



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

# BOARD MEETING

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Monday, June 22, 2015  
Washington Building  
Room B27  
10:00AM

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SBE Board Working Papers



**STATE BOARD OF ELECTIONS  
AGENDA**

*DATE: June 22, 2015  
LOCATION: Washington Building, Room B27  
TIME: 10:00 a.m.*

- I. CALL TO ORDER** *James B. Alcorn  
SBE Chair*
- II. APPROVAL OF MINUTES**  
May 13, 2015 & June 9, 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. McHugh Complaint *Brooks Braun  
ELECT Policy Analyst*
- VI. NEW BUSINESS**
- A. Primary Election Certification – June 9, 2015 *Gary Fox  
ELECT Supervisor*
- B. Ballot Drawings *Gary Fox*
- C. 2016 Presidential Primary Candidate Bulletin *Gary Fox*
- D. Update of Election Day Forms and Posters *Myron McClees  
ELECT Policy Analyst*
- E. Voting Equipment Certification *Eugene Burton  
Voting Technology Specialist*
- F. 2015 Absentee Ballot Application and Regulation Update *Elizabeth Howard  
Deputy Commissioner*
- G. Final Approval of Amended Delegation Regulations *Martha Brissette  
ELECT Policy Analyst*
- VII. OTHER BUSINESS & PUBLIC COMMENT**  
Next SBE Meeting-July 28, 2015 @ 8am
- VIII. ADJOURNMENT**



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# Call to Order

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BOARD WORKING PAPERS



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# Minutes Approval

## May 13, 2015

## June 9, 2015

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BOARD WORKING PAPERS  
SBE Board Members



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STATE BOARD *of* ELECTIONS

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# Minutes Approval May 13, 2015

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BOARD WORKING PAPERS  
SBE Board Members

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Wednesday, May 13,  
4 2015. The meeting was held in the Washington Building, Richmond, Virginia – Room  
5 B27. In attendance, representing the State Board of Elections (SBE) was James Alcorn,  
6 Chairman; Clara Belle Wheeler, Vice Chair; and Singleton McAllister, Secretary. Also in  
7 attendance, representing the Department of Elections (ELECT) was Edgardo Cortés,  
8 Commissioner; Elizabeth Howard, Deputy Commissioner; and Rose Mansfield, Clerk.  
9 Kristina Stoney, Senior Assistant Attorney General and Anna Birkenheier, Assistant  
10 Attorney General both Counsel to SBE and ELECT attended. Chairman Alcorn called the  
11 meeting to order at 2:00PM.

12 The first order of business was the approval of the Minutes from the State Board  
13 of Elections Board Meetings held on April 1, 2015, April 14, 2015, and April 17, 2015.  
14 Chairman Alcorn asked if Board Members had any additions or corrections to the Board  
15 Meeting Minutes presented and there were none. Secretary McAllister moved to adopt  
16 the Minutes for the April 1, 2015, April 14, 2015, and April 17, 2015 Board Meetings.  
17 Vice Chair Wheeler seconded the motion and the Board unanimously approved the  
18 Minutes.

19 The second order of business was the Commissioner Report delivered by  
20 Commissioner Cortés. Commissioner Cortés stated that ELECT will continue their  
21 education efforts and outreach program in support of the photo identification program by  
22 utilizing media outlets prior the June 2015, primaries. Commissioner Cortés stated that  
23 the goal is to refresh the voters on the requirements of the voter photo identification  
24 program and to remind voters that they are eligible for a free voter identification card if  
25 they do not have an acceptable form of identification on Election Day. Commissioner  
26 Cortés stated that ELECT is focusing on the preparations for the annual training  
27 workshop. Over 500 participants are scheduled to attend the three day workshop. The  
28 annual training is attended by general registrars and electoral board members and will  
29 include the return of “Boot Camp” for recently sworn-in general registrars and electoral  
30 board members. Commissioner Cortés thanked Terry Wagoner, Registrar Liaison, for her  
31 efforts in preparing for the workshop. Commissioner Cortés stated that ELECT Staff will

32 be presenting informational classes on various election related subjects and thanked the  
33 group for their tireless efforts preparing for the workshop that will be conducted July 27-  
34 29, 2015.

35 The second order of business was the Legal Report presented by Kristina Stoney,  
36 Senior Assistant Attorney General. Ms. Stoney stated that there were no updates to  
37 provide to the Board Members.

38 The next order of business listed under “Old Business” was the WinVote Locality  
39 Update presented by Commissioner Cortés. Commissioner Cortés stated that there were  
40 30 localities across the Commonwealth utilizing the WinVote equipment that is now  
41 decertified with ten of those localities preparing for the June, 2015 primary.  
42 Commissioner Cortés stated that funding is not available to those localities to replace  
43 their equipment however; ELECT will be providing support in the transition process by  
44 offering the assistance of Rokey Suleman, former General Registrar from Fairfax and  
45 Prince William County, who has experience in equipment transitions. Mr. Suleman will  
46 be assisting in the review of voting security plans, voter outreach, voting equipment  
47 storage, and election officer training with local administrators in those localities affected  
48 by the decertification of the WinVote voting equipment systems. Commissioner Cortés  
49 stated that the ten localities with June primaries have a voting equipment plan and briefly  
50 outlined the plans of each of the ten localities. Chairman Alcorn inquired if the  
51 equipment vendors had submitted the requested updates, as requested by SBE, to  
52 ELECT. Commissioner Cortés stated that the vendors were going to issue their reports  
53 immediately after the June primaries. Commissioner Cortés stated that the Board would  
54 receive a complete report on the equipment utilized during the June 2015 primary during  
55 the certification meeting on June 22, 2015. Vice Chair Wheeler requested that ELECT  
56 provide a copy of the questionnaire that the localities will be submitting that details their  
57 voting equipment. Commissioner Cortés stated that the questionnaire would be provided  
58 to Board Members.

59 The next order of business listed under “Old Business” was the Complaint against  
60 Mike McHugh presented by Brooks Braun, ELECT Policy Analyst. Mr. Braun stated that  
61 on September 23, 2013 the Board heard a matter alleging violations of Chapter 9.3 and  
62 Chapter 9.5 of Title 24.2 of the *Code of Virginia* relating to campaign finance disclosure

63 and disclaimer requirements. The former Election Services Division Manager, Chris  
64 Piper, presented the relevant information to the Board and concluded that it was likely  
65 that Mr. McHugh was in violation of Chapter 9.3 for failure to file as a political action  
66 committee and that the Board should refer the matter to the Commonwealth's Attorney in  
67 the County of Warren, where Mr. McHugh resided. The Board tabled the matter for  
68 discussion at the next meeting; however, the matter was not subsequently raised until  
69 today. Mr. McHugh died on October 14, 2014. Subsequently, the lawyer for Mr.  
70 McHugh's estate contacted the Department of Elections to inquire into the status of the  
71 complaint against Mr. McHugh and asked that the matter be settled by the Board.

72 Mr. Braun stated that ELECT agrees with Mr. Piper's prior analysis that, with the  
73 current information available, there is insufficient information to conclude that Mr.  
74 McHugh violated Chapter 9.5 for failure to include specific disclaimers on his website or  
75 the advertisements he sponsored. Disclaimer requirements only apply to individuals when  
76 an individual makes personal expenditures in excess of \$200. ELECT has no information  
77 regarding the actual amount spent by Mr. Hugh on communications containing express  
78 advocacy. Mr. McHugh also stated that these were personal expenditures. Absent the  
79 intervention of Commonwealth's Attorney's office to determine whether Mr. McHugh  
80 actions resulted in political action committee status or the requirement to file an  
81 independent expenditure report, the Department is unable to determine whether specific  
82 disclaimer requirements apply to the communications distributed by Mr. McHugh. Mr.  
83 Braun stated that since Mr. Piper found evidence that suggests a violation of Chapter 9.3  
84 for failure to file as a PAC, in accordance with the duty of the Board under § 24.2-946.3,  
85 the Department recommends that the Board refer the matter of Mike McHugh to the  
86 Commonwealth's Attorney for the County of Warren, for further investigation and/or  
87 prosecution. ELECT suggests that the Board table any discussion of whether Mr.  
88 McHugh violated any portion of Chapter 9.5 until after a decision is made by the  
89 Commonwealth's Attorney regarding Mr. McHugh's status under Chapter 9.3.

90 Mr. Braun stated that ELECT would also like to take this opportunity to  
91 communicate with the Board its long standing practices regarding how complaints about  
92 violations of chapters 9.3 and 9.5 are handled and to explain the rationales behind those  
93 practices. Stating that it is a longstanding practice of the Department to not accept

94 complaints that are not related to the Board's authority under § 24.2-955.3(D) relating to  
95 political advertisement disclaimers. The reason for this is that neither the Department nor  
96 the Board has any investigative nor enforcement authority related to violations of  
97 Chapters 9.3 and 9.5. As such, the Board has little to no authority to handle or address a  
98 complaint not related to Chapter 9.5. Accordingly, it is the Department's practice to  
99 redirect any complainants alleging violations outside of Chapter 9.5 to the appropriate  
100 attorney for the Commonwealth. It is also the longstanding practice of the Department to  
101 not accept anonymous complaints of any kind. Mr. Braun stated that there are several  
102 reasons for this practice, including the practice's reduction in the number of frivolous  
103 complaints filed. Chairman Alcorn asked Ms. Stoney if there was a statute of limitation  
104 regarding this case. Ms. Stoney stated that the determination of statute rests with the local  
105 Commonwealth Attorney's Office. Chairman Alcorn moved *that the Board refer Mike*  
106 *McHugh's failure to properly register as a political action committee and failure to file*  
107 *proper campaign finance reports to the Commonwealth's Attorney for the County of*  
108 *Warren*. Vice Chair Wheeler seconded the motion. Chairman Alcorn asked if there were  
109 any public comment and there was none. The Board unanimously approved the motion.

110 The next order of business under "New Business" was the Request for Full-Time  
111 Status-Charles City County presented by Elizabeth Howard, Deputy Commissioner. Ms.  
112 Howard stated that the Virginia Budget authorizes and funds general registrars with a  
113 population in most counties under 10,000 and cities under 7,500 to work on a part-time  
114 basis for most of the year. The budget does provide funding for the registrars to be  
115 compensated to work full-time for the months surrounding each year's May General  
116 Election (March through May), the Budget does not account for other elections, including  
117 local elections and primaries. The request from the Charles City County Electoral Board  
118 is that the general registrar work full-time for the period of May 1, 2015 through June 12,  
119 2015 to handle the June, 2015 primary. Chairman Alcorn moved *that the Board approve*  
120 *the request from the Electoral Board of the County of Charles City County for the period*  
121 *of May 1, 2015 through June 12, 2015*. Vice Chair Wheeler seconded the motion.  
122 Chairman Alcorn asked if there were any public comment and there was none. The Board  
123 unanimously approved the motion.

