D**		

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.

73. § 24.2-630. Experimental use of approved systems.

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. **D**

74. § 24.2-631. Experimental use of voting systems and ballots prior to approval of the system. **D**

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 **D**

and (ii) whose electoral board submits to the **Board** for approval a plan for the use of such system and ballots.

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

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.

75. § 24.2-632. Voting equipment custodians.

B

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. 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. 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

B **D** **D**

honestly and faithfully and be informed of and subject to the misdemeanor and felony penalties provided in §§ 24.2-1009 and 24.2-1010.

76. § 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification. **D**

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 ballot to him. **n/a**

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. **D** **D**

If the voter's name is found on the poll book, 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 poll book, 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 poll book is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. **B** **B**

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. **B** **B**

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

C. If the current residence address stated by the voter is different from the address shown on the poll book, the officer of election **D**

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. **B**

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 poll book 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. **B** **D** **D** **B** **B**

E. For federal elections held after January 1, 2004, this subsection 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 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. **B** **B** **D** **D**

Board Complete Certificate

Secretary Transmit Certificate

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

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.	**B** **n/a**	**D**	**S**	
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**.		**D**		
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 and record the name of the voter and the name and address of the person assisting him		**B** **D**		For Further Review
79. § 24.2-650. Officers to sign only official papers, etc.				
No officer of election shall sign or otherwise mark any paper, form, or item, other than one furnished by the **State Board**, his electoral board, or general registrar, at his polling place during the hours that the polls are open.				
80. § 24.2-651. Voter who is challenged; how challenge tried.				
When the voter has signed the statement and is permitted to vote,				

the officers of election shall mark his name on the poll book with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the poll book is in electronic form, and shall indicate on the poll book that he has signed the required statement in accordance with the instructions of the **State Board**.

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81. § 24.2-651.1. Voter who is shown as having already voted; challenge and procedure for voting; voter identification.

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 poll book with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the poll book is in electronic form, and shall indicate on the poll book that the person has signed the required statement in accordance with the instructions of the **State Board** of Elections.

n/a

82. § 24.2-652. Voter whose name erroneously omitted from poll book.

When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the poll book with the next consecutive number from the voter count form, or shall enter that the voter has voted if the poll book is in electronic form, and shall indicate on the poll book that he has signed the required statement in accordance with the instructions of the **State Board**.

B

83. § 24.2-653. Voter whose name does not appear on poll book; handling of provisional ballots; ballots cast after normal close of polls due to court order extending polling hours.

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.

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Such person shall be given a paper ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the **State Board**, 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. The officers of election shall enter the appropriate information for the person on the poll book in accordance with the instructions of the **State Board** but shall

B **D** **S**
n/a

not enter a consecutive number for the voter nor otherwise mark his name as having voted.

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 poll book. 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

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84. § 24.2-654. Officers to lock and seal voting equipment and ascertain vote after polls closed; statement of results.

n/a

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**.

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For Further Review

85. § 24.2-659. Locking voting and counting devices after election and delivering keys to clerk; printed returns as evidence.

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. 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**

or the electoral board at the direction of the **State Board** in order to ensure the accuracy of the returns

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86. § 24.2-666. Procedures to account for paper ballots.

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The **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.

87. § 24.2-668. Poll books, statements of results, and ballots to be sealed and delivered to clerk or general registrar.

	B	D	S	
A. After ascertaining the results and before adjourning, the officers shall put the poll books, the duplicate statements of results, and any printed inspection and return sheets in the envelopes provided by the **State Board**. The officers shall seal the envelopes and direct them to the clerk of the circuit court for the county or city. The poll books, 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 clerk of court by noon on the day following the election.	**n/a**			
The clerk shall retain custody of the poll books until the time has expired for initiating a recount, contest, or other proceeding in which the poll books may be needed as evidence and there is no proceeding pending. After that time the clerk shall deliver the poll books to the general registrar who shall return the poll books or transfer a copy of the electronic data to the **State Board** as directed by § 24.2-114 for voting credit purposes.		**D**		
After the poll books are returned by the **State Board**, the general registrar shall retain the poll books 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.		**S**		
C. If an electronic poll book is used, the data disc or cartridge containing the electronic records of the election, or, alternately, a printed copy of the poll book records of those who voted, shall be transmitted, sealed and retained as required by this section, and otherwise treated as the poll book 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 poll book be sealed or retained along with the poll book, provided that the records for the election have been transferred or printed according to the instructions of the **State Board**.		**S**		For Further Review
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**		**n/a**		
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		**n/a**		

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. **n/a**

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. **n/a** **D**

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. **D** **n/a**

90. § 24.2-675. Abstracts of votes to be made by secretary and forwarded to **State Board** and to clerks. **B**

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. 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**. **n/a**

The **State Board** shall require the electoral board of any county or city to correct any errors found on such abstracts prior to completing the requirements of § 24.2-679.

91. § 24.2-677. **State Board** to open and record returns; application of Freedom of Information Act.

The **State Board**, 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. **D**

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**. **D**

92. § 24.2-678. Law-enforcement officer to be sent for abstracts

not forwarded.

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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.

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That official shall immediately, on demand of the officer, make out and deliver to him the copy required, and the officer shall deliver the abstract to the **State Board** without delay.

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93. § 24.2-679. **State Board** to meet and make statement as to number of votes.

A. The **State Board** shall meet on the fourth Monday in November to ascertain the results of the November election. 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.

The **Board** shall examine the certified abstracts on file in its office and make statements of the whole number of votes given at any such election 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.

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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 correct and sign the statements.

D

The **Board** shall then determine those persons who received the greatest number of votes and have been duly elected to each office.

The **Board** members shall endorse and subscribe on such statements a certificate of their determination.

The **Board** shall record each certified statement and determination in a suitable book to be kept by it in its office.

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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.

94. § 24.2-680. Certificates of election.

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.

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.

B **D** **S**
n/a

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.

B **D** **S**
n/a

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.

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.

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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.

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95. § 24.2-701. Application for absentee ballot.

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.

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The **State Board** shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet.

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For Further Review

Electronic absentee ballot applications shall be in a form approved by the **State Board**.

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For Further Review

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

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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 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.

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96. § 24.2-703. Application for absentee ballots for multiple elections for uniformed and overseas voters.

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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**. The applicant shall specify by party designation the primary ballots he is requesting.

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97. § 24.2-703.1. Special annual applications for absentee ballots for certain ill or disabled voters.

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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. 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, 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.

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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 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.

98. § 24.2-703.2. Replacement absentee ballots for certain disabled or ill voters; penalty.

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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

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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 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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n/a

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

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

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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 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.

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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.

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The envelopes and instructions shall be in the form prescribed by the **State Board**.

102. § 24.2-707. How ballots marked and returned by mail; cast in person; cast on voting equipment.

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**.

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The procedures shall be applicable and uniformly applied by the **State Board** to all jurisdictions using comparable voting equipment. 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.

103. § 24.2-710. Further duties of electoral board and general registrar; absentee voter applicant lists. **S**

On the day before the election, the general registrar shall (i) make out in triplicate on a form prescribed by the **State Board** the absentee voter applicant list 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. 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**. 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. **D**

104. § 24.2-711.1. Rejected absentee ballots; notice of reason for rejection.

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 rejected within ninety days of the date on which the ballot is rejected. The **State Board** of Elections shall promulgate instructions to implement the provisions of this section.

105. § 24.2-712. Central absentee voter precincts; counting ballots.

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. 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, but no ballot count totals shall be initiated prior to that time. **D** **D** **D** **D**

106. § 24.2-713. Emergency authority of the Secretary of the **State Board** of Elections. **D**

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. The **Secretary** of the **State Board** of Elections shall have the authority to designate alternative methods and procedures to handle such applications and ballots. Nothing in this section shall authorize the counting of any absentee ballot returned after the polls have closed. For purposes of this section, "an emergency" shall mean (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) 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.

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107. § 24.2-800. Recounts in all elections.

A. The provisions of this article apply to all elections held in the Commonwealth.

B. 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. 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.

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C. 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 Board** or the electoral board for a recount of the vote as set forth in this article.

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108. § 24.2-801.1. Petition for recount of election for presidential electors; recount court.

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The petition for a recount of an election for presidential electors shall be filed no later than 5:00 p.m. on the second calendar day after the day the **State Board** certifies the result of the election under § 24.2-679, but not thereafter. Presidential candidates who anticipate the possibility of asking for a recount are encouraged to so notify the **State Board** by letter as soon as possible after

election day. 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, within 24 hours of the certification of the results, notify the Circuit Court of the City of Richmond and the Supreme Court of Virginia (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., on the second calendar day after the day the **State Board** certified the result of the election

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109. § 24.2-802. Procedure for recount.

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.

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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.