124           The next order of business was the Electronic Poll Books (EPB), Certification  
125 Requirements presented by Cameron Sasnett, ELECT Systems Support Specialist. Mr.  
126 Sasnett stated that the EPB certification requirements were presented at the April 1, 2015,  
127 SBE Board Meeting. Mr. Sasnett stated the guidelines are similar to those used for voting  
128 equipment. Mr. Sasnett stated that §24.2-611(D) of the Code of Virginia allows all  
129 localities to expend their own funds to purchase electronic pollbooks that have been  
130 approved for use in elections by SBE. ELECT staff redeveloped the certification  
131 document(s) to better incorporate specific requirements for enhanced security and  
132 encryption methodologies. The document provides the framework for EPB Vendors to  
133 bring their systems to SBE for certification testing were prohibited due to contradictions  
134 in the certification requirements and the *Code of Virginia*. Mr. Sasnett noted that the  
135 EPB guidelines are reflective of the voting equipment guidelines developed by Gary Fox,  
136 Elections Services Supervisor. Mr. Sasnett reviewed the changes to the previously  
137 presented document with the Board Members. Chairman Alcorn moved *that the Board*  
138 *strike the current standing EPB certifications documents and approve and adopt the*  
139 *document VAEPB Certification Procedures and System Requirements REV-0515 as the*  
140 *Board's official certification guidance document*. Vice Chair Wheeler seconded the  
141 motion. Commissioner Cortés stated that Virginia is a national leader in producing these  
142 guidelines and thanked Mr. Sasnett for his efforts in developing the new EPB  
143 certification requirements and guidelines. Chairman Alcorn asked if there were any  
144 public comment and there was none. The Board unanimously approved the motion.

145           The next order of business was the Voter Registration Form & Regulations  
146 presented by Edgardo Cortés, ELECT Commissioner. Commissioner Cortés stated that  
147 ELECT is requesting that the Voter Registration Form and the Regulations be made  
148 available for public comment through Regulatory Town Hall. Commissioner Cortés  
149 stated that a workgroup established in 2013, reviewed the form and regulations and  
150 submitted suggested changes. Commissioner Cortés reviewed the suggested changes and  
151 supplied a mock-up of the revised form to the Board Members. Commissioner Cortés  
152 noted that a significant savings would occur with the change to formatting and printing  
153 on standard size paper and the removal of color on the printed form. Commissioner  
154 Cortés stated that federal and state requirements were reviewed before considering

155 changes to the voter registration form. Commissioner Cortés reviewed each of the  
156 changes and the applicability to either the citizen completing the document and or the  
157 general registrar who will be processing the document. Commissioner Cortés stated that  
158 the revisions will decrease the frequency of applications being rejected due to  
159 administrative reasons, i.e. simply neglecting to place a checkmark in a box.  
160 Commissioner Cortés stated that the registration regulations changes are required to  
161 support the changes to registration form.

162 Secretary McAllister stated that streamlining the appearance of the document will  
163 lead to ease in completion and asked: “Have the federal and state requirements been  
164 completely satisfied?” Commissioner Cortés stated: “Yes, when the document was  
165 reduced in the number of pages the federal and state mandated items were incorporated  
166 into the remaining document and one page of the previous document consisted solely of  
167 the addresses of the general registrars. Additionally, the photo identification  
168 requirements were added to the form.” Commissioner Cortés stated that ELECT  
169 recommends that the regulation be made available for public comment for 21 - 30 days.  
170 Commissioner Cortés stated a presentation would be made to Board Members at the July,  
171 2015 meeting. Commissioner Cortés reviewed each of the changes submitted in the voter  
172 registration regulations. Chairman Alcorn noted that on lines 16 and 24 the need to strike  
173 the word “Department” and insert the word “Board” before submitting for comments.  
174 Chairman Alcorn moved *that lines 16 and 24 of the proposed revisions to Voter*  
175 *Registration Application Regulations reflect the insertion of “Board” rather than*  
176 *“Department”*. Secretary McAllister seconded the motion and without public comment  
177 the Board unanimously approved the motion. Chairman Alcorn asked if there were any  
178 public comments on the amended regulation before the Board and there were none.  
179 Chairman Alcorn moved *that the proposed Virginia Voter Registration Application and*  
180 *the proposed amendments to IVAC 20-40-70 on the Virginia Regulatory Town Hall and*  
181 *publishing in the Virginia Registrar of Regulations for a period of 30 days to commence*  
182 *at the publication of the next issue in 2015*. Vice Chair Wheeler seconded the motion.  
183 Chairman Alcorn asked if there were any public comments and there were none. The  
184 Board unanimously approved the motion.

185 Commissioner Cortés thanked Rob Vance, ELECT Web Developer & Designer,  
186 for his expertise and skills in redeveloping the existing form. Commissioner Cortés stated  
187 that ELECT is grateful for his skill-set and having this talent in-house was both a cost and  
188 time savings to the agency.

189 The next order of business was the Absentee Ballot Applications-Electronic  
190 Signatures present by Elizabeth Howard, Deputy Commissioner. Ms. Howard stated that  
191 this agenda item was requested by Speaker Howell. The Department of Elections  
192 recommends that the Board direct general registrars to accept and process absentee ballot  
193 applications containing electronic signatures when the electronic signature requires the  
194 signer to affirmatively check a box confirming acknowledgment of the Affirmation  
195 Statement which appears on the Absentee Ballot Application and the completed Absentee  
196 Ballot Application includes a disclaimer indicating that it includes an electronic  
197 signature. Authorizing electronic signatures on this form is recommended because the  
198 General Assembly has recognized this particular step in the absentee ballot process as a  
199 proper area for increasing voter convenience through the use of technology for over  
200 twenty years, and accepting electronic signatures on this application will make it easier  
201 for currently registered voters who are qualified to cast an absentee ballot to vote.

202 Chairman Alcorn asked Ms. Stoney if the use of electronic signatures on  
203 Absentee Ballot Applications was acceptable. Ms. Stoney stated that a Virginia Attorney  
204 General Opinion issued on September 26, 2014 stated that State Board of Elections is  
205 authorized to require the acceptance of electronic signatures, giving them “legal  
206 consequence” when affixed to an absentee ballot application. Chairman Alcorn asked:  
207 “Will the Absentee Ballot Form require changes to support the acceptance of electronic  
208 signatures?” Ms. Howard replied: “No”. Chairman Alcorn moved *that the Board direct*  
209 *registrars to accept electronic signatures on Absentee Ballot Applications so long as the*  
210 *applicant was required to affirmatively check a box confirming acknowledgment of the*  
211 *Affirmation Statement which appears on the Absentee Ballot Application and the*  
212 *completed Absentee Ballot Application includes a disclaimer indicating that it includes*  
213 *an electronic signature.* Vice Chair Wheeler seconded the motion. Chairman Alcorn  
214 asked if there were any public comments and there were none. The Board unanimously  
215 approved the motion.

216 The next order of business was the Other Business and Public Comment period.  
217 Commissioner Cortés stated that ELECT received a letter from the Virginia State Police  
218 regarding WinVote Voting Equipment Systems stating that they have concluded their  
219 inquiry into Stafford County and that there is no indication of criminal activity or issues  
220 related to the November, 2014 elections and their investigation is considered closed.  
221 Chairman Alcorn asked if there were any public comments.

222 Carol Noggle, League of Women Voters, approached the podium. Ms. Noggle  
223 stated that the league was very pleased with changes drafted for public comment to the  
224 voter registration form. Ms. Noggle stated that she supported the use of electronic  
225 signatures and believed that official documents permit such signatures. Chairman Alcorn  
226 asked if there were any additional public comments.

227 Dennis Fusaro, Front Royal, Virginia, approached the podium. Mr. Fusaro  
228 presented a letter to the Clerk for introduction into the official documents of the Board.  
229 Mr. Fusaro stated that he had concerns about the process of which citizens of the  
230 Commonwealth of Virginia are able to access the voter registration lists. Mr. Fusaro  
231 stated that he believed that the process and the procedures established are  
232 unconstitutional and immoral. Mr. Fusaro stated that the process is being applied  
233 unequally to different classes of people, with no rational basis, and the specific statement  
234 that individuals may not make mailings or communications using pressure and  
235 intimidation is constitutional vague and dangerous to the right of free speech, free  
236 association, and the right to issue grievances with your government. Mr. Fusaro stated  
237 that he wanted his thoughts on official record. Mr. Fusaro thanked the Board Members  
238 for their time. Chairman Alcorn asked if there were any additional public comments and  
239 there were none.

240 Vice Chair Wheeler moved *that the Board adjourn*. Secretary McAllister  
241 seconded the motion and without further comment the Board voted unanimously to  
242 adjourn. The meeting was adjourned at approximately 4:00PM.

243 The Board shall reconvene on June 9, 2015 at 8:00AM in the Washington  
244 Building, 1100 Bank Street, Room B27, in Richmond, Virginia.

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Secretary

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Chair

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Vice Chair

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# Minutes Approval June 9, 2015

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BOARD WORKING PAPERS  
SBE Board Members

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Tuesday, June 9, 2015.  
4 The meeting was held in the Washington Building, Richmond, Virginia – Room B27. In  
5 attendance, representing the State Board of Elections (SBE) was James Alcorn,  
6 Chairman; Clara Belle Wheeler, Vice Chair, and Singleton McAllister, Secretary. Also in  
7 attendance, representing the Department of Elections (ELECT) was Edgardo Cortés,  
8 Commissioner; Elizabeth Howard, Deputy Commissioner, and Rose Mansfield, Clerk.  
9 Kristina Stoney, Senior Assistant Attorney General and Anna Birkenheier, Assistant  
10 Attorney General and Counsel to SBE and ELECT attended. Chairman Alcorn called the  
11 meeting to order at 10:15AM.

12 The first order of business was the Commissioner’s Report delivered by  
13 Commissioner Cortés. Commissioner Cortés provided Board members with the current  
14 absentee statistics for the primary election being conducted across the Commonwealth.  
15 Commissioner Cortés stated that 48 localities were conducting elections. The requests for  
16 absentee ballots were nearly balanced across the two political parties and the reasons for  
17 the voter requesting the absentee ballot was listed on the document provided to Board  
18 members. Chairman Alcorn stated that the information was interesting and asked for a  
19 historical analysis for which the Commissioner committed.

20 Commissioner Cortés stated that conversations held with several localities  
21 regarding their operational status indicate that the election community was prepared and  
22 statewide all polling places opened on time at 6:00AM. Chairman Alcorn asked: “Were  
23 there any issues with voting equipment in those areas that have new equipment?”  
24 Commissioner Cortés replied: “No, the election officers were prepared with the new  
25 equipment and had no issues getting the equipment operational before the opening of the  
26 polls.”

27 The next order of business was the Legal Report presented by Kristina Stoney,  
28 Senior Assistant Attorney General. Ms. Stoney requested that a closed session be  
29 conducted at the end of the meeting.

30 The next order of business was the public comment period. Chairman Alcorn  
31 asked if there were any public comments and there were none.

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34 Chairman Alcorn then moved *to close the meeting to discuss actual and probable*  
35 *litigation matters and specific legal matters requiring the provision of legal advice by*  
36 *legal counsel as authorized by § 2.2-3711(A)(7) of the Code of Virginia.* Secretary  
37 Wheeler seconded the motion and the Board unanimously carried the motion. Chairman  
38 Alcorn directed Clara Belle Wheeler, Vice Chairman; Singleton McAllister, Secretary;  
39 Kristina Perry Stoney; Senior Assistant Attorney General, Anna Birkenheier, Assistant  
40 Attorney General and SBE Counsel; Edgardo Cortés, ELECT Commissioner; Elizabeth  
41 Howard, Deputy Commissioner; and Rose Mansfield, Clerk to remain with the Board  
42 during the closed session. The Board went into Executive Session at 10:40AM.