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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. 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. The court shall fix procedures that shall provide for the accurate determination of votes in the election.

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110. § 24.2-903. Summary of election laws; forms.

The **State Board** shall 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.

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The **Board** shall designate the form of the report of contributions and expenditures which shall be the only such form used in

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complying with the 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.

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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.

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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.

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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 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. 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

and in accordance with instructions by the **State Board** for the time for filing and the process for approval by the electoral board.

113. § 24.2-912. Political party committees required to report designated contributions.

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. 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.

114. § 24.2-914. Information to be included on report of contributions and expenditures.

A. The report required by this chapter shall be 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.

The **State Board** shall provide instructions to filers for delivery of reports within the time periods prescribed by law.

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.

115. § 24.2-914.1. Standards and requirements for electronic preparation and transmittal of campaign finance disclosure reports; database.

A. The **State Board** of Elections 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.).

The **State Board** may prescribe the method of execution and certification of electronically filed statements

and the procedures for receiving statements in the office of the **State Board** or by the local electoral boards.

B. 1. The **State Board** 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

in accordance with the standards approved by the **State Board**

and using software meeting standards approved by it.

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. Such reports shall be filed in accordance with, and using software that meets, standards approved by the **State Board**. 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.

3. The **State Board** may provide software to filers without

charge or at a reasonable cost.

C. On and after January 1, 2001, the **State Board** 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.

D. 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.

Candidates for the General Assembly may file the reports required by this article with the **State Board** by computer or electronic means

in accordance with the standards approved by the **State Board**.

This information shall be made available to the public promptly by the **State Board** through the global information system known as the Internet.

E. Other committee reports required by this chapter to be filed with the **State Board** or a local electoral board, or both,

may be filed electronically on terms agreed to by the committee and **Board**.

F. On and after January 1, 2004, 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

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, may sign a waiver, on a form prescribed by the **State Board**, 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.

G. The **State Board** shall have authority to extend any deadline applicable to 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. The extension shall not exceed a period of up to five days after restoration of the filing system to operating order.

116. § 24.2-920.1. Dormant campaigns.

The **State Board** or the electoral board of any county or city 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. 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 may reopen the file and send notice to the candidate requesting that he file the appropriate reports and pay any fines that were levied before the file was closed by it.

117. § 24.2-923. Filing schedule for persons and political committees.

F. The **State Board** shall provide for a "no activity" report that may be filed for any period set out in subsection C in which the filer has no activity to report.

118. § 24.2-923.1. Dormant committees.

The **State Board** 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. 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 may reopen the file and send notice to such officer requesting that he file the appropriate reports or notice and pay any fines which were levied before the file was closed by it.

119. § 24.2-926. Custody of reports; inspection and copying.

Every officer or electoral board, other than the **State Board**, 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 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.

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.).

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.

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.

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.

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 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 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.

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.

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.

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.

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 deadline specified in this chapter. In the 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.

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 for any other office or to influence any other ballot issue, shall determine whether a violation was committed and assess the appropriate civil penalty, if any.

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.

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.

123. § 24.2-930. Civil penalties for late and incomplete filings for statewide campaigns.

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 may be assessed a civil penalty by the **Secretary** of the **State Board** pursuant to this section.

124. § 10.1-528. Expenses and publication of results.

The expenses of such elections shall be paid by the counties or cities concerned. The **State Board** of Elections shall publish, or have published within the district, the results of the election.

125. § 30-19.10. Distribution of information on proposed questions to be submitted to voters.

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 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. The **State Board** of Elections 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 proceeding the final day for registration and once during the week preceding the referendum.

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 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.

Under Other Business: Deputy Secretary Lynda Sharp Anderson informed the Board it needs to meet on January 10, 2005 to approve any changes to the HAVA State Plan as a result of public comments.

Chairman Brown thanked SBE for their efforts and hard work.

There being no further business the Chairman moved to adjourn at 3:25 p.m.

_____

Secretary

_____

Chairman

_____

Vice-Chair

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State Board of Election Duties and Responsibilities	**Decision (circle one)** **B D S n/a**	**Notes/Comments**
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 relavent to the disussion of the Board's duties have been omitted. In some cases, additional line breaks have been added to separate the different duties for discussion.	Key **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]	
1. 24.2-101. Definitions.		
"**State Board**" or "Board" means the **State Board** of Elections.	**n/a**	
2. § 24.2-102. Appointment; terms; Secretary.		
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.	**n/a**	
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.		
The Governor shall designate one member of the **Board** as the **Secretary**, who shall receive the salary fixed by law. The **Secretary** may employ the personnel required to carry out the duties imposed by this title. The provisions of § 2.2-106 shall not apply to this section.	**S**	
3. § 24.2-103. Powers and duties in general.		
A. The **State Board** shall supervise and coordinate 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.	**D**	
It shall make rules and regulations	**B**	
and issue instructions and provide information to the electoral boards and	**B D S n/a**	For Further Review

registrars to promote the proper administration of election laws.		
Electoral boards and registrars shall provide information requested by the **Board**.	**D**	
The **Board** shall ensure that the members of the electoral boards and general registrars are properly trained to carry out their duties by offering training annually, or more often, as it deems appropriate.	**D**	
B. The **Board** may institute proceedings pursuant to § 24.2-234 for the removal of any member of an electoral board who fails to discharge the duties of his office in accordance with law.	**B**	
The **Board** may petition the local electoral board to remove from office any general registrar who fails to discharge the duties of his office according to law.	**B**	
The **Board** may institute proceedings pursuant to § 24.2-234 for the removal of a general registrar 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.	**B**	
Any action taken by the **Board** pursuant to this subsection shall require a recorded majority vote of the **Board**.	**n/a**	
C. The **Board** may petition a circuit court or the Supreme Court, whichever is appropriate, for a writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that elections are conducted as provided by law.	**B**	
The **Board** shall **adopt** a seal for its use and bylaws for its own proceedings.	**B**	
4. § 24.2-104. Requesting assistance for attorney for the Commonwealth; investigative committees.		
When the **State Board** is of the opinion that the public interest will be served, it may request the Attorney General, or other attorney designated by the Governor for the purpose, to assist the attorney for the Commonwealth 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.	**B**	
When the **State Board** makes its request pursuant to a unanimous vote of all members, 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**.	**B**	
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		

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

job responsibilities, and reasonable costs for the general registrar or at least one member of the registrar's staff to attend the annual training offered by the **State Board**; (ii) adequate training for officers of election; (iii) conducting elections as required by this title; and (iv) voter education.	**D**	
10. § 24.2-114. Duties and powers of general registrar.		
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 multijurisdictional staffing for voter registration offices, approved by the **State Board**, that are located at facilities of the Department of Motor Vehicles.	**B**	
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. 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, 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.	**D**	
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. 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** 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.	**D**	
8. 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**; 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.	**D**	
10. Verify the accuracy of the pollbooks provided for each election by the **State Board**, make the pollbooks available to the precincts,	**D**	
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** after each election for voting credit purposes.	**D**	
11. § 24.2-234. Removal of officer appointed for a term certain.		

The circuit court also shall proceed pursuant to § 24.2-235 for the removal of a 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.		**B**			
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.					
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.	**B**	**D**	**S**	**n/a**	For Further Review
13. § 24.2-310. Requirements for polling places.					
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.		**D**			
D. 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**. The electoral board shall provide notice to the voters appropriate to the circumstances of the emergency.		**D**			
14. § 24.2-310.1. Polling places; additional requirement.					
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.		**B**			
15. § 24.2-404. Duties of **State Board**.					
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.		**D**			
In order to operate and maintain the system, the **Board** shall:					
1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.		**D**			
2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.		**D**			
3. Provide to each general registrar, voter registration cards for newly registered		**D**			

voters and for otice to registered voters on the system of changes and corrections in their registration records and polling places.		
4. 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.	**D**	
5. Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.	**D**	
6. 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.	**D**	
7. 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.	**D**	
Prior to any general, primary, or special election, the **State Board** shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city.	**D**	
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.	**D** **D**	
8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the **Board**.	**D**	
9. 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.	**D**	
10. 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.	**D**	
B. The **State Board** shall be authorized to 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.	**D**	
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.		
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	**S**	

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.	**D** **D** **D**	
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.	**D** **D**	
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.	**D**	
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.	**D**	
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.	**D**	
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.	**D**	

Information in the lists shall be confidential and consistent with the requirements of § 32.1-271.					
20. § 24.2-409. Division of Criminal Records to transmit monthly lists of felony convictions to **State Board**.					
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.		**D**			
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.		**D**			
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.		**D**			
21. § 24.2-411. Office of the general registrar.					
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. The specific days of normal service each week for general registrars shall be determined by the **State Board**.	**B**	**D**	**S**	**n/a**	For Further Review
22. § 24.2-411.1. Offices of the Department of Motor Vehicles.					
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. 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.		**D**			
C. 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.		**D**			
D. The **State Board** of Elections shall maintain statistical records on the number of applications to register to vote with information provided from the Department of Motor Vehicles.		**D**			
23. § 24.2-411.2. State-designated voter registration agencies.					
B. 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		**S**			