43 At 11:44PM Chairman Alcorn *moved to reconvene in open session and a roll call*  
44 *vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously*  
45 *certifying that during the closed meeting (i) only public business matters lawfully*  
46 *exempted from open meeting requirements under this chapter, and (ii) only such public*  
47 *business matters as were identified in the motion by which the closed meeting was*  
48 *concerned were heard, were discussed or considered.* Vice Chair Wheeler seconded the  
49 motion and the Board unanimously approved the motion. Chairman Alcorn asked if there  
50 were public comments and there were none. Ms. Mansfield performed the roll call vote  
51 and all Board Members approved the motion.

52 Chairman Alcorn moved *that the Board recess until 6:45PM.* Secretary  
53 McAllister seconded the motion and without further comment the Board voted  
54 unanimously to recess.

55 Chairman Alcorn moved that the Board reopen the meeting at 6:45PM. Vice  
56 Chair Wheeler seconded the motion. The clerk conducted a role call indicating the  
57 absence of Secretary McAllister. The Board unanimously approved the motion. Chairman  
58 Alcorn asked if there were any public comments and there were none.

59 Chairman Alcorn moved *that the Board adjourn.* Vice Chair Wheeler seconded  
60 the motion and without further comment the Board voted unanimously to adjourn. The  
61 meeting was adjourned at approximately 6:46PM.

62           The Board shall reconvene on June 22, 2015 at 10:00AM in the Washington  
63 Building, 1100 Bank Street, Room B27, Richmond, Virginia.

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Secretary

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Chair

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Vice Chairman

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# Commissioner's Report

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BOARD WORKING PAPERS  
Edgardo Cortés  
Commissioner  
Department of Elections



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# Legal Report

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BOARD WORKING PAPERS  
Anna Birkenheier  
Assistant Attorney General



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# Old Business

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BOARD WORKING PAPERS



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# McHugh Complaint

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BOARD WORKING PAPERS  
Brooks Braun  
ELECT Policy Analyst

**From:** Braun, Brooks (ELECT)  
**Sent:** Monday, June 15, 2015 3:33 PM  
**To:** Mansfield, Rose (ELECT)  
**Subject:** June 22, 2015 Board Meeting - McHugh Working Papers

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**From:** Brian Madden [<mailto:Bmadden@warrencountyva.net>]  
**Sent:** Monday, June 15, 2015 1:03 PM  
**To:** Braun, Brooks (ELECT)  
**Subject:** RE: Potential Violation of Title 24.2

Mr. Braun:

Based on the information you have provided, we have no plans to pursue a misdemeanor charge against a deceased individual.

Regards,

Brian Madden

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**From:** Braun, Brooks (ELECT) [<mailto:Brooks.Braun@elections.virginia.gov>]  
**Sent:** Wednesday, June 10, 2015 2:47 PM  
**To:** Brian Madden  
**Subject:** Potential Violation of Title 24.2

Mr. Madden,

My name is Brooks Braun. I'm a policy analyst at the Department of Elections. Last month the board that our department serves (the State Board of Elections) heard a matter involving a potential violation of law under [Title 24.2](#) of the *Code of Virginia*. The Board asked that the Department refer the matter to the appropriate Commonwealth's attorney, which is why I am contacting you today.

The matter stems from an anonymous call made to our office on June 20, 2013. The caller directed out staff to a [website](#) run by Michael McHugh, a resident of Front Royal, VA. This website contained express advocacy as well copies of advertisements (both print and radio) that contained express advocacy. In subsequent conversations with Mr. McHugh, staff reported that Mr. McHugh admitted to spending more than \$200 on his efforts to elect candidates. Mr. McHugh has never registered as a PAC in our electronic campaign finance system, which he should have done had he in fact spent more than \$200 to influence elections in Virginia.

Our staff brought the matter before the Board several months later on September 13, 2013. Staff recommended that the matter be sent to the Commonwealth's attorney for investigation, in accordance with [§ 24.2-1019](#) of the *Code*. Staff recommended that the Board report the violation to the Commonwealth's attorney for investigation. The Board demurred, suggesting a decision on the item be tabled until the next meeting. The matter was not brought up again during the tenure of that board. Mr. McHugh passed away on October 14, 2014. A new Board was appointed in January of 2015. The matter was resurrected when a lawyer for Mr. McHugh's estate inquired into whether the Board had ever made a final determination regarding Mr. McHugh's activities. The matter was back before the Board on May 13, 2015. Upon hearing of the matter the new board directed Department staff to report the potential violation of Title 24.2 to the Commonwealth's attorney.

While it appears that the [statute of limitations](#) for a violation of Chapter 9.3 of Title 24.2 has run, could you please let us know

whether or not your office plans to pursue this matter. Should you need any further information please feel free to contact me. I'm happy to respond.

Sincerely,

*Brooks C. Braun, Esq.*

Policy Analyst

Virginia Department of Elections

1100 Bank Street

Richmond, VA 23219

Direct: 804.864.8924

Toll free: 800.552.9745 ext. 8924

**Remember - Virginia law now requires photo identification when voting in person.**

**Disclaimer:** This message is not legal advice, nor a binding statement of official policy. It is intended only for the use of the name addressee(s). Any other use is prohibited. If you received this message in error, please call me and delete the message and any attachments without forwarding, copying or otherwise disclosing them. Thank you.



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STATE BOARD *of* ELECTIONS

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# New Business

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BOARD WORKING PAPERS



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STATE BOARD *of* ELECTIONS

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# Primary Election Certification June 9, 2015

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BOARD WORKING PAPERS  
Gary Fox  
ELECT Supervisor



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

## Memorandum

To: Members of the State Board of Elections  
From: Gary W. Fox, Supervisor, Election Administration  
Date: June 22, 2015  
Re: Certification of June 9, 2015 Primary

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### **Suggested motion for a Board member to make:**

I move that the Board certify the results of the June 9, 2015 primary as presented.

**Applicable Code Section:** § 24.2-679.

### **Background:**

Following the steps prescribed in the §24.2.679 of the code of the Commonwealth of Virginia "...The Board members shall certify the statements to be correct and sign the statements. 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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STATE BOARD *of* ELECTIONS

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# Ballot Drawings

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BOARD WORKING PAPERS  
Gary Fox  
ELECT Supervisor



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

## Memorandum

To: Members of the State Board of Elections  
From: Gary W. Fox, Supervisor, Election Administration  
Date: June 22, 2015  
Re: Ballot draw for November 3, 2015 election

---

### **Suggested motion for a Board member to make:**

I move that the Board certify the draw for ballot position as conducted.

**Applicable Code Section:** § 24.2-613.

### **Background:**

Following the steps prescribed in the §24.2.613 of the code of the Commonwealth of Virginia “...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, 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.”



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

## Memorandum

To: Members of the State Board of Elections  
From: Gary W. Fox, Supervisor, Election Administration  
Date: June 22, 2015  
Re: Ballot draw for HOD 74 Special Election on July 27, 2015

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### **Suggested motion for a Board member to make:**

I move that the Board certify the draw for ballot position as conducted.

**Applicable Code Section:** § 24.2-613.

### **Background:**

Following the steps prescribed in the §24.2.613 of the code of the Commonwealth of Virginia “...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, 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.”



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# 2016 Presidential Primary Candidate Bulletin

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BOARD WORKING PAPERS  
Gary Fox  
ELECT Supervisor



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

## Memorandum

To: Members of the State Board of Elections  
From: Gary W. Fox, Supervisor, Election Administration  
Date: June 22, 2015  
Re: Candidate Bulletin for March 1, 2016 Presidential Primary

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### **Suggested motion for a Board member to make:**

I move to adopt the Presidential Primary Candidate bulletin titled Deadlines, Duties and Ballot Access Requirements for the March 1, 2015 presidential primary as presented.

**Applicable Code Section:** § 24.2-544.

### **Attachments:**

Your Board materials include the following:

- Deadlines, Duties and Ballot Access Requirements (Presidential Primary Candidate bulletin)
- Petition of qualified Voters for Presidential Primary (legal size)
- Petition of qualified Voters for Presidential Primary (letter size)
- Consent/Declaration Form

### **Background:**

Following the steps prescribed in the 24.2.-544 B. of the code of the Commonwealth of Virginia: The provisions of this title shall apply to the conduct of presidential election 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 March primary including a campaign finance disclosure report filing schedule adjusted to reflect the differences between the June date for other primaries and the March date for the presidential primary...

# Deadlines, Duties and Ballot Access Requirements

## Presidential Primary Election Tuesday, March 1, 2016

ADOPTED BY THE STATE BOARD OF ELECTIONS ON June 23, 2015

The Democratic Party of Virginia and the Republican Party of Virginia are the only organizations currently recognized as political parties under § 24.2-101 of the *Code of Virginia*. Therefore, they are the only political parties permitted to select a presidential primary in connection with the respective national conventions in the summer of 2016.

The deadlines provided below apply only to those political parties and candidates who wish to participate in either party's presidential primary.

DEADLINE	ACTION REQUIRED
Tuesday, June 23, 2015 § 24.2-544(B)	First day on which presidential primary petitions may be circulated. See "Ballot Access Requirements" below.
Wednesday, December 2, 2015 by 5:00 p.m. § 24.2-545(A)	Last day for the state chairs of the Democratic Party and the Republican Party of Virginia to notify the State Board of Elections of the decision to hold a presidential primary.  Last day for the aforementioned state chairs to notify the State Board of Elections if the primary or some other method will be used to select delegates and alternate delegates to their national conventions.  Last day for the aforementioned state chairs to certify the party's requirements for voter participation in the presidential primary to the State Board of Elections for its review and approval.
Thursday, December 10, 2015 by 5:00 p.m. § 24.2-544(B)	Deadline for presidential primary petitions and the combined Consent/Declaration of Candidacy to be filed with the State Board of Elections. The petitions must be delivered in sealed containers to which is attached a sworn statement and, if applicable, a list of delegates and alternate delegates. See "Ballot Access Requirements" below.
Tuesday, December 15, 2015 by 5:00 p.m. § 24.2-544(B)	Deadline for state chairs to certify names of candidates deemed qualified to appear on the presidential primary ballot.
Thursday, December 17, 2015 (time and place to be determined) § 24.2-545(C)	State Board of Elections conducts drawing for placement of candidate names on the presidential primary ballot.

<b>DEADLINE</b>	<b>ACTION REQUIRED</b>
Tuesday, February 2, 2016 § 24.2-414	Last day on which a person may apply for voter registration for the presidential primary. All registration books close on this day. See “Who May Vote” below.
Tuesday, February 23, 2016 § 24.2-701(B)(2)	Deadline for receipt of absentee ballot application sent by mail, fax or e-mail to be received by the general registrar of the voter’s county or city of residence. See State Board of Elections website for details: <a href="http://elections.virginia.gov">http://elections.virginia.gov</a> .
Saturday, February 27, 2016 5:00 p.m. § 24.2-701(B)(1)	Deadline for voter to apply and vote absentee in-person in the office of the general registrar of his county or city of residence.
Tuesday, March 1, 2016 §§ 24.2-515 and 24.2-544	<b>PRESIDENTIAL PRIMARY ELECTION DAY</b>
Tuesday, March 15, 2016 § 24.2-534	<p>State Board of Elections meets to ascertain results of the presidential primary election.</p> <p>State Board of Elections certifies results to the state chair of each political party holding a presidential primary.</p> <p>Candidates must contact the state party for its method of delegate and alternate delegate allocation.</p>

## Ballot Access Requirements

Candidates wishing to participate in the presidential primary must follow the procedures outlined below.

Primary Filing Fee § 24.2-524	No filing fee is required for the presidential primary.
Consent/Declaration § 24.2-545(B)	<p>This is a combined form.</p> <p>Consent (Part A) must be completed by the candidate if petitions are circulated and filed by a separate group organized in Virginia on behalf of the person seeking the nomination of the national political party.</p> <p>If the group is organized by the candidate Part A is not required to be completed.</p> <p>Declaration (Part B) must be completed by the candidate.</p> <p>The candidate must sign Part A, if applicable, and Part B of this document before a notary or other officer authorized to administer oaths.</p>

<p>Petition Requirements § 24.2-545</p>	<p>Circulate on or after Tuesday, June 23, 2015.</p>
	<p>Must be on the form prescribed by the State Board of Elections (copy enclosed). It is suggested that the candidate or group complete the top portion of the petition form and then print or photocopy as many copies of the form as needed.</p> <p>The form may not be altered in any way.</p>
	<p>Must be signed by not less than 5,000 qualified voters in Virginia, including at least 200 qualified voters from each of Virginia’s eleven congressional districts, who attest that they intend to participate in the primary of the same political party as the candidate named on the petition.</p> <p>Because many people who are not registered to vote will sign a petition, it is recommended that 7,500 - 10,000 signatures be obtained with at least 300 signatures from each congressional district.</p>
	<p>Must provide the signature, the printed full name and the full resident address of each qualified voter and the date each signed the petition.</p> <p>Although the last four digits of the social security number are requested, it is not mandatory that they be provided.</p>
	<p>Must, on each page, provide an affidavit signed under oath by the person who circulated it that she personally witnessed the affixing of the signature of each voter on the page and that she is a resident of the United States.</p> <p>The circulator cannot witness their signature. Falsely signing this affidavit is a felony under Virginia law.</p> <p>The petition can never be left unattended.</p>
	<p>It is suggested that petition pages be filed in order by locality (counties followed by cities) to facilitate the processing of the filing. The State Board recommends that each petition page contain signatures from only one county or city and, therefore, circulators should prepare a separate petition page for each locality. If signatures are tracked by congressional district you may enter the district number on each petition page.</p>
	<p>Petitions for a primary election must be delivered in sealed containers. These containers may be opened only by the state chair of the candidate’s party. Immediately after the filing deadline, the containers, together with any required attachments (see below), will be delivered to that chair by the State Board of Elections.</p> <p>A statement, signed by the candidate under oath, setting forth his name and the number of signatures on the petitions in the sealed containers must be attached to the first container. See “Suggested Oath” on the next page.</p>

<p>Petition Requirements (continued)</p>	<p>If the party's delegates will be selected at the primary election, then a list of the names of persons who would be elected delegates and alternate delegates to the political party's national convention if the candidate wins the primary, also must be attached to the first sealed container of the candidate's petitions. The slate of delegates and alternates must comply with the rules of the national and state party.</p> <p>If the party's delegates will be selected using state and congressional district conventions, then no list of delegates and alternate delegates is required.</p> <hr/> <p>Must be filed with the State Board of Elections no later than 5:00 p.m. on Thursday, December 10, 2015.</p>
<p>Suggested Oath</p>	<p style="text-align: center;"><b>STATEMENT OF PETITION SIGNATURES FOR PRESIDENT</b></p> <p>March 1, 2016 (enter Democratic or Republican) Presidential Primary</p> <p>I, (enter name), do hereby swear that the petitions I am filing as a presidential primary election candidate contain the following number of signatures:</p> <p style="text-align: center;">(enter number)</p> <p>which include at least 200 from each of Virginia's 11 congressional districts.</p> <p style="text-align: center;">(Signature of filer)</p> <p>Subscribed and sworn to before me this (enter date) day of (enter month), 2015.</p> <p style="text-align: center;">(Signature of person authorized to witness oaths)</p>
<p>Reports of Receipts and Disbursements</p>	<p>The Federal Election Campaign Act imposes various rules and regulations on candidates and committees. This Act requires candidates and committees to register and disclose campaign receipts and expenditures and to abide by certain contribution limits and prohibitions.</p> <p>The Act further requires that an authorization notice appear on any public political advertising. These regulations are published by, and available from, the Federal Election Commission, 999 E Street NW, Washington, D.C. 20463. You also may request this information by phone: 1-800-424-9530 or on the Internet at <a href="http://www.fec.gov">http://www.fec.gov</a>.</p>
<p>Who May Vote §§ 24.2-530 and 24.2-544(D)</p>	<p>There is no voter registration by political party in Virginia. Any registered voter may vote in the presidential primary election; however, no voter shall vote for the candidate of more than one political party.</p>

When a congressional district includes more than one county or city, it is suggested that you use a separate petition form for qualified voters in each county or city. It also is suggested that you file petitions in county/city order to facilitate the processing of the filing.  
 If you track the number of signatures by congressional district, enter district number: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA  
**PETITION OF QUALIFIED VOTERS FOR PRESIDENTIAL PRIMARY**

We, the qualified voters of \_\_\_\_\_ in the Commonwealth of Virginia signed  
ENTER COUNTY OR CITY NAME  
 below or on the reverse side of this page, do hereby petition that the name of \_\_\_\_\_, a person who is  
ENTER CANDIDATE NAME  
 seeking the nomination for President of the United States of the (CHECK ONE)

DEMOCRATIC PARTY    OR     REPUBLICAN PARTY

be placed on the ballot in the Presidential Primary Election to be held on March 1, 2016. We further attest that we intend to participate in the primary of the same political party as the above-named candidate.

Petitions may be filed by the above-named candidate, his designated representative, or by a group organized in Virginia on behalf of the above-named candidate. They must be filed with the State Board of Elections, 1100 Bank Street, 1<sup>st</sup> Floor, Richmond, VA 23219 no later than **5:00 p.m. on Thursday, December 10, 2015** and must be accompanied by the consent/declaration form signed, under oath, by the candidate.

**Circulator:** You must swear or affirm in the affidavit on the reverse side of this form that you are a legal resident of the United States of America, not a minor, nor a felon whose voting rights have not been restored, and that you personally witnessed each signature.

**Signer:** Your signature on this petition must be your own; it indicates intent to participate in the primary of the same political party as the above-named candidate but does not signify intent to vote for the candidate. You may sign petitions for more than one candidate.

Office use only ▼	SIGNATURE OF REGISTERED VOTER <small>Print name in space below signature</small>	RESIDENT ADDRESS <small>House number and street name or rural route and box number and city/town Post office boxes are not acceptable</small>	DATE SIGNED <small>Must be on or after 6/23/15</small>	LAST 4 DIGITS OF SOCIAL SECURITY NUMBER <small>Optional*</small>
1.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
2.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
3.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
4.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
5.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
6.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
7.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
8.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
9.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		

Continue additional signatures and complete affidavit on reverse side.

**\*Privacy Notice:** The last four digits of the social security number is part of each voter's official record and is requested only to make it possible to check this petition more quickly and with greater accuracy. It is not mandatory that it be provided and you may sign the petition without doing so.

All signatures required by law need not be on the same page of the petition. Numerous pages may be circulated. The circulator must swear or affirm the affidavit on each page.

**Circulator:** You must swear or affirm in the affidavit on the reverse side of this form that you are a legal resident of the United States of America, not a minor, nor a felon whose voting rights have not been restored, and that you personally witnessed each signature.

**Signer:** Your signature on this petition must be your own; it indicates intent to participate in the primary of the same political party as the above-named candidate but does not signify intent to vote for the candidate. You may sign petitions for more than one candidate.

Office use only ▼	SIGNATURE OF REGISTERED VOTER Print name in space below signature	RESIDENT ADDRESS House number and street name or rural route and box number and city/town Post office boxes are not acceptable	DATE SIGNED Must be on or after 6/23/15	LAST 4 DIGITS OF SOCIAL SECURITY NUMBER Optional*
11.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
12.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
13.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
14.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
15.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
16.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
17.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
18.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
19.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
20.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
21.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
22.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		

**- AFFIDAVIT -**

I, \_\_\_\_\_, swear or affirm that (i) my full residential address is \_\_\_\_\_;  
 (ii) I am a legal resident of the United States of America in the state/commonwealth of \_\_\_\_\_;  
 (iii) I am not a minor nor a felon whose voting rights have not been restored, and (iv) I personally witnessed the signature of each person who signed this page or its reverse side. I understand that falsely signing this affidavit is a felony punishable by a maximum fine up to \$2,500 and/or imprisonment up to ten years.

\_\_\_\_\_  
 CIRCULATOR'S DRIVER'S LICENSE NUMBER

\_\_\_\_\_  
 STATE WHERE DRIVER'S LICENSE WAS ISSUED

PLACE PHOTOGRAPHICALLY REPRODUCIBLE NOTARY SEAL/STAMP HERE

\_\_\_\_\_  
 SIGNATURE OF PERSON CIRCULATING THE PETITION

\_\_\_\_\_  
 LAST 4 DIGITS OF CIRCULATOR'S SOCIAL SECURITY NUMBER

State of \_\_\_\_\_ County/City of \_\_\_\_\_

The foregoing instrument was subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

\_\_\_\_\_  
 PRINT NAME OF PERSON CIRCULATING THE PETITION

\_\_\_\_\_  
 SIGNATURE OF NOTARY OR OTHER PERSON AUTHORIZED TO ADMINISTER OATHS

\_\_\_\_\_  
 NOTARY REGISTRATION NUMBER\*\*

\_\_\_\_\_  
 NOTARY COMMISSION EXPIRATION\*\*

\***Privacy Notice:** The last four digits of the social security number is part of each voter's official record and is requested only to make it possible to check this petition more quickly and with greater accuracy. It is not mandatory that it be provided and you may sign the petition without doing so.

\*\* If not included in seal/stamp.

When a congressional district includes more than one county or city, it is suggested that you use a separate petition form for qualified voters in each county or city. It also is suggested that you file petitions in county/city order to facilitate the processing of the filing.  
 If you track the number of signatures by congressional district, enter district number: \_\_\_\_\_

**COMMONWEALTH OF VIRGINIA  
 PETITION OF QUALIFIED VOTERS FOR PRESIDENTIAL PRIMARY**

We, the qualified voters of \_\_\_\_\_ in the Commonwealth of Virginia signed  
ENTER COUNTY OR CITY NAME  
 below or on the reverse side of this page, do hereby petition that the name of \_\_\_\_\_, a person who is  
ENTER CANDIDATE NAME  
 seeking the nomination for President of the United States of the (CHECK ONE)

DEMOCRATIC PARTY    OR     REPUBLICAN PARTY

be placed on the ballot in the Presidential Primary Election to be held on March 1, 2016. We further attest that we intend to participate in the primary of the same political party as the above-named candidate.

Petitions may be filed by the above-named candidate, his designated representative, or by a group organized in Virginia on behalf of the above-named candidate. They must be filed with the State Board of Elections, 1100 Bank Street, 1<sup>st</sup> Floor, Richmond, VA 23219 no later than **5:00 p.m. on Thursday, December 10, 2015** and must be accompanied by the consent/declaration form signed, under oath, by the candidate.

**Circulator:** You must swear or affirm in the affidavit on the reverse side of this form that you are a legal resident of the United States of America, not a minor, nor a felon whose voting rights have not been restored, and that you personally witnessed each signature.  
**Signer:** Your signature on this petition must be your own; it indicates intent to participate in the primary of the same political party as the above-named candidate but does not signify intent to vote for the candidate. You may sign petitions for more than one candidate.