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.	**S**	
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.	**D**	
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	**B**	
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.	**D**	
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**.	**B**	
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.	**D**	
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.	**D**	
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.	**B**	
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.	**B**	
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	**B**	

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 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.	**B**	
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.	**D**	
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,	**D**	
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.	**D**	
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,	**D**	
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.	**B**	
32. § 24.2-441. Application for temporary registration.		
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	**B**	

Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff et seq.).		
33. § 24.2-443. Absentee ballots for persons registered under this article. 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. 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.	**D**	
34. § 24.2-443.2. Application for temporary registration. 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. 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 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.	**B**	
35. § 24.2-443.4. Absentee ballots for persons registered under this article. 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. The absentee ballots shall be voted, handled, and counted with other absentee ballots in accordance with the provisions of this title.	**D**	
36. § 24.2-444. Registration records open to public inspection. 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.	**D**	
37. § 24.2-446. Reconstruction of destroyed registration records. 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.	**D**	
38. § 24.2-501. Statement of qualification as requirement of candidacy. 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.	**B**	
Every candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall file the statement with the **State Board**. Every candidate for any other office shall file the statement with the general registrar of the county or city where he resides.	**D**	
Each general registrar shall transmit to the **State Board**, immediately after the filing deadline, a list of the candidates who have filed statements of qualification.	**D**	
The candidate may state, as part of his statement of qualification, how he would like his name to appear on the ballot; however, all names printed on the ballot shall meet the criteria established by the **State Board**.	**B**	
39. § 24.2-502. Statement of economic interests as requirement of candidacy.		
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 transmit to the **State Board**, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests.	**D**	
The **Secretary** of the **State Board** shall notify the appropriate local electoral boards of the filings.	**S**	
40. § 24.2-503. Deadlines for filing required statements; extensions.		
The **State Board** may 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. 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.	**D**	
41. § 24.2-503.1. Compliance with reporting requirements of Campaign Finance Disclosure Act as requirement of candidacy for certain offices.		
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. 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.	**D**	
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.	**D**	

42. § 24.2-505. Declaration of candidacy required of independent candidates.		
A. Any person, other than a candidate for a party nomination or a party nominee, 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 file a declaration of candidacy with the **State Board**,	**D**	
on a form prescribed by the **Board**, 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 acknowledgments to deeds.	**B**	
The **State Board** shall notify the respective secretaries of the appropriate electoral boards of the qualified candidates who have so filed.	**D**	
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. 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. 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.	**n/a**	
He shall transmit the names of the candidates who have filed with him to the **State Board** immediately after the filing deadline.	**D**	
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. 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. 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.	**n/a**	
He shall transmit the names of the candidates who have filed with him to the **State Board** immediately after the filing deadline.	**D**	
43. § 24.2-506. Petition of qualified voters required; number of signatures required; certain towns excepted.		
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 a petition therefore, 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 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	**B**	

that effect appears on each page of the petition.					
44. § 24.2-511. Party chairman to certify candidates to **State Board** and secretary of electoral board; failure to certify.					
A. 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.		**D**			
The **State Board** shall notify the secretaries of every electoral board of the names of the candidates to appear on the ballot for such offices.		**D**			
B. 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. 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.		**D**			
	B	**D**	**S**	**n/a**	For Further Review
45. § 24.2-516. Party to furnish names of chairmen and notify **State Board** of adoption of direct primary.					
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.		**D**			
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.		**D**			
The **Board** shall advise each chairman that notification to the **Board** of the adoption of a direct primary is required		**D**			
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.		**D**			
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.		**D**			
The requirement to notify the **Board** of the adoption of a direct primary		**D**			
shall be satisfied when the **Board** receives by the deadline (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.		**D**			

46. § 24.2-517. **State Board** to order election.		
The **State Board** shall order the holding of a primary election in any county, city, or other district of the Commonwealth in which it is notified pursuant to § 24.2-516 that a primary is intended to be held.	**B**	
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.	**D**	
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.	**B**	
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.	**B**	
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.	**D**	
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.	**D**	
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 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.	**D**	
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	**D** **D**	
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.	**D**	
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.	**D**	
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.	**D** **D**	

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 fourteen days after the day of the election, the **State Board** shall open and tabulate the returns.		**D**			
Upon completion of the tabulation the **Board** shall declare the nominee in the manner and form as it does in general elections.		**B**			
55.§ 24.2-537. Procedure when nominee by default dies or withdraws or nomination is set aside prior to primary.					
If more than one person qualifies, the party chairman shall promptly certify their names to the **State Board** 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: ...		**D**			
56. § 24.2-538. Procedure when opposed candidate for nomination dies prior to primary.					
The party chairman or chairmen shall promptly certify the names of every such person to the State Board 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:		**D**			
57. § 24.2-542. **State Board** to be furnished names of electors selected by political parties; oaths of electors.					
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.		**D**	**B**	**D**	**S**	**n/a**	For Further Review
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.		**D**			
58. § 24.2-542.1. **State Board** to be furnished names of electors selected by political parties; certain national conventions.					
Notwithstanding the provisions of § 24.2-542, (i) 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		**D**			

nominated for President and Vice-President at its national convention; (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; 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.	**D** **D**	
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.	**D** **D**	
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.	**n/a**	
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.	**n/a**	
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 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.	**B**	
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**.	**D** **B**	
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.	**D** **D**	
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.	**B**	
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**,	**D** **B**	
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	**D**	

for that party will be held.					
C. The names of all candidates in the presidential primary of each political party shall appear on the ballot in an order determined by lot by the **State Board**.		**B**			
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		**B**			
62. § 24.2-603.1. Postponement of certain elections; state of emergency.					
The **State Board** shall prescribe appropriate procedures to implement this section	**B**	**D**	**S**	**n/a**	For Further Review
63. § 24.2-604.2. Polling places; prohibited area; emergency situations.					
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**. 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.		**D**			
64. § 24.2-610. Materials at polling places.					
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.		**D**			
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.		**D**			
C. 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.		**D**			
65. § 24.2-611. Form and signing of pollbooks; records of persons voting; electronic pollbooks.					
A. 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:		**D**			
"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." The oath shall be administered to each officer of election by the general registrar, 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.					
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. 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. 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.	**D** **D** **D**				
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.	**B**	**D**	**S**	**n/a**	For Further Review
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.		**D**			
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.		**B**			
66. § 24.2-612. List of offices and candidates filed with **State Board** and checked for accuracy; when ballots printed; number required. 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.		**D**			
The **State Board** shall promptly advise the electoral board of the accuracy of the list.		**D**			

The failure of any electoral board to send the list to the **State Board** for verification shall not invalidate any election.		**n/a**			
Each electoral board shall have printed the number of ballots it determines will be sufficient to conduct the election.					
Notwithstanding any other provisions of this title, the **State Board** may print or otherwise provide (i) one statewide paper ballot style for each paper ballot style in use for presidential and vice-presidential electors for use only by persons eligible to vote for those offices only under § 24.2-402 or clause (iii) or (v) of subsection B of § 24.2-416.1, (ii) one statewide paper ballot style for each paper ballot style in use for Governor, Lieutenant Governor or Attorney General only for use as the early absentee ballot specified in § 24.2-702, and (iii) single paper ballot styles for each ballot style in use for each congressional district for federal offices for use only by overseas voters eligible to vote in federal elections only pursuant to Article 7 (§ 24.2-440 et seq.) of Chapter 4 of this title. The **State Board** may apportion or authorize the printer or vendor to apportion the costs for these ballots among the localities based on the number of ballots ordered. Any printer employed by the **State Board** shall execute the statement required by § 24.2-616. The **State Board** shall designate a representative to be present at the printing of such ballots and deliver them to the appropriate electoral boards pursuant to § 24.2-617. Upon receipt of such paper ballots, the electoral board shall affix its seal. Thereafter, such ballots shall be handled and accounted for, and the votes counted as the **State Board** shall specifically direct.		**D** **D** **D** **D** **D**			
The electoral board shall make printed ballots available for absentee voting at least (i) 45 days prior to any November general election or special election held at the same time; (ii) 30 days prior to any other general, special, or primary election; or (iii) in the case of a special election, if time is insufficient to meet the applicable deadline established herein, then as soon after the deadline as possible.					
Only the names of candidates for offices to be voted on in a particular election district shall be printed on the ballots for that election district.					
The electoral boards shall send to the **State Board** a statement of the number of paper ballots ordered to be printed, proofs of each paper and voting equipment ballot for verification, and copies of each final ballot.		**D**			
If the **State Board** finds that, in its opinion, the number of ballots ordered to be printed by any local electoral board is not sufficient, it may direct the local board to order the printing of a reasonable number of additional ballots.		**D**			
67. § 24.2-612.1. Ballots; death, withdrawal, or disqualification of candidates.					
In the case of the death, withdrawal, or disqualification of any candidate, other than a party nominee, who has qualified to have his name printed on the ballot for any election other than a presidential or primary election, the **State Board** of Elections shall take into account the time available before the election and the status of the ballots for the election and shall have authority to direct the electoral boards on how to proceed to print the ballot without the candidate's name, correct the ballot to delete the candidate's name, or provide notice to voters of the death, withdrawal, or disqualification of the candidate.	**B**	**D**	**S**	**n/a**	For Further Review
The **State Board** shall have like authority in the case of the death, withdrawal, or disqualification of a party nominee subject to the provisions of Article 5 (§ 24.2-	**B**	**D**	**S**	**n/a**	For Further Review