Office use only ▼	SIGNATURE OF REGISTERED VOTER <small>Print name in space below signature</small>	RESIDENT ADDRESS <small>House number and street name or rural route and box number and city/town Post office boxes are not acceptable</small>	DATE SIGNED <small>Must be on or after 6/23/15</small>	LAST 4 DIGITS OF SOCIAL SECURITY NUMBER <small>Optional*</small>
1.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
2.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
3.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
4.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
5.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
6.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
7.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		

Continue additional signatures and complete affidavit on reverse side.

**\*Privacy Notice:** The last four digits of the social security number is part of each voter's official record and is requested only to make it possible to check this petition more quickly and with greater accuracy. It is not mandatory that it be provided and you may sign the petition without doing so.

All signatures required by law need not be on the same page of the petition. Numerous pages may be circulated. The circulator must swear or affirm the affidavit on each page.

**Circulator:** You must swear or affirm in the affidavit on the reverse side of this form that you are a legal resident of the United States of America, not a minor, nor a felon whose voting rights have not been restored, and that you personally witnessed each signature.  
**Signer:** Your signature on this petition must be your own; it indicates intent to participate in the primary of the same political party as the above-named candidate but does not signify intent to vote for the candidate. You may sign petitions for more than one candidate.

Office use only ▼	SIGNATURE OF REGISTERED VOTER Print name in space below signature	RESIDENT ADDRESS House number and street name or rural route and box number and city/town Post office boxes are not acceptable	DATE SIGNED Must be on or after 6/23/15	LAST 4 DIGITS OF SOCIAL SECURITY NUMBER Optional*
	SIGN	RESIDENCE		
	8. PRINT	CITY/TOWN		
	SIGN	RESIDENCE		
	9. PRINT	CITY/TOWN		
	SIGN	RESIDENCE		
	10. PRINT	CITY/TOWN		
	SIGN	RESIDENCE		
	11. PRINT	CITY/TOWN		
	SIGN	RESIDENCE		
	12. PRINT	CITY/TOWN		
	SIGN	RESIDENCE		
	13. PRINT	CITY/TOWN		
	SIGN	RESIDENCE		
	14. PRINT	CITY/TOWN		

**- AFFIDAVIT -**

I, \_\_\_\_\_, swear or affirm that (i) my full residential address is \_\_\_\_\_;  
 (ii) I am a legal resident of the United States of America in the state/commonwealth of \_\_\_\_\_;  
 (iii) I am not a minor nor a felon whose voting rights have not been restored, and (iv) I personally witnessed the signature of each person who signed this page or its reverse side. I understand that falsely signing this affidavit is a felony punishable by a maximum fine up to \$2,500 and/or imprisonment up to ten years.

\_\_\_\_\_  
 CIRCULATOR'S DRIVER'S LICENSE NUMBER

\_\_\_\_\_  
 STATE WHERE DRIVER'S LICENSE WAS ISSUED

PLACE PHOTOGRAPHICALLY REPRODUCIBLE NOTARY SEAL/STAMP HERE

\_\_\_\_\_  
 SIGNATURE OF PERSON CIRCULATING THE PETITION

State of \_\_\_\_\_ County/City of \_\_\_\_\_

\_\_\_\_\_  
 LAST 4 DIGITS OF CIRCULATOR'S SOCIAL SECURITY NUMBER

The foregoing instrument was subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

\_\_\_\_\_  
 PRINT NAME OF PERSON CIRCULATING THE PETITION

\_\_\_\_\_  
 SIGNATURE OF NOTARY OR OTHER PERSON AUTHORIZED TO ADMINISTER OATHS

\_\_\_\_\_  
 NOTARY REGISTRATION NUMBER\*\*

\_\_\_\_\_  
 NOTARY COMMISSION EXPIRATION\*\*

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\*\* If not included in seal/stamp.



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# Update Election Day Forms & Posters

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BOARD WORKING PAPERS  
Myron McClees  
ELECT Policy Analyst



★VIRGINIA★  
STATE BOARD  
of ELECTIONS

To: Members of the State Board of Elections

From: Myron McClees – Department of Elections Policy Analyst

Date: June 22, 2015

Re: Update of Election Day forms and posters

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**Suggested motion for a Board member to make:**

I move that the Board adopt the suggested changes to the Provisional Vote Envelope, Provisional Vote Envelope – ID ONLY, Voter Rights and Responsibilities poster, and Prohibited Area and Activities poster.

**Applicable Code Sections:** §§ 24.2-103, 24.2-604(D).

**Attachments:**

Your Board materials include the following:

- Tracked changes versions of the *Provisional Vote Envelope* and *Provisional Vote Envelope – ID ONLY*
- Proposed final versions of the *Provisional Vote Envelope* and *Provisional Vote Envelope – ID ONLY*
- Proposed final version of the *Voter Rights and Responsibilities* poster
- Proposed final version of the *Prohibited Area and Activities* poster

**Background:**

Certain public forms and posters that are meant to inform the public of their rights on Election Day require State Board approval of any edits. It is for this reason that four documents are being brought before the Board so that relatively minor changes can be adopted prior to their usage. Both the *Provisional Vote Envelope* and *Provisional Vote Envelope – ID ONLY* contain a correction to the miscited title of the Virginia Government Data Collection and Dissemination Practices Act. The *Voting Rights and Responsibilities* poster contains multiple edits that are necessitated by the separation of duties that exist between the State Board of Elections and Department of Elections. Lastly, the *Prohibited Area and Activities* poster reflects the expanded list of entities that can provide an approval letter to an authorized representative, which is a direct result of 2015 legislation (HB 1333).

**PROVISIONAL VOTE**  
**[PLACE VOTED BALLOT IN THIS ENVELOPE]**

NUMBER/NAME OF PRECINCT \_\_\_\_\_

**PRINT VOTER INFORMATION BELOW. ALL INFORMATION MUST BE GIVEN.**

\_\_\_\_\_  
FIRST NAME                      FULL MIDDLE, OR MAIDEN, OR ANY PRIOR LEGAL NAME                       None                      LAST NAME                       None  
SUFFIX, IF ANY

\_\_\_\_\_  
COMPLETE RESIDENCE ADDRESS [INCLUDING ZIP CODE]                      DATE MOVED HERE

\_\_\_\_\_  
IF ONE, RESIDENCE POST OFFICE BOX OR UNIFORMED SERVICES ADDRESS [INCLUDING ZIP CODE]

\_\_\_\_\_  
SOCIAL SECURITY NUMBER (LAST 4 DIGITS REQUIRED)                       Male                       Female                      GENDER                      BIRTHDATE                      AREA CODE                      DAYTIME TELEPHONE NUMBER, IF ONE

**Privacy Act Notice:** This form requires personal information, including the last four (4) digits of your Social Security number, for identification purposes and to prevent fraud. Providing your full Social Security number, though not required, may prove helpful in the determination of your eligibility to vote. Federal law (the Privacy Act and Help America Vote Act) and state law (the Virginia Constitution, Article II, § 2; Title 24.2 of the Code of Virginia; and the Virginia Government Data Collection and Dissemination Support Practices Act) authorize collecting this information and restrict its use to official purposes only. Failure to provide the requested information may prevent determining your eligibility to vote and result in your provisional ballot not being counted.                      **SBE -653**

REV 67/154

**OFFICER OF ELECTION:** Use this envelope only when (A) the name of the voter **IS NOT** on the pollbook and you either have no way to contact the General Registrar or the General Registrar authorizes its use or (B) the voter's name **IS** on the pollbook but voter meets conditions 3 – 6 below. Have voter complete the top portion. Read the statement below to the voter and have the voter verify the information and sign. You also must sign. Voter must vote a paper ballot and seal the voted ballot in this envelope. Enter voter's information in Precinct Provisional Ballots Log. Do NOT mark pollbook. Electoral Board will determine voter qualification.

**STATEMENT OF VOTER – I hereby make the following statement, subject to felony penalties: I am qualified and registered to vote in this precinct, and [check box(es) that apply]:**

**A. VOTER'S NAME IS NOT ON POLLBOOK**

- 1.  I am now or have been an actual resident of this precinct at some time since the November general election last year; OR
- 2.  I have been an actual resident of this precinct at some time since the second preceding general federal election, I am now an actual resident of this county or city, and my present residence is in the same congressional district as this precinct.

**B. OTHER REASON(S) STATED BELOW (MULTIPLE REASONS MAY APPLY)**

- 3.  I am voting after the normal poll closing time due to a court order extending the time established by state law for closing the polls; OR
- 4.  I applied for an absentee ballot but my return of the unvoted, damaged or spoiled ballot cannot be confirmed;
- 5.  I am shown in the pollbook as having already voted; OR
- 6.  Other: \_\_\_\_\_

**To the best of my knowledge, I am not disqualified from voting by the Constitution and laws of this Commonwealth and my registration is not subject to cancellation. The information given on the reverse side of this document is true and correct, and I have not voted and will not vote in this election at any other time or place.**

**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.**

Voter ALSO did not present required identification                      For Office Use:  Voter later provided copy of required identification (attach copy). Initials of Election Official \_\_\_\_\_ Date \_\_\_\_\_

SIGNATURE OF OFFICER OF ELECTION \_\_\_\_\_ SIGNATURE OF VOTER \_\_\_\_\_

DATE \_\_\_\_\_

**SBE -653 REV 67/20154**

**PROVISIONAL VOTE**  
**[PLACE VOTED BALLOT IN THIS ENVELOPE]**

NUMBER/NAME OF PRECINCT \_\_\_\_\_

**PRINT VOTER INFORMATION BELOW. ALL INFORMATION MUST BE GIVEN.**

\_\_\_\_\_  
FIRST NAME FULL MIDDLE, OR MAIDEN, OR ANY PRIOR LEGAL NAME  None LAST NAME  None  
SUFFIX, IF ANY

\_\_\_\_\_  
COMPLETE RESIDENCE ADDRESS [INCLUDING ZIP CODE] DATE MOVED HERE

\_\_\_\_\_  
IF ONE, RESIDENCE POST OFFICE BOX OR UNIFORMED SERVICES ADDRESS [INCLUDING ZIP CODE]

\_\_\_\_\_  
SOCIAL SECURITY NUMBER (LAST 4 DIGITS REQUIRED)  Male  Female GENDER BIRTHDATE AREA CODE DAYTIME TELEPHONE NUMBER, IF ONE

**Privacy Act Notice:** This form requires personal information, including the last four (4) digits of your Social Security number, for identification purposes and to prevent fraud. Providing your full Social Security number, though not required, may prove helpful in the determination of your eligibility to vote. Federal law (the Privacy Act and Help America Vote Act) and state law (the Virginia Constitution, Article II, § 2; Title 24.2 of the Code of Virginia; and the Virginia Government Data Collection and Dissemination Practices Act) authorize collecting this information and restrict its use to official purposes only. Failure to provide the requested information may prevent determining your eligibility to vote and result in your provisional ballot not being counted. **SBE -653 REV 6/15**

**OFFICER OF ELECTION:** Use this envelope only when (A) the name of the voter **IS NOT** on the pollbook and you either have no way to contact the General Registrar or the General Registrar authorizes its use or (B) the voter's name **IS** on the pollbook but voter meets conditions 3 – 6 below. Have voter complete the top portion. Read the statement below to the voter and have the voter verify the information and sign. You also must sign. Voter must vote a paper ballot and seal the voted ballot in this envelope. Enter voter's information in Precinct Provisional Ballots Log. Do NOT mark pollbook. Electoral Board will determine voter qualification.

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1.  I am now or have been an actual resident of this precinct at some time since the November general election last year; OR
2.  I have been an actual resident of this precinct at some time since the second preceding general federal election, I am now an actual resident of this county or city, and my present residence is in the same congressional district as this precinct.

**B. OTHER REASON(S) STATED BELOW (MULTIPLE REASONS MAY APPLY)**

3.  I am voting after the normal poll closing time due to a court order extending the time established by state law for closing the polls; OR
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Voter ALSO did not present required identification For Office Use:  Voter later provided copy of required identification (attach copy). Initials of Election Official \_\_\_\_\_ Date \_\_\_\_\_

SIGNATURE OF OFFICER OF ELECTION \_\_\_\_\_ SIGNATURE OF VOTER \_\_\_\_\_

DATE \_\_\_\_\_ **SBE -653 REV 6/2015**

**PROVISIONAL VOTE—ID ONLY**  
**[PLACE VOTED BALLOT IN THIS ENVELOPE]**

NUMBER/NAME OF PRECINCT \_\_\_\_\_

**PRINT VOTER INFORMATION BELOW. ALL INFORMATION MUST BE GIVEN.**

\_\_\_\_\_  
FIRST NAME                      FULL MIDDLE, OR MAIDEN, OR ANY PRIOR LEGAL NAME                       None                      LAST NAME                       None  
SUFFIX, IF ANY

\_\_\_\_\_  
COMPLETE RESIDENCE ADDRESS [INCLUDING ZIP CODE]                      DATE MOVED HERE

\_\_\_\_\_  
IF ONE, RESIDENCE POST OFFICE BOX OR UNIFORMED SERVICES ADDRESS [INCLUDING ZIP CODE]

\_\_\_\_\_  
SOCIAL SECURITY NUMBER (LAST 4 DIGITS REQUIRED)                       Male                       Female                      GENDER                      BIRTHDATE                      AREA CODE                      DAYTIME TELEPHONE NUMBER, IF ONE

**Privacy Act Notice:** This form requires personal information, including the last four (4) digits of your Social Security number, for identification purposes and to prevent fraud. Providing your full Social Security number, though not required, may prove helpful in the determination of your eligibility to vote. Federal law (the Privacy Act and Help America Vote Act) and state law (the Virginia Constitution, Article II, § 2; Title 24.2 of the Code of Virginia; and the Virginia Government Data Collection and Dissemination [Support Practices Act](#)) authorize collecting this information and restrict its use to official purposes only. Failure to provide the requested information may prevent determining your eligibility to vote and result in your provisional ballot not being counted. **SBE -653ID REV 67/20154**

**OFFICER OF ELECTION:** Use this envelope only when a voter whose name **IS** on the pollbook does not have the required identification. If any issue other than identification applies to this voter, a regular provisional ballot envelope must be used. Have voter complete the top portion. Read the statement below to the voter and have the voter verify the information and sign. You also must sign. Voter must vote a paper ballot **and** seal the voted ballot in this envelope. Enter voter's information in Precinct Provisional Ballots Log. Do NOT mark pollbook. Electoral Board will determine voter qualification. If voter returns with proper identification, check the box in bottom section, sign, date, and attach a copy of the document.

**STATEMENT OF VOTER – I hereby state, subject to felony penalties, that I am qualified and registered to vote in this precinct; to the best of my knowledge, I am not disqualified from voting by the Constitution and laws of this Commonwealth, and my registration is not subject to cancellation. The information given on the reverse side of this document is true and correct, and I have not voted and will not vote in this election at any other time or place.**

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SIGNATURE OF OFFICER OF ELECTION \_\_\_\_\_ SIGNATURE OF VOTER \_\_\_\_\_

DATE \_\_\_\_\_

**Voter later provided a copy of identification (attach copy)**

SIGNATURE OF ELECTIONS OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_

SBE -653ID REV 67/20154

**PROVISIONAL VOTE—ID ONLY**  
**[PLACE VOTED BALLOT IN THIS ENVELOPE]**

NUMBER/NAME OF PRECINCT \_\_\_\_\_

**PRINT VOTER INFORMATION BELOW. ALL INFORMATION MUST BE GIVEN.**

\_\_\_\_\_  
FIRST NAME FULL MIDDLE, OR MAIDEN, OR ANY PRIOR LEGAL NAME  None LAST NAME \_\_\_\_\_  None  
SUFFIX, IF ANY

\_\_\_\_\_  
COMPLETE RESIDENCE ADDRESS [INCLUDING ZIP CODE] DATE MOVED HERE

\_\_\_\_\_  
IF ONE, RESIDENCE POST OFFICE BOX OR UNIFORMED SERVICES ADDRESS [INCLUDING ZIP CODE]

\_\_\_\_\_  
SOCIAL SECURITY NUMBER (LAST 4 DIGITS REQUIRED)  Male  Female GENDER BIRTHDATE AREA CODE DAYTIME TELEPHONE NUMBER, IF ONE

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SIGNATURE OF OFFICER OF ELECTION \_\_\_\_\_ SIGNATURE OF VOTER \_\_\_\_\_

DATE \_\_\_\_\_

**Voter later provided a copy of identification (attach copy)**

SIGNATURE OF ELECTIONS OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_ **SBE -653ID REV 6/2015**

# VOTER RIGHTS AND RESPONSIBILITIES

## **Election crimes, fraud and voting twice**

Vote once if you are qualified. It is a felony to vote twice, lie about your qualifications or hide a disqualification such as a felony conviction when your rights have not been restored.

## **Help at polls**

Ask voting officials if you have any questions or situations that they might be able to resolve before you cast your ballot or leave the polling place!

- If you do not understand your voting status.
- If you do not understand how the equipment works.
- If you do not see all the candidates or offices that you want to choose on the ballot.
- If someone or something is interfering with you.

If the election officials are unable to resolve your situation, ask to speak with the Chief Officer of election or call the Office of the General Registrar.

## **Complaints**

Make a complaint if you cannot get the help you need to vote or some other problem interferes with your right to vote. You can immediately contact the Department of Elections (ELECT) at 1-800-552-9745 or [info@elections.virginia.gov](mailto:info@elections.virginia.gov), or use the Instant Polling Place Feedback report on the ELECT website ([www.election.virginia.gov](http://www.election.virginia.gov)) to contact ELECT and your local voter registration office at the same time. You may also file a formal election day complaint at your polling place or local registrar's office, or print it from the ELECT website. Ask for a brochure explaining the process.

## **Provisional voting**

Vote a provisional ballot if no valid registration can be found.

## **Further information**

Request detailed information about your rights and responsibilities as a Virginia voter from the Virginia Department of Elections or your local voter registration office. You can contact the The Department of Elections at 1-800-552-9745 or [info@elections.virginia.gov](mailto:info@elections.virginia.gov).

# PROHIBITED AREA AND ACTIVITIES

**Hours of the Election: 6:00 A.M. – 7:00 P.M.**

Va. Code § 24.2-604

**What activities are unlawful in the Polling Place and Prohibited Area [within forty (40) feet of any entrance to the polling place building] while the polls are open or ballots are being counted?**

- Loitering or congregating
- Giving, offering or showing any ballot, ticket or other campaign material to any person - Exception—worn items like hats, buttons, stickers and t-shirts.
- Asking for any person's vote
- In any way trying to influence any person in casting a vote
- Stopping or delaying a qualified voter in entering or leaving a polling place
- Stopping or delaying an officer of election
- Interfering with the orderly conduct of the election

**These offenses are Class 1 misdemeanors. The penalty is a fine up to \$2500 and up to 12 months in jail.**

**Who is allowed within the Polling Place and Prohibited Area while the polls are open?**

- A voter and an assistant if requested by the voter
- A minor (age 15 or under) accompanying a parent to vote
- An officer of election, electoral board member, registrar, staff, page, voting equipment custodian, or other person on official business with permission of the Officers of Election
- A candidate voting or visiting inside the polling place for no more than 10 minutes per polling place per election day
- A neutral observer with prior written authorization from the electoral board

**Who may have representatives in the polling place?**

- A political party with a nominee on the ballot or an independent or primary candidate on the ballot is entitled to representatives as follows:
  - Representative must be a qualified voter of any jurisdiction of the Commonwealth of Virginia and have authorization signed by the county, city, district, or state chair of the political party, the independent candidate, or the primary candidate
  - An interpreter to observe language assistance to voters
  - A candidate on the ballot may not be a representative while voting is taking place

**When may representatives be in the polling place?**

- Before the polls open, one authorized representative of each party or candidate may be present while the voting equipment is examined (Va. Code § 24.2-639)
- While the polls are open, at least one, but no more than 3 representatives (at the discretion of the officers) are permitted in the polling room at any one time for each party or candidate
- After the polls close, two representatives of each party or candidate may be present while the ballots are counted and may not leave until the returns are completed
  - If there are fewer than 4 representatives, the officers shall notify any bystanders and select one or more so that there are as many as 4 bystanders and representatives (in total) present while the ballots are counted and the returns completed (Va. Code § 24.2-655)

**What about the news media?**

- News media may be present and may film or photograph inside the polling place while the polls are open, but may not film or photograph:
  - Any person who specifically asks the media representative at the time that he not be filmed or photographed
  - The voter or the ballot in a way that shows how any individual voter is voting
  - The voter list or any other material in a way that shows the name or other information about any individual voter

**Interviews, live broadcasts, or taping of reporters' remarks may not be conducted inside the polling place or within the prohibited area.**

**The officers of election may require any person who is found by a majority of the officers present to be in violation of these laws to leave the polling place and the prohibited area.**

After voting please exit the polling place and the prohibited area.



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# Voting Equipment Certification

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BOARD WORKING PAPERS  
Eugene Burton  
Voting Technology Specialist



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

## Memorandum

To: Members of the State Board of Elections

From: Eugene Burton, Voting Technology Specialist

Date: June 22, 2015

Re: Certification Unisyn Voting Solutions OpenElect Voting System Version 1.3

---

### Suggested motion for a Board member to make:

I move that the Board certify Unisyn Voting Solutions OpenElect Version 1.3 voting systems for use in elections in the Commonwealth of Virginia, pursuant to the *State Certification of Voting Systems: Requirements and Procedures*.

**Applicable Code Section:** § 24.2-629.

### Attachments:

Your Board materials include the following:

- PRO V&V Source Code Review and Witness Build Memo.
- Virginia State Certification Test Report for Unisyn OpenElect Version 1.3 voting systems.
- Product sheets for Unisyn OpenElect Version 1.3 voting systems.

### Background:

Following the steps prescribed in the *Virginia State Certification of Voting Systems: Requirements and Procedures*, Unisyn initiated the certification evaluation to the Department of Elections on December 19, 2014. Unisyn provided their Technical Data Package and Corporate Information (required under step 2 of the *Requirements and Procedures*). Both of these submissions were deemed complete and in sufficient detail to warrant Step 3, the Preliminary Review. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the TDP, Corporate Information, and other materials provided and prepared an Evaluation Proposal (i.e. Test Plan). Upon Unisyn agreement with the test plan, the evaluation was conducted on March 16, 2015 through March 18, 2015, in the Department of Elections offices in Richmond, Virginia. In addition the system was

successfully piloted in an election in Rockingham County on June 23, 2015. The Unisyn OpenElect Version 1.3 voting system successfully completed Virginia State Certification.