539 et seq.) of Chapter 5 of this title. 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: _ JOHN DOE 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.	**B**	
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.	**B** **B**	
No individual's name shall appear on the ballot more than once for the same		

office.					
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 . . . . . ."		**D**			
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**.	**B**	**D**	**S**	**n/a**	For Further Review
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.	**B**	**D**	**S**	**n/a**	For Further Review
69. § 24.2-614. Preparation and form of presidential election ballots.					
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.					
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.		**B**			
70. § 24.2-626. Governing bodies shall acquire mechanical or electronic voting or counting systems.					
A. 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.		**B**			
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. 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**.		**B**			
71. § 24.2-628. Authorized use of mechanical voting devices.					
A. Any person, firm, or corporation manufacturing, owning, or offering for sale any mechanical voting device may apply to the **State Board**,		**D**			
in the manner prescribed by the **Board**, to examine and approve such device. The		**B**			

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 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.	**S**	
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**	
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**,	**D**	
in the manner prescribed by the **Board**, to have examined a production model of such equipment and the ballots used with it.	**B**	
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.	**B**	
Receipts from such fees shall be credited to the **Board** for reimbursement of testing and certification expenses.	**D**	
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.	**D**	
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	**B**	
be provided to the **Board** for testing purposes.	**D**	
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 allow such undervoted and overvoted ballots to be separated when necessary.		
B1. The system shall provide the voter with an opportunity to correct any error before a permanent record is preserved.		
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;	**D**	
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.	**B**	
D. If the **Board** determines that there is such potential and prior to its final determination as to approval or disapproval of such system,	**B**	
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**. 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. The report of the consultant shall be filed in the office of the **Board**.	**D** **B** **S**	
E. 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.	**B**	
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.	**n/a**	
F. If, following testing, the **Board** approves any electronic system and its ballots for use,	**B**	
the **Board** shall so notify the electoral **board**s of each county and city. Systems	**D**	

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 city. 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.	**n/a**	
73. § 24.2-630. Experimental use of approved systems.		
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.	**B**	
74. § 24.2-631. Experimental use of voting systems and ballots prior to approval of the system.		
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	**B** **B**	
and (ii) whose electoral board submits to the **Board** for approval a plan for the use of such system and ballots.	**D**	
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	**B**	
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.	**D**	
75. § 24.2-632. Voting equipment custodians.		
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. 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. 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.	**D**	
76. § 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.		
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 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, <u>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</u> **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.	**<u>D</u>**	
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 <u>shall furnish the voter with a change of address form prescribed by the</u> **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.	**<u>B</u>**	
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, <u>he shall be furnished with a voter registration form prescribed by the</u> **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	**<u>B</u>**	

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 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.		**B**			
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.		**S** **B**			
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**.	**B**	**D**	**S**	**n/a**	For Further Review
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		**B**			

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 and record the name of the voter and the name and address of the person assisting him		
79. § 24.2-650. Officers to sign only official papers, etc. No officer of election shall sign or otherwise mark any paper, form, or item, other than one furnished by the **State Board**, his electoral board, or general registrar, at his polling place during the hours that the polls are open.	**n/a**	
80. § 24.2-651. Voter who is challenged; how challenge tried. 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, and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the **State Board**.	**D**	
81. § 24.2-651.1. Voter who is shown as having already voted; challenge and procedure for voting; voter identification. 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 indicate on the pollbook that the person has signed the required statement in accordance with the instructions of the **State Board** of Elections.	**D**	
82. § 24.2-652. Voter whose name erroneously omitted from pollbook. 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 shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the **State Board**.	**D**	
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. 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. Such person shall be given a paper ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the **State Board**, 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	**B**	

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. The officers of election shall enter the appropriate information for the person on the pollbook in accordance with the instructions of the **State Board** but shall not enter a consecutive number for the voter nor otherwise mark his name as having voted.	**B**	**D**	**S**	**n/a**	For Further Review
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. 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		**B**			
84. § 24.2-654. Officers to lock and seal voting equipment and ascertain vote after polls closed; statement of results. 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**.	**B**	**D**	**S**	**n/a**	For Further Review
85. § 24.2-659. Locking voting and counting devices after election and delivering keys to clerk; printed returns as evidence. 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. 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**		**D**			
or the electoral board at the direction of the **State Board** in order to ensure the accuracy of the returns		**D**			
86. § 24.2-666. Procedures to account for paper ballots. The **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.	**B**	**D**	**S**	**n/a**	For Further Review
87. § 24.2-668. Pollbooks, statements of results, and ballots to be sealed and delivered to clerk or general registrar. 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 in the envelopes provided by the **State Board**. 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		**D**			

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 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.	**D**	
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.	**D**	
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**.	**D**	
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**	**D**	
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.	**D**	
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	**B**	

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.	**B**	
90. § 24.2-675. Abstracts of votes to be made by secretary and forwarded to **State Board** and to clerks.		
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. 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**.	**D**	
The **State Board** shall require the electoral board of any county or city to correct any errors found on such abstracts prior to completing the requirements of § 24.2-679.	**D**	
91. § 24.2-677. **State Board** to open and record returns; application of Freedom of Information Act.		
The **State Board**, 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.	**D**	
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**.	**n/a**	
92. § 24.2-678. Law-enforcement officer to be sent for abstracts not forwarded.		
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.	**D**	
That official shall immediately, on demand of the officer, make out and deliver to him the copy required, and the officer shall deliver the abstract to the **State Board** without delay.	**D**	
93. § 24.2-679. **State Board** to meet and make statement as to number of votes.		
A. The **State Board** shall meet on the fourth Monday in November to ascertain the results of the November election. 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.	**B**	
The **Board** shall examine the certified abstracts on file in its office and make statements of the whole number of votes given at any such election 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.	**B**	
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 correct and sign the statements.	**B**	
The **Board** shall then determine those persons who received the greatest number of votes and have been duly elected to each office.	**B**	
The **Board** members shall endorse and subscribe on such statements a certificate of their determination.	**B**	
The **Board** shall record each certified statement and determination in a suitable book to be kept by it in its office.	**D**	
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.	**B**	
94. § 24.2-680. Certificates of election.		
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.	**B** **D**	Board Complete Certficate Secretary Transmit Certificate
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.	**D**	
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.	**B**	
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.	**B**	
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.	**B**	
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.	**B**	
95. § 24.2-701. Application for absentee ballot.		
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.	**D**	
The **State Board** shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet.	**D**	

Electronic absentee ballot applications shall be in a form approved by the **State Board**.		**B**			
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 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.	**B**	**D**	**S**	**n/a**	For Further Review
96. § 24.2-703. Application for absentee ballots for multiple elections for uniformed and overseas voters.					
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**. The applicant shall specify by party designation the primary ballots he is requesting.		**D**			
97. § 24.2-703.1. Special annual applications for absentee ballots for certain ill or disabled voters.					
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. 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, 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.		**B**			
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 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.		**D**			
98. § 24.2-703.2. Replacement absentee ballots for certain disabled or ill voters; penalty.					
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 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.	**B**	
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.	**n/a**	
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.	**B**	
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. 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	**D**	

bill, bank statement, government check, paycheck or other document that shows 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.	**B**	**D**	**S**	**n/a**	For Further Review
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.		**D**			
The envelopes and instructions shall be in the form prescribed by the **State Board**.		**B**			
102. § 24.2-707. How ballots marked and returned by mail; cast in person; cast on voting equipment.					
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**.		**B**		**n/a**	
The procedures shall be applicable and uniformly applied by the **State Board** to all jurisdictions using comparable voting equipment. 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.		**D**			
103. § 24.2-710. Further duties of electoral board and general registrar; absentee voter applicant lists.					
On the day before the election, the general registrar shall (i) make out in triplicate on a form prescribed by the **State Board** the absentee voter applicant list 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. 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**. 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.		**D**		**D**	
104. § 24.2-711.1. Rejected absentee ballots; notice of reason for rejection.					
The electoral board of each county and city shall send a written explanation of the					