**PRO V&V**



# Memo

**To:** Eugene Burton  
**From:** Jack Cobb  
**CC:** Gary Fox  
**Date:** 4/2/2015  
**Subject:** Unisyn OVO 1.3.0.1

---

Dear Mr. Burton,

Pro V&V has completed the Source Code Review and Witness Build for Unisyn OVO version 1.3.0.1. The Source Code Review verified the changes made for the Commonwealth of Virginia are in compliance with the EAC 2005 VVSG. An analysis was also performed to verify the changes were limited to the functional feature of reprinting the Write-In Report. If you have any questions or concerns please contact me.

Jack Cobb

Laboratory Director

256-713-1111 – office

Jack.Cobb@provandv.com

## OpenElect® Voting Optical Scan (OVO)

World-Class Service

Commitment to  
Excellence

Professional Support

### Leading Innovation in the Election Industry

Unisyn OpenElect® Voting Optical Scan (OVO) is a comprehensive and secure paper-based digital optical scan voting system that both validates and tabulates ballots at each precinct.

### Supports Ranked Choice Voting (RCV)

- Familiar runoff process done in a single election
- Works equally well when there are multiple seats to fill
- Combines two elections into one, so voters only have to make one trip to the poll

### Integrity, Confidence and Flexibility

- 2005 Certification of the Voluntary Voting System Guidelines (VVSG) from the United States Election Assistance Commission (EAC)
- Hardened Linux and Java platform provides multiple layers of security and flexibility



### High levels of Physical and Software Security

Physical measures, coupled with comprehensive procedures, ensure proper and effective security and integrity during equipment preparation, testing, repair and use.

### Transparent System that Supports Accountability

- Reviewed by an EAC-accredited Voting System Testing Laboratory (VSTL)
- Lab reports are made public as part of our transparent process
- Software code is disclosed as part of a procurement process with a jurisdiction

### OVO Features and Benefits

- Self contained ballot counter includes a full color touch screen display, ballot scanner, and precinct report printer
- Provides the voter easy to follow onscreen instructions for all valid operations
- Scans ballots quickly
- Records and deposits ballots into a locked ballot box
- Prints reports and receipts
- Modular design and compact size provides easy transport and set-up



2005 VVSG Certified

Java and Hardened  
Linux Platform

### Questions?

Please visit: [www.unisynvoting.com](http://www.unisynvoting.com)

Call: 1-760-734-3233

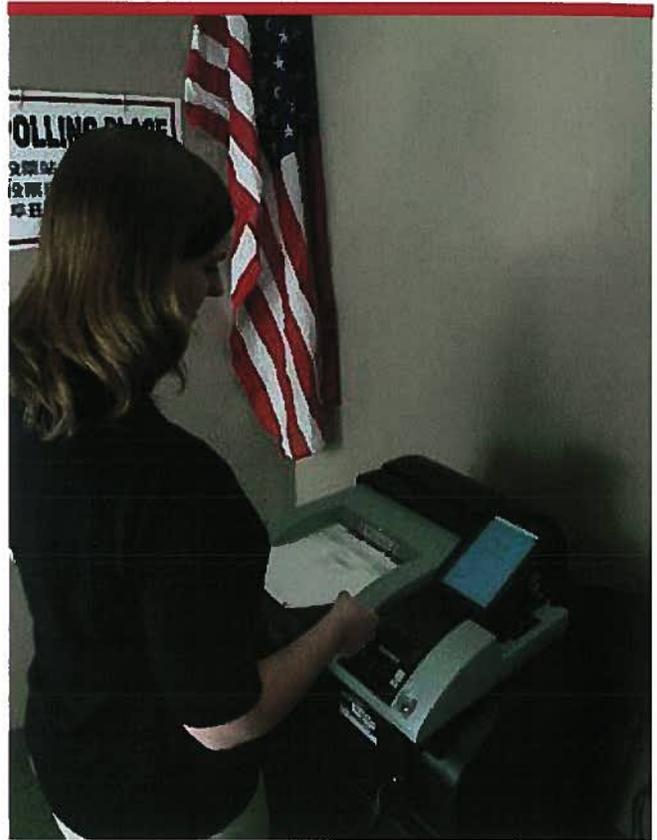
Email: [marketing@unisynvoting.com](mailto:marketing@unisynvoting.com)

Scalability • Transparency  
Flexibility

- Pre Election Support
- Results Reporting
- Media Support
- Voter Education
- Administration Management
- Technical Support
- Maintenance
- Printing
- Supplies

## Flexibility in Program Design and Support Services

Resources, best practices and leading-edge technology provides our clients with the skills and tools needed to revolutionize local elections.



*"Four letters describe Unisyn Voting Solutions - **SAFE: Secure, Accurate, Flexible and Easy**... No wonder that they're causing such a stir in the election community. The Unisyn OVO will change the way elections are managed in both the public and private sectors."*

**Unisyn Voting Solutions®** is a different kind of company! Embracing the standards set forth by the voting community, we are the *first* Company to offer a digital optical scanning system certified to the 2005 Voluntary Voting System Guidelines set forth by the U.S. Election Assistance Commission (EAC).

Our products provide a wide array of choices in selecting a voting system. Contact our Election Specialists today to learn more!

- OpenElect Voting Optical Scan (OVO)
- OpenElect Voting Interface (OVI)
- OpenElect Voting Central Scan (OVCS)
- OpenElect Central Suite (OCS)

## OpenElect® Voting Interface™ Vote Center (OVI-VC™)

Innovative and Versatile  
2005 VVSG Certified  
ADA  
Early Voting  
Ranked Choice Voting  
Java and Hardened Linux  
Platform

OpenElect® Voting Interface™ Vote Center (OVI-VC™) provides touch screen voting to accommodate voters in an early vote center and multiple precinct vote locations. Fully HAVA compliant; each OVI-VC prints on demand a ballot which may be reviewed by the voter prior to being scanned. Secure tabulation is then completed using the OpenElect® Voting Optical Scan (OVO®) or the OpenElect® Voting Central Scan (OVCS®).



### Americans with Disabilities Act (ADA) Features

- HAVA compliant keypad, sip-n-puff, zoom-in ballot and multi-lingual audio functionality
- Allows voters to prepare ballots independently and privately
- Allows voters to correct mistakes (second chance voting)



### Early Voting/Vote Centers

- Contains all ballot styles to accommodate non-geographical use at early voting locations
- May be used for write-in candidates when required
- Ballots are printed in easy to read format for review by Voter before tabulation

### Transparent System that Supports Accountability

- Fully reviewed and certified by an EAC-accredited Laboratory
- Lab Reports are public as part of our transparent process
- Software code is disclosed for review as part of a procurement process with a jurisdiction



### Questions?

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Call: 1-760-734-3233

Email: [marketing@unisynvoting.com](mailto:marketing@unisynvoting.com)

## Scalability • Transparency Flexibility

- Pre Election Support
- Results Reporting
- Media Support
- Voter Education
- Administration Management
- Technical Support
- Maintenance
- Printing
- Supplies

### High Levels of Physical and Software Security

Physical measures, coupled with comprehensive procedures, ensure proper and effective security and integrity of equipment during preparation, testing, repair and use.

### Flexibility in Program Design and Support Services

Resources, best practices and leading-edge technology provides our clients with the skills and tools needed to efficiently conduct elections.

### OVI-VC™ Features and Benefits

- Supports multiple languages
- Rank Choice Voting (RCV)
- Modular design provides easy transport and set up for poll workers
- Ballots are printed in easy to read format for review
- Produces complete precinct audit logs and reports
- OVI-VC™ produced ballots can be easily scanned into the OpenElect® Voting Optical Scan (OVO®) or the OpenElect® Voting Central Scan (OVCS®)



*"Unisyn's products are easy to use and their ability to customize a program that is good for our jurisdiction is exceptional. The entire company is focused on making sure our elections are successful."*

OpenElect Voting Optical Scan (OVO)  
OpenElect Voting Interface (OVI)  
OpenElect Voting Interface (OVI-VC)  
OpenElect Voting Central Scan (OVCS)  
OpenElect Central Suite (OCS)

**Unisyn Voting Solutions®** is the *first* Company to offer a digital optical scanning system certified to the 2005 Voluntary Voting System Guidelines set forth by the U.S. Election Assistance Commission (EAC).



Our OpenElect® suite of products provides a wide array of equipment choices which allows us to provide the perfect match for the way you want to conduct your elections. Contact our Election Specialists today to learn more!

## OpenElect® Voting Central Scan (OVCS)

Innovative and Versatile

2005 VVSG Certified

ADA

Early Voting

Ranked Choice Voting

Java and Hardened Linux  
Platform

The OpenElect® Voting Central Scan (OVCS) resides at election headquarters. It is a bulk scanner designated to read absentee and provisional ballots, and to perform recounts. The OVCS also captures Write-In data images and produces a Write-In image report for manual processing upon request.

### Enhanced Speed and Security

- Hardened Linux/Java multi-tiered platform provides enhanced security
- Transparent source code – available for review as part of a jurisdiction's procurement process
- Capable of uploading results directly to the tabulator without intermediate steps

### Multifaceted, Flexible and Comprehensive

- Accommodates Ranked Choice Voting (RCV)
- Provides a permanent record of voter choices
- Captures full ballot images
- Extracts write-in entries from ballots and presents consolidated reports for each contest by precinct
- Can be used for central tabulation and recounts

### High levels of physical and software security

Physical measures, coupled with comprehensive procedures ensure proper and effective security, and integrity during equipment preparation, testing, repair and use.



### Questions?

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Call: 1-760-734-3233

Email: [marketing@unisynvoting.com](mailto:marketing@unisynvoting.com)

*"When It Came To Innovation, Unisyn invested to retool the traditional election technology; adopting a new business model and nurturing a support network of peer-reviewed trusted third parties, industry authorities and skilled workers. The change, led to the renaissance of an entire industry."*

Scalability • Transparency  
Flexibility

- Pre Election Support
- Results Reporting
- Media Support
- Voter Education
- Administration Management
- Technical Support
- Maintenance
- Printing
- Supplies

### Adjudication

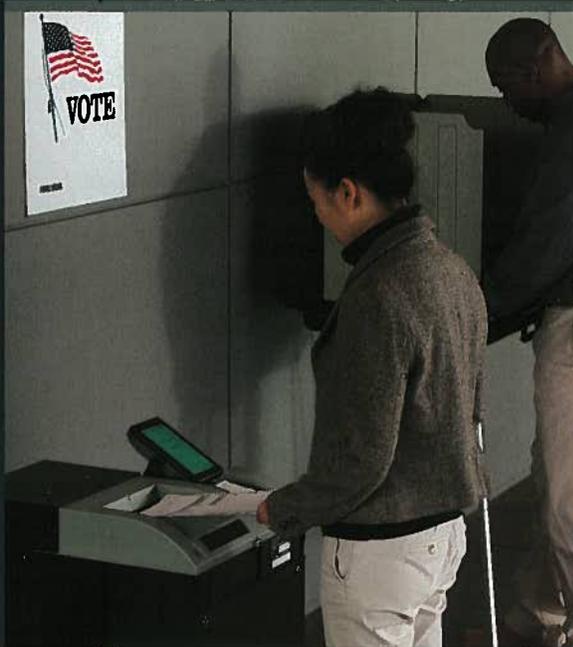
Provides adjudication whereby a qualified group is allowed to review error conditions on a ballot and adjust the ballot record according to the voter's perceived intent.

The OVCS allows for:

- Casting of ballots that cannot be read through system due to defacement of ballot
- Resolution of overvote/undervote conditions on a ballot
- Provides all-electronic handling of write-ins (without manual sorting)
- Provides method for visual validation of system function

### Flexibility in Program Design and Support Services

Resources, best practices and leading-edge technology provides our clients with the skills and tools needed to efficiently conduct local elections.