	B	D	S	n/a	
reason for rejection of an absentee ballot to the voter whose absentee ballot is rejected within ninety days of the date on which the ballot is rejected. The **State Board** of Elections shall promulgate instructions to implement the provisions of this section.					For Further Review
105. § 24.2-712. Central absentee voter precincts; counting ballots.					
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. 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, but no ballot count totals shall be initiated prior to that time.		**D**			
106. § 24.2-713. Emergency authority of the Secretary of the **State Board** of Elections.					
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. The **Secretary** of the **State Board** of Elections shall have the authority to designate alternative methods and procedures to handle such applications and ballots. Nothing in this section shall authorize the counting of any absentee ballot returned after the polls have closed. For purposes of this section, "an emergency" shall mean (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) 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.		**S** **S**			
107. § 24.2-800. Recounts in all elections.					
A. The provisions of this article apply to all elections held in the Commonwealth.					
B. 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. 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.		**n/a** **n/a**			
C. 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**		**n/a** **n/a**			

Board or the electoral board for a recount of the vote as set forth in this article.		
108. § 24.2-801.1. Petition for recount of election for presidential electors; recount court.		
The petition for a recount of an election for presidential electors shall be filed no later than 5:00 p.m. on the second calendar day after the day the **State Board** certifies the result of the election under § 24.2-679, but not thereafter. Presidential candidates who anticipate the possibility of asking for a recount are encouraged to so notify the **State Board** by letter as soon as possible after election day. 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, within 24 hours of the certification of the results, notify the Circuit Court of the City of Richmond and the Supreme Court of Virginia (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., on the second calendar day after the day the **State Board** certified the result of the election	**n/a** **D** **D** **n/a**	
109. § 24.2-802. Procedure for recount.		
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.	**B** **n/a**	
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.		
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. 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. The court shall fix procedures that shall provide for the accurate determination of votes in the election.	**D**	
110. § 24.2-903. Summary of election laws; forms.		
The **State Board** shall 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.	**D**	
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	**B**	

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	**B** **D** **B** **D** **D** **D**	

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. 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	**B**	**D**	**S**	**n/a**	For Further Review
and in accordance with instructions by the **State Board** for the time for filing and the process for approval by the electoral board.	**B**	**D**	**S**	**n/a**	For Further Review
113. § 24.2-912. Political party committees required to report designated contributions.					
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. 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.		**B** **D**			
114. § 24.2-914. Information to be included on report of contributions and expenditures.					
A. The report required by this chapter shall be 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.		**B** **D**			
The **State Board** shall provide instructions to filers for delivery of reports within the time periods prescribed by law.		**D**			
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.		**D**			
115. § 24.2-914.1. Standards and requirements for electronic preparation and transmittal of campaign finance disclosure reports; database.					
A. The **State Board** of Elections 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.).		**B**			

The **State Board** may prescribe the method of execution and certification of electronically filed statements	**D**	
and the procedures for receiving statements in the office of the **State Board** or by the local electoral boards.	**S**	
B. 1. The **State Board** 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	**D**	
in accordance with the standards approved by the **State Board**	**B**	
and using software meeting standards approved by it.	**B**	
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. Such reports shall be filed in accordance with, and using software that meets, standards approved by the **State Board**. 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.	**B**	
3. The **State Board** may provide software to filers without charge or at a reasonable cost.	**D**	
C. On and after January 1, 2001, the **State Board** 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.	**D**	
D. 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.	**B**	
Candidates for the General Assembly may file the reports required by this article with the **State Board** by computer or electronic means	**D**	
in accordance with the standards approved by the **State Board**.	**B**	
This information shall be made available to the public promptly by the **State Board** through the global information system known as the Internet.	**D**	
E. Other committee reports required by this chapter to be filed with the **State Board** or a local electoral board, or both,	**D**	
may be filed electronically on terms agreed to by the committee and **Board**.	**D**	
F. On and after January 1, 2004, 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	**n/a** **D**	

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, may sign a waiver, on a form prescribed by the **State Board**, 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.	**B** **B**	
G. The **State Board** shall have authority to extend any deadline applicable to 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. The extension shall not exceed a period of up to five days after restoration of the filing system to operating order.	**D**	
116. § 24.2-920.1. Dormant campaigns.		
The **State Board** or the electoral board of any county or city 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. 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 may reopen the file and send notice to the candidate requesting that he file the appropriate reports and pay any fines that were levied before the file was closed by it.	**B** **B**	
117. § 24.2-923. Filing schedule for persons and political committees.		
F. The **State Board** shall provide for a "no activity" report that may be filed for any period set out in subsection C in which the filer has no activity to report.	**B**	
118. § 24.2-923.1. Dormant committees.		
The **State Board** 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. 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 may reopen the file and send notice to such officer requesting that he file the appropriate reports or notice and pay any fines which were levied before the file was closed by it.	**B** **B**	
119. § 24.2-926. Custody of reports; inspection and copying.		
Every officer or electoral board, other than the **State Board**, 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	**n/a**	

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.	**D**	
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.).	**D**	
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.	**D**	
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.	**S**	
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.	**S**	
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	**D**	

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.	**D**	
The **State Board**, or the general registrar or secretary of the electoral board,	**D**	
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.	**D**	
The **State Board**, or the general registrar or secretary of the electoral board	**D**	
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**	
D. The **State Board**,		
and the general registrar or secretary of the electoral board in accordance with the instructions of the **State Board**,	**D**	
(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.	**D**	
Each locality shall advise the **State Board** of penalties assessed, collected and reported to the attorney for the Commonwealth.	**D**	
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.	**B**	
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		

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.	**B**	
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 committeeB. 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.	**B** **B** **B** **B** **S**	
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.	**S**	
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.	**S**	
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 deadline specified in this chapter. In the 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.	**D**	
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	**B**	

for any other office or to influence any other ballot issue, shall determine whether a violation was committed and assess the appropriate civil penalty, if any.		
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.	**B**	
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.	**B**	
123. § 24.2-930. Civil penalties for late and incomplete filings for statewide campaigns.		
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 may be assessed a civil penalty by the **Secretary** of the **State Board** pursuant to this section.	**S**	
124. § 10.1-528. Expenses and publication of results.		
The expenses of such elections shall be paid by the counties or cities concerned. The **State Board** of Elections shall publish, or have published within the district, the results of the election.	**D**	
125. § 30-19.10. Distribution of information on proposed questions to be submitted to voters.		
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 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. The **State Board** of Elections 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.	**D** **D**	
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 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.	**D** **D**	

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MINUTES

State Board of Elections emergency board meeting was held on September 14, 2010. The meeting was held in the General Assembly Building, 1st Floor conference room D. In attendance were Jean Cunningham, Chair; Harold Pyon, Vice-Chairman; Nancy Rodrigues, Secretary; Matt Abell, Assistant Manager, Election Services; Al Giles, Information Services; and Jim Hopper, Senior Assistant Attorney General.

Ms. Cunningham called the meeting to order at 10:08 A.M.

Ms. Cunningham stated the Vice-Chairman Harold Pyon was stuck in traffic near Fredericksburg and moved to table the approval of the minutes. The motion was seconded and approved.

The next order of business was an update of new SBE regulations to be considered and voted on by the board at the upcoming October board meeting. Staff will document comments from the field on the following regulations and incorporate them in the report that will be submitted at the October board meeting:

- Material Omissions Candidate Petitions
- Material Omissions Referendum Petitions
- Material Omissions Absentee Ballots
- Residency for Voter Registration
- Data Security

The next order of business was a request to inspect sealed election materials by Campbell County and the City of Galax.

Secretary Rodrigues moved the Board to ratify her granting Campbell County and the City of Galax permission to inspect sealed election materials. The motion was seconded and unanimously approved. The next order of business was a request for approval of the absentee ballot readiness certification form. Ms. Brissette advised the board that staff had received feedback from the field and the U. S. Department of Justice. This feedback resulted in clarifying amendments to the use of the Absentee Ballot Readiness Certification Form circulated in draft on August 19, 2010.

Secretary Rodrigues moved to approve the use of the absentee ballot readiness certification form. The motion was seconded and unanimously approved.

The next order of business was a request for approval of the Statement of Responsibility. Deputy Secretary Alcorn advised the board that this form will document that any person or group requesting and receiving a Virginia Voter List understands and agrees to comply with Virginia

law on use of and distribution of the information contained in the Virginia Voter List. Staff is prepared to begin using this form immediately upon approval by the board.

Secretary Rodrigues moved to approve the use of the Statement of Responsibility. The motion was seconded and unanimously approved.

The next order of business was a request for approval of Election Materials Envelopes Forms. Mr. Abell advised the board that the forms has been created as a cost saving measure. This form will alleviate wasting empty election envelopes when, after the close of the polls, the election materials are tallied, sealed and sent to the clerk of court. This form will satisfy the requirements of §24.2-668

Secretary Rodrigues moved to approve the use of the Election Materials Envelopes Form. The motion was seconded and unanimously approved.

The next order of business was a follow-up report on proposed delegation to the Secretary amending policy 2004-007.

Motion to amend Board Policy 2004-007 to add delegation to Secretary relating to candidate certification under § 24.2-511(B)

That Board Policy 2004-007, detailing delegations of authority by the State Board of Elections to the Secretary is amended to include the authority provided in § 24.2-511(B) to declare the candidate the nominee of the political party and direct that the candidate name be treated as certified by the party chair in the event that the party chairman fails to make such certification.

Mr. Abell advised the board that this policy was presented to both the Republican and Democratic parties and they agree with the amendments to SBE policy 2004-007.

Secretary Rodrigues moved to approve the amendments to SBE policy 2004-007. The motion was seconded and unanimously approved.

The next order of business was a request for approval of a pilot program in Fairfax County. Mr. Edgardo Cortes, General Registrar for Fairfax County asked the board to approve a pilot program. The pilot project involves sending voters a modified version of B Envelope (Form SBE-706-2) that has the required portions highlighted in yellow. In addition, Fairfax County requests that SBE provide amended instructions for domestic absentee voters, to point out the pilot project.

Secretary Rodrigues moved to approve the Fairfax County pilot program using highlighted envelopes in the upcoming election. The motion was seconded and unanimously approved.

The next order of business was consideration of Stand-by-Your-Ad violations. Mr. Peter Goldin, Policy Division advised the board that the Campaign Finance staff have worked diligently to review their files regarding, "Stand by Your Ad" violations. Mr. Goldin asked the board to consider their findings.

- Ben Belrose – A complaint was received that Mr. Ben Belrose did not have the proper disclaimer on his campaign flier, yard signs or Robo-calls.
    - Staff recommends that the penalty be dismissed because a violation did not occur because Mr. Belrose did not reach the threshold requiring him to register and file.

Secretary Rodrigues moved to dismiss the penalty. The motion was seconded and unanimously approved.

- Kelli Grim – Violation was noted by Mayor Robert W. Lazaro, Jr. that there was no disclaimer on a letter that was sent from the Northern Virginia Labor Advancing Workers & Families advocating the election of Kelli Grim.
    - Staff recommended that the penalty be dismissed because.
    - The letter sent by the local union on behalf of Ms. Grim, was created independently and not approved by her, and asked that the penalty be waived.

Secretary Rodrigues moved to dismiss the penalty. The motion was seconded and unanimously approved.

- Bing Lam – A complaint was filed by Elaine Walker that Mr. Lam's campaign flier did not contain a disclaimer.
    - Staff recommended that the penalty be dismissed pursuant to §24.2-945 – Persons required to file independent expenditure disclosure reports; filing deadlines.

Secretary Rodrigues moved to dismiss the penalty. The motion was seconded and unanimously approved.

- Tiffany Carder – A complaint was filed by Elaine Walker that Ms. Carder's campaign flier did not contain a disclaimer.
    - Staff recommended that the penalty be dismissed pursuant to §24.2-945 – Persons required to file independent expenditure disclosure reports; filing deadlines.

Secretary Rodrigues moved to dismiss the penalty. The motion was seconded and unanimously approved.

- Gerald Thomas "Gerry" O'Dell – A complaint was received that a campaign mailing from Mr. O'Dell did not bear the legend "Paid for by" as required by the Campaign Finance Disclosure Act.
    - Staff recommended that a penalty of $200 be assessed and approved because this was a first time violation occurring within 14 days of the election.

Secretary Rodrigues moved to approve the assessment of a $200 penalty for failure to include a disclaimer on a campaign mailing. The motion was seconded and unanimously approved.

- Portsmouth Responsible Government PAC – Robert Marcus – A complaint was received that a campaign mailing did not bear the legend "Paid for by" as required the Campaign Finance Disclosure Act.
    - Staff recommended a $200 because the violation did occur within 14 days of the election. Once Mr. Marcus was notified of the violation immediate action was taken to correct the violation.

Secretary Rodrigues moved to approve an assessment of a $100 penalty for failure to include a disclaimer on a campaign flier. The motion was seconded and unanimously approved.

- Treska Wilson-Smith – A complaint was filed by Dama E. Rice that there was no disclaimer on a campaign email.
    - Staff recommended that the penalty be dismissed after determining that no violation occurred.

Ms. Tammy Alexander, Chair Petersburg Electoral Board stated that the item in question was placed on door knobs without a disclaimer. The fine levied locally was refunded.

Secretary Rodrigues moved to dismiss the complaint. The motion was seconded and unanimously approved.

- M. W. "Pete" McDuff –
    - Staff recommended a penalty of $50 for the violation because the violation did occur.

Mr. McDuff stated that approximately ten flyers were distributed and as soon as he was notified that he was in violation of Virginia law the flyers were immediately destroyed. He had the flyers reprinted after he made sure the new flyers were compliant.

Secretary Rodrigues moved to approve the assessment of a $50 penalty for failure to include a disclaimer on a campaign flier. The motion was seconded and unanimously approved.

The next orders of business were requests for waiver of civil penalties by the following:

- Doug Smith for Portsmouth City Council – Political Advertisement Disclaimer Violation.
    - Staff recommended that the penalty be upheld because Mr. Smith did not include a disclaimer on his website and failed to provide evidence as to why a penalty should not be assessed.

Secretary Rodrigues moved to uphold the staff recommendation and assess the penalty of $100. The motion was seconded and unanimously approved.

- Jeff Frederick – Failure to File a Final Report.
    - Staff recommended that the penalty be upheld because Mr. Frederick was late filing a required report and did not provide sufficient evidence that a penalty should not be assessed.

Secretary Rodrigues moved to uphold staff recommendation and assess the penalty of $100. The motion was seconded and unanimously approved.

- Eileen Filler-Corn for Delegate – Failure to File a Report.
    - Staff recommended that the penalty be waived because the report code Delegate Filler-Corn needed to file her report was not entered by SBE staff into the system, making it impossible for her to file.

Secretary Rodrigues moved to uphold the staff recommendation to waive the penalty. The motion was seconded and unanimously approved.

- Libertarian Party of Virginia – Failure to File a Report
    - Staff recommended that the penalty be waived because of an error with the VA Filing software which made it impossible for the committee to file a timely report. The committee was subsequently able to file when the software problems were corrected.

Secretary Rodrigues moved to uphold the staff recommendation to waive the penalty. The motion was seconded and unanimously approved.

- Jim Leslie – Failure to File a Timely Report.
    - Staff recommended that the penalty be reduced because at the time his filing was due he was caring for his wife who was undergoing chemotherapy cancer treatments.

Secretary Rodrigues moved to reduce the penalty to $25. The motion was seconded and unanimously approved.

- James A. Scheiderman – Failure to File a Timely Report.

- Staff recommended that the penalty be upheld because he failed to file the required reports.

Mr. Scheiderman advised the board that he was led to believe by his local general registrar's staff that he did not have to file with the State Board of Elections. He filed an exemption form with the local general registrar; however, that exemption only applies to candidates for local office. Mr. Scheiderman stated that candidates are dependent on SBE to correctly direct candidates how to remain compliant to state law.

Ms. Cunningham advised Mr. Scheiderman that as a candidate for delegate he is held to a higher standard.

Mr. Goldin stated the Code of Virginia is very clear and supports the staff recommendation.

Secretary Rodrigues moved to assess a penalty of $50. The motion was seconded and unanimously approved.

The next order of business was a request for waiver of penalties for non registration and failure to file for out of state and federal committees. Mr. Goldin stated that the following committees have been found to do business in the Commonwealth under a different name and have met filing regulations under those other names.

- Arlington Joint Democratic Committee
- Northumberland Democratic Committee

Secretary Rodrigues moved to uphold staff recommendation to waive the penalties. The motion was seconded and unanimously approved.

Mr. Goldin stated that these committees were registered but doing business as (DBA) another entity. However, all of their contributions and expenditures were accounted for under the main committee's name.

The next order of were requests for waiver of civil penalties for Non Registration and Failure to File for Political Party Committees for the following committees:

- Republican Main Street Partnership
- Republican Jewish Coalition
- Republican Club of Greater Reston
- Oregon Democratic Party
- Delaware Democratic Party
- Irish American Democratic Committee
- Republican Italian American PAC

- Staff recommends that the penalties be waived because they are incorporated, out of state or otherwise exempt from campaign finance disclosure laws.

Secretary Rodrigues moved to uphold staff recommendation to waive the penalties. The motion was seconded and unanimously approved.

Mr. Goldin asked the board to table the Review of Penalties and Waiver Requests for Rockbridge Citizens Advisory Board, item H on the agenda.

Ms. Cunningham agreed to table the matter of Review of Penalties and Waiver Requests for Rockbridge Citizens Advisory Board.

The next order of business was a request for waiver of civil penalties for non-registration and failure to file for the following committees:

- Patriot Republican Women's Committee
- Jamestown Council of Republican Women
- Susan Allen Republican Women's Club
- Monticello Council of Republican Women
- Virginia Federation of Republican Women
- Mamie Eisenhower Republican Women's Club
- Goochland Republican Women's Club
- Elizabeth River Republican Women's Club
- Commonwealth Republican Women's Club
- Huguenot Republican Women's Club
- Piedmont Republican Women's Club
- James River Republican Women's Club
- Heritage Republican Women's Club
- Bull Run Republican Women's Club
- Dan Valley Republican Women's Club
- Princess Anne Republican Women's Club
- Nimmo Republican Women's Club
- Harrisonburg Rockingham Republican Women's Club
- Democratic Club of Greenspring
- Colonial Republican Women's Club
- Hindu Democrats
- Lake of the Woods Democratic Women's Club

Secretary Rodrigues moved to uphold staff recommendation to waive the penalties. The motion was seconded and unanimously approved.

The board approved the following for the remainder of the committees who have not filed as PACs:

Notice will be sent of potential violation and will include the full amount of the penalty with the following three options:

1) If, within 60 days of receipt of the certified mail notification the group files a Statement of Organization and updates their filings, they would be penalized:
- $100 penalty for failure to timely file a Statement of Organization, and
- $100 penalty for failure to file their last report due.
NOTE: Failure to remit this $200 penalty will prompt SBE to turn the matter over to the appropriate Commonwealth's Attorney for collection.

2) Provide explanation as to the group's exemption from the filing requirement (OOSPC, corporation, not meeting "primary purpose," etc.) - in which case the matter will be brought before the board for a waiver.

3) If the group chooses to ignore the notification and request to provide an explanation or file a Statement of Organization and updated reports, the full penalty amount (going back statutorily 3 years) will be assessed. Failure to remit payment to the general fund will prompt SBE to turn the matter over to the appropriate Commonwealth's Attorney for collection.

There being no further business before the board, Secretary Rodrigues moved to adjourn the meeting. The motion was seconded and unanimously approved.

The meeting adjourned at 11:40 A.M.

_____
Secretary

_____
Chair

_____
Vice-Chairman

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MINUTES

The State Board of Elections Board meeting was held on Tuesday, August 16, 2011. The meeting was held in the State Capitol, House Room Two in Richmond, Virginia. In attendance, representing the State Board of Elections (SBE) was Charles Judd, Chair; Kimberly Bowers, Vice-Chair; Donald Palmer, Secretary; Justin Riemer, Confidential Policy Advisor; Joshua Lief, Senior Assistant Attorney General and SBE Counsel; Myron McClees, Policy Analyst; Susan Pollard, Director of Communications; and Chris Piper, Election Services Manager. Chairman Judd called the meeting to order at 3:30PM.

The first order of business was the approval of Minutes from the State Board of Elections Board meeting held on July 6, 2011. After careful review of the Minutes, Vice-Chair Bowers made a motion to approve them since there were not suggested changes. Secretary Palmer seconded the motion and the minutes were unanimously approved by the Board.

The second order of business was the Secretary's Report delivered by Secretary Palmer. The Secretary's Report is an agenda item for each Board meeting describing recent developments at SBE.

Secretary Palmer's report included an update on the August primary and redistricting. The Secretary reported that 50 localities are participating in the primary with all 50 localities complete in their VERIS redistricting updates. Voter cards were mailed to all voters needing them for the primary. In some cases corrective voter cards have been issued. Redistricting will continue with updates to VERIS as they are received. Secretary Palmer noted that the remainder of cards will be sent when redistricting plans are received by the State Board of Elections. Secretary Palmer reported a relatively low error rate in those cards mailed so far. Calls from voters to SBE have primarily referenced redistricting and State Board of Election representatives have provided the guidance relating to the information displayed on the voter cards. The Secretary reported that the *Project Vote* case has been stayed. Filing will occur in September of 2011 and updates will be provided to the Board.

The next order of business was a proposed Regulation on Material Omissions on Absentee Ballots presented by Confidential Policy Advisor Justin Riemer. Mr. Riemer explained the history of the draft regulation and that its purpose was to provide standards on the information a voter must include on the Envelope B when completing an absentee ballot. Mr. Riemer explained that following the July 2011 Board Meeting a draft regulation was sent to the localities and posted on the Town Hall regulatory website for public comment. Mr. Riemer explained that SBE received several comments during the vetting process, some supporting the draft regulation and some not. Ultimately, the comments resulted in a revised draft regulation that was sent to the general registrars on the morning of the Board Meeting and provided to the Board at the current meeting. Mr. Riemer said that this revised version strikes a good balance and that, while the Code does give us the discretion that we should have, there is still some room to fashion a reasonable regulation. Mr. Riemer explained that at this point no action was being requested by the Board. Mr. Riemer explained that it is important that the regulation is fully vetted and that we get it right for future elections, especially the presidential election in 2012.

Mr. Riemer then explained certain changes made from the previous proposed regulation. Chairman Judd then asked how this regulation differs from the current policy in place. Mr. Riemer explained that the "Substantial Compliance Policy" was currently being utilized by the localities, which existed prior to the previous Board's regulation.

Mr. Riemer noted that the initial responses to this new draft proposed regulation were favorable. Secretary Palmer noted that application of the Substantial Compliance Policy had not been uniform and that the localities were seeking uniformity. Chairman Judd again asked for and Mr. Riemer confirmed that the Board need not take action until the next meeting.

At that time Chairman Judd opened up the matter for comment by members of the public. Terri Wagoner, Absentee Coordinator for the City of Richmond, first commented on the usage of the first and last name and its relation to ADA and elderly voters. Ms. Wagoner offered complete support for the announced changes. Next, Robin Lind, Secretary of the Goochland County Electoral Board, questioned the regulation as it relates to the requirement of listing a street address. Mr. Lind expressed concern for

homeless voters and voters living in boats. Mr. Lind wondered if it were possible for registrars to give a waiver in instances where no street number exists. After some discussion, Mr. Lief and Secretary Palmer commented that a rural route address provision was included in the version of the regulation posted on Town Hall. Additional discussion between Secretary Palmer and Mr. Lind discussed the boat and homeless address issues. Mr. Wagoner then commented on the homeless voter issue. David Mills, Executive Director of the Democratic Party of Virginia, appeared before the Board and explained that they wanted every vote to be counted. Mr. Mills also expressed concern on the existence of an apparatus on informing a voter when the requirements are not met. Mr. Mills then submitted a list of concerns to the Board.

Justin Riemer, Confidential Policy Advisor, then provided an overview and update on the PEW Foundation's ERIC (Electronic Registration Information Center) Project, a proposed, common data exchange sharing system, between the states. Mr. Riemer began by explaining that the Board was previously briefed on this project at the February 2011 Board Meeting by David Becker of the Pew Foundation. Mr. Riemer explained that benefits to the Commonwealth in participating would be the elimination of inactive voters from the rolls, removal of voters' names who have moved from the Commonwealth, the ability to identify potential new voters, and to identify voter fraud. Mr. Riemer also listed some drawbacks to participation in the project, including costs and certain strings attached. Mr. Riemer then explained the timeline for participation in and the launching of the project. Mr. Riemer explained that no formal action was required of the Board at that time.

Chairman Judd then commented on the ERIC project and that it is a good tool and he is glad SBE is pursuing it. Secretary Palmer then explained that the regional focus is promising. Secretary Palmer said that his vision of it is that no additional burden would be placed on the localities and that the information would go through the State Board.

The next order of business was to conduct the Political Party Ballot Order for the November 8, 2011 General Election. Chris Piper, Election Services Manager, explained the process of drawing the ballot order to the Board. Chairman Judd drew the Republican Party for the first ballot position and Vice-Chair Bowers pulled the Democratic Party for the second ballot position.

The next order of business was the Form Presentation on Appointment of Electoral Board Members. Myron McClees, SBE Policy Analyst, cited a 2011 legislative change to § 24.2-106 of the Code that deals with qualifications of electoral board members. The change addresses local electoral board members and their familial relationship with candidates and officeholders. The change to the Certificate of Eligibility form predominantly deals with the affirmation that the electoral board members are not related to an officeholder or candidate for office in the jurisdiction. There is also a clarification that they are not employed by the Commonwealth of Virginia, the county, city or town thus bringing the form in compliance with § 24.2-119 of the Code. Secretary Palmer moved to approve the form, Vice-Chair Bowers seconded the motion and the motion was unanimously approved by the Board.

The next order of business was Delegation of Board Authority-Campaign Finance and "Stand by Your Ad". Chris Piper, Election Services Manager, began by noting that a page in the Board's binder was incorrectly labeled. Mr. Piper explained that the document before the Board was an addendum to Board Policy, 2004-007A which delegates Board authority throughout Title 24.2 of the Code. Specifically, it was discovered that the document had never been updated to delegate authority to the new Code sections for the Campaign Finance Disclosure Act of 2006. This is simply going through and redelegating. Mr. Piper continued and explained the contents of the document in front of the Board, referencing what duties the Board has delegated to the Secretary.

Mr. Piper then pointed out one needed change, specifically in § 24.2-946.3(G). Mr. Piper explained that there are times where staff will incorrectly assess a campaign finance penalty. Mr. Piper asks that the Board, in those clear examples of agency error, delegate the authority to the Secretary to rescind the assessment of the penalty. Chairman Judd inquired as to whether or not an appeals process existed for those cited. Mr. Piper explained that any political committee seeking a waiver for any fines assessed can bring the matter before the Board. Chairman Judd asked for any comments from the Board or the audience. Mr. Charles Garnett then addressed the Board and asked for information regarding a separate matter not related to the delegation. There were no other comments. Chairman Judd moved to delegate this authority described to the Secretary of the Board

of Elections. Vice-Chair Bowers seconded the motion and the motion was unanimously approved by the Board.

The next order of business was consideration of the "Stand by Your Ad Violation" for Caroline County Sheriff candidate Charles Garnett. At issue were two documents paid for by Charles Garnett, one pamphlet and one letter mailed to citizens of the county. Both documents did not contain the required "Stand by Your Ad" disclaimer statements under, § 24.2-955 of the Code. Both items expressly advocated for the election or defeat of a specified candidate and needed the disclaimer. Mr. Piper recommended the Board fine Mr. Garnett $50.00 for each disclaimer violation for a total of $100.00. The maximum penalty is $200.00. Mr. Garnett appeared before the Board and said that he would like to apologize and is working to rectify the problem. Mr. Garnett explained that this is his first campaign and he has worked to correct things after attending a Democratic summit. Mr. Garnett apologized to the Board. The Board then commended Mr. Garnett for running for office but encouraged him to seek advice from those who have run for office before. Vice-Chair Bowers asked why the staff recommended a $100.00 fine. Mr. Piper explained that this was a first-time violation. Joshua Lief, Senior Assistant Attorney General and SBE Counsel, noted to Mr. Garnett that campaign contributions are not deductible for federal tax purposes. Mr. Piper clarified that there was a state tax deduction. Secretary Palmer moved to accept staff recommendation of the assessed violation based on the mitigating factors and the steps taken to rectify the issue. Vice-Chair Bowers seconded the motion and the Board unanimously approved the motion.

The next order of business was the request to waive the civil penalty assessed to the Virginia Automatic Merchandising Association PAC (91-251). The penalty was assessed on May 20, 2011 for a late filing on the PAC'S April 15, 2011 report. The committee admits the report was filed late. The reason provided for the late filing was that the PAC was not aware of the deadline until the previous management company of the PAC informed the filer of the deadline on the day of the deadline. Mr. Piper noted that SBE notifies the filers of the deadlines and posts the deadlines on the SBE website. Mr. Piper cited Board Policy 2001-003, where the Board affirmately stated that, among other reasons, a committee's lack of knowledge of the due date of the filing is not a sufficient reason for the agency to waive civil penalties. Staff recommended upholding

the civil penalty as assessed. A representative of the Virginia Automatic Merchandising Association was not present and its letter of rebuttal was presented. Secretary Palmer moved to uphold the recommendations of staff on the assessed penalty; Vice-Chair Bowers seconded the motion and the Board unanimously approved the staff recommendation.

The next order of business was the review of Ballot Proofing Standards and Verification Procedures presented by Chris Piper, Election Services Manager. Mr. Piper cited Code § 24.2-612 which requires the State Board to verify paper ballots prior to the election. Mr. Piper then explained how this process has worked in the past and how redistricting and the 45 day absentee ballot deadline have made the usual process near impossible. Mr. Piper noted that this request was only applicable to the upcoming general election. Mr. Piper explained that the localities were consulted regarding the procedures before the Board. Chairman Judd opened the discussion to the floor. Barbara Gunter, General Registrar of Bedford County and President of the Virginia Registrars' Association of Virginia (VRAV), offered one suggestion for a change to the language on the final page regarding the ability of the Secretary of the electoral board to designate these duties to an assistant registrar or other staff member. Mr. Piper noted that the suggestion by Ms. Gunter was made before and that the suggestion should be incorporated into the document. Chairman Judd noted that the Board would approve the document with Ms. Gunter's suggestion incorporated throughout the document. Secretary Palmer moved to adopt the ballot proofing standards and verification procedures as amended. Vice-Chair Bowers seconded and the motion was unanimously approved by the Board.

Chairman Judd then asked if there was any other business to come before the Board.

Mr. Robin Lind, Secretary of the Goochland County Electoral Board, then commented on a recent Opinion of the Attorney General regarding the Freedom of Information Act (FIOA) and electoral board communications. Mr. Lind explained that electoral boards across the state would like guidance on this issue by the State Board, including whether or not to propose a legislative remedy for clarification. Mr. Lief then briefly commented on Mr. Lind's remarks.

Chairman Judd then welcomed Barbara Gunter, the new President of the VRAV.

The next order of business was introduced by Chairman Judd. Chairman Judd discussed an issue involving double-voting, including 38 instances where there was registration activity in Virginia and then that same new registrant wrote to their home state for an absentee ballot. So far, five of those 37 voted in their home state of Pennsylvania. Chairman Judd said he would like the Board to approve a motion, pursuant to § 24.2-104, to ask the Attorney General's office to investigate this activity based on data that has started to surface and to report back to the Board. Chairman Judd then motioned that the Board formally ask the Attorney General's office to investigate the possible double-voting that occurred in 2008. Vice-Chair Bowers seconded the motion. Mr. Lief then asked that Chairman Judd clarify his motion to ensure that it is done pursuant to the first paragraph of § 24.2-104. Chairman Judd then moved that pursuant to § 24.2-104 the Board will ask the Attorney General's office for an investigation into the possible double-voting that occurred in 2008. The Board then unanimously approved the motion.

The next order of business was presented by Chairman Judd. Chairman Judd voiced a concern over what the Chairman has been told is a requirement for Virginia to supply ballots in a foreign language if that jurisdiction has over 5% of a population with English as a second language and to provide interpreters at each polling place. Chairman Judd noted that he had a problem with that requirement, particularly because if one must be proficient in English in order to become a naturalized citizen; why then would one not have to exhibit the same proficiency to vote? Chairman Judd also commented on the cost associated with this extra effort. Chairman Judd said he would like to ask the Office of the Attorney General for an opinion on whether the Commonwealth is bound to do this and whether Virginia somehow opts out, decline, or refuse. Mr. Lief noted that there is a federal statute that mandates this. Mr. Lief noted that he can get back to the Board at a later meeting regarding this matter. Secretary Palmer then noted that a lot of the requirements at the local level, depending on the Census, may come under section 203 of the Voting Rights Act. Secretary Palmer said that the State Board is involved in working with localities that may come under these requirements and that there are different ways

to comply. Secretary Palmer noted that his office may not know until later this year which areas will be affected during the 2012 elections.

Chairman Judd then asked for any items for the good of the order. Secretary Palmer then introduced and welcomed Rose Mansfield, SBE's new Executive Secretary.

Vice-Chair Bowers then made a motion to adjourn. Chairman Judd seconded the motion and the Board unanimously approved the motion. The Board shall reconvene on September 6, 2011 for the next Board Meeting

Chairman Judd asked for any further public comments. There being none, the meeting was adjourned at approximately 5:00PM.

_____
Secretary

_____
Chair

_____
Vice-Chair

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Other Business & Public Comment

BOARD WORKING PAPERS

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STATE BOARD *of* ELECTIONS

Good of the Order

BOARD WORKING PAPERS

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STATE BOARD *of* ELECTIONS

Adjournment

BOARD WORKING PAPERS

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STATE BOARD *of* ELECTIONS

BOARD MEETING

Tuesday, March 3, 2015
Washington Building
Room B27
2:00PM

SBE Board Working Papers
Prepared by Rose Mansfield
SBE Clerk