### Features and Benefits

- Units can be scaled, depending on number of ballots
- Flexibility to read various ballot sizes and two-sided ballots
- Capable of uploading results directly to tabulation without the need for intermediate steps

- OpenElect Voting Optical Scan (OVO)
- OpenElect Voting Interface (OVI)
- OpenElect Voting Central Scan (OVCS)
- OpenElect Central Suite (OCS)

**Unisyn Voting Solutions®** is a different kind of company! Embracing the standards set forth by the voting community, we are the *first* Company to offer a digital optical scanning system certified to the 2005 Voluntary Voting System Guidelines set forth by the U.S. Election Assistance Commission (EAC).



Our products provide a wide array of choices in selecting a voting system. Contact our Election Specialists today to learn more!



# OpenElect® Central Suite (OCS)

Unisyn OpenElect® Central Suite (OCS) is a Linux-based suite of software applications that works together to define and configure an election:

## Complete Control over Your Election Process

- The product suite provides maximum flexibility and customization while guiding the user through every step of the process
- User friendly graphical interface, with familiar interface conventions
- Consistent screen formats that make them easy to learn and easy to use
- Compiles and tabulates vote results
- Provides reports by precinct, by district, by county and statewide



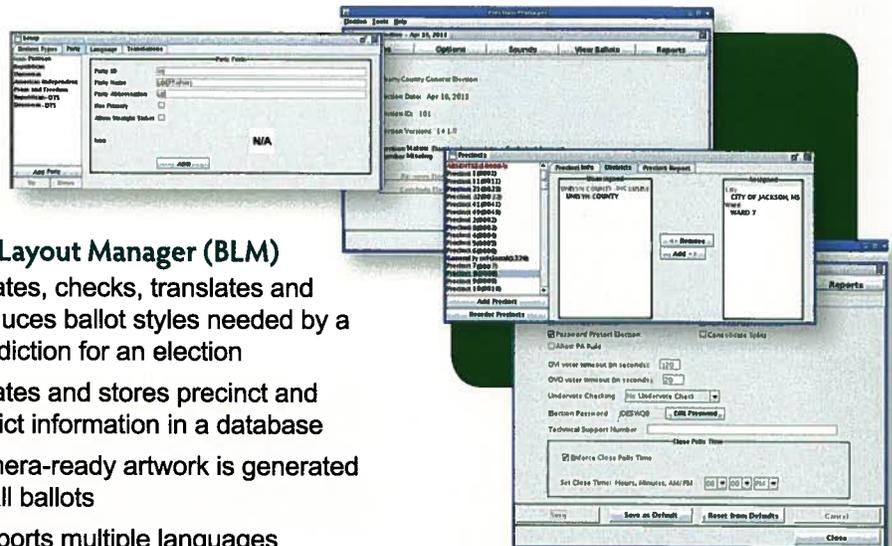
World-Class Service

Commitment to Excellence

Professional Support

Java and Hardened Linux Platform

The Unisyn OpenElect Central Suite (OCS) works in conjunction with our 2005 VVSG Certified Linux-platform digital scan products:



## Ballot Layout Manager (BLM)

- Creates, checks, translates and produces ballot styles needed by a jurisdiction for an election
- Creates and stores precinct and district information in a database
- Camera-ready artwork is generated for all ballots
- Supports multiple languages
- Supports Ranked Choice Voting (RCV)

## Election Manager (EM)

- Converts the Unisyn election definition file to a Unisyn-specific encrypted XML format
- Allows the jurisdiction to add voting device specific options
- Flexibility to check contests for undervotes, whether to allow or disallow certain features and other options
- Creates and manages Supervisor and Maintenance Technician logins and passwords
- Produces a CD containing encrypted compressed files that are loaded onto the voting devices
- CD is also used by post-election OVS components for election day vote processing

## Questions?

Please visit: [www.unisynvoting.com](http://www.unisynvoting.com)  
 Call: 1-760-734-3233  
 Email: [marketing@unisynvoting.com](mailto:marketing@unisynvoting.com)

## Scalability • Transparency Flexibility

- Pre Election Support
- Results Reporting
- Media Support
- Voter Education
- Administration Management
- Technical Support
- Maintenance
- Printing
- Supplies

### Election Server (ES)

- Sets the correct system time on the voting devices
- Uses the Election CD created by the Election Manager component to download new election data (via a closed and secure network) to OVO and OVI voting devices

### Tabulator Client (TC)

- Following an election, transport media (Flash memory) from each poll location are delivered to a central count location, uploaded and converted to a database format that the jurisdiction can use for Unofficial and Official Canvass Reporting
- Retrieves, decrypts and transfers the vote files from the transport media to the Tabulator
- Resides on the same PC as the Tabulator or on a PC that communicates with the Tabulator

### Tabulator

- Unisyn's Tabulator receives and validates uploaded voting data and provides a status of uploaded files
- Provides Ranked Choice Voting (RCV) functionality
- Uses the Tabulator database to store results from all precincts

### Tabulator Reports (TR)

- Accesses data from the Tabulator Database to generate the necessary Unofficial and Official reports
- As precinct results are uploaded, the vote tabulator generates and updates a number of reports including:
  - Status reports
  - Consolidated Election Report, summarized by precinct
  - Voter Turnout report and other reports such as providing election results to the media
- The vote files maintain both an administrative audit trail and a voter audit trail that provide capability to retrieve ballot images

### Transparent Source Code that Supports Accountability

- Reviewed by EAC-accredited Laboratory
- Lab Reports are made public as part of our transparent process
- Software code is disclosed as part of a procedure process with a jurisdiction

*"In an industry challenged with old technology - One Company has stepped up to the plate. That company is **Unisyn Voting Solutions.**"*

### Unisyn Voting Solutions® is a different kind of company!

Embracing the standards set forth by the voting community, we are the *first* Company to offer a digital optical scanning system certified to the 2005 Voluntary Voting System Guidelines set forth by the U.S. Election Assistance Commission (EAC).



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OpenElect Voting Optical Scan (OVO)

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OpenElect Central Suite (OCS)

Unisyn Voting Solutions®: 2310 Cousteau Court, Vista, California 92081-8346 USA

T) 1-760-734-3233 F) 1-760-598-0219 E) marketing@unisynvoting.com

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Commitment to  
Excellence

Professional Support

Java and Hardened  
Linux Platform

### Unisyn Voting Solutions®...Integrity and Passion in Everything We Do!

Unisyn understands that the successful implementation of any new voting system relies on the team that operates it. That is why we work closely with election management, poll workers, technicians and warehouse personnel to help your election run smoothly and efficiently. This includes:

- Partnership that provides security, transparency, flexibility and scalability
- Leading-edge technology that makes reporting easy to manage and secure
- Customized design and delivery of support services and resources
- Highly qualified personalized and interactive staff training
- Nationwide service – we are available to come to you

#### Public and Private Election Services

- Tabulation System Reports
- Ongoing Maintenance
- Service Bureau Ballot Layout
- Early Voting and Absentee Ballots

#### Headquarters Election Staff

- Layout and design of ballots
- Candidate entry
- Tabulation
- Identification and resolution of potential problems

#### Poll Workers

Unisyn offers a “Train the Trainers” program by providing hands-on, classroom and video instruction so that trainers can easily and effectively instruct the numerous polling place workers in all functions of the Unisyn system used in their precinct.

#### Technicians and Warehouse Staff

We provide training for:

- Technical service (Unisyn-qualified voting machine repair technician)
- Functionality and maintenance of machines
- All hardware components including repair and replacement of parts
- Warehouse operations, and in the proper preparation, delivery and return of voting units
- “How to troubleshoot problems on Election Day”



#### Questions?

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Call: 1-760-734-3233

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*“Unisyn provides a comprehensive and customized program that helps jurisdictions of all sizes obtain fast and accurate results. The entire company is focused on making sure that every vote will actually be counted.”*

Scalability • Transparency  
Flexibility



- Pre Election Support
- Results Reporting
- Media Support
- Voter Education
- Administration Management
- Technical Support
- Maintenance
- Printing
- Supplies

## Media/Public Information Services

- A media specialist to help with public education, establishing an image of transparency with local media and providing pertinent information to enhance a positive image of the Election Office
  - Hosted news conference to introduce and demonstrate the ease of use of the new voting machines
  - Literature distribution regarding the new system, including sample ballots
  - Press release to announce the contract signing
  - “Open House” with voting units at the Election Office for people to practice how to operate the machine and how to cast their ballot
  - Staff training on how to demonstrate the voting system to others, such as the public and media

## Maintenance Services

- Unisyn Voting Solutions provides a full complement of services for your election requirements, these include:
  - Service and maintenance of all voting unit components
  - Warehouse services, including storage, and set up

## Printing Services

**Unisyn provides jurisdiction printing services which include:**

- Early Voting, Absentee and Election Day Ballots
- Poll worker manuals
- Precinct kits
- Test decks

We also provide assistance for Ballot Management programs. This includes the coordination between the election staff and the Printer that is designated to print all required ballots in all ballot formats.

## Election Supplies

Unisyn offers all election supplies required to conduct a successful election. Whether you require ballots of any type, voting booths, ballot boxes, vote-here signs, sample ballots, precinct kits, security seals and miscellaneous expendable supplies, we can accommodate any need.

## Unisyn is a Different Kind of Company!

We understand that there are many dynamics involved in running a successful election. For instance, ballots that violate basic design principles can cause votes to be lost. That is why we partner with you to collaboratively design and deliver printed materials, along with staff training and support materials that are tailored to achieve success. Using our expertise and leading-edge technology, we help clients to instill voter confidence, while delivering optimal service and enhancing security. Contact our Election Specialists today to learn more!

OpenElect Voting Optical Scan  
(OVO)

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Voting  
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STATE BOARD *of* ELECTIONS

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2015  
Absentee Ballot  
Application  
&  
Regulation Update

---

BOARD WORKING PAPERS  
Elizabeth Howard  
Deputy Commissioner



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

## Memorandum

To: Members of the State Board of Elections  
From: Elizabeth L. Howard, Deputy Commissioner  
Date: June 22, 2015  
Re: 2015 Absentee Ballot Application and Regulation Update

---

### **Suggested motion for a Board member to make:**

I move that the Board approve publishing the Department's proposed revisions to the absentee ballot application form and draft regulations for a 30 day public comment period.

**Applicable Code Section and Regulation:** Va. Code Ann. § 24.2-701; 1 VAC 20-70-30.

### **Board materials:**

Virginia absentee ballot application form, SBE 701 (rev. 7/13)  
Proposed Virginia absentee ballot application form, SBE 701  
Proposed 1 VAC 20-70-30

### **Background:**

Legislation effective July 1, 2015 requires revising the absentee ballot application to remove the supporting information requirement for religious obligation. 2015 SB 816 (Howell) (Chapter 314). In making this required change, the staff, in cooperation with the general registrar's absentee workgroup, identified multiple opportunities to streamline the form, make it easier for qualified voters to vote and election administrators to process absentee ballot applications, and to decrease costs related to production and printing.

In addition, in response to questions received from general registrars during the primary and in order to promote uniform processing of absentee ballot applications across the Commonwealth, the Department proposed new regulations applicable to absentee ballot applications. In general, these new proposed regulations reflect current and existing practices and policies of the Department of Elections and general registrars across the state. For example, these regulations ensure that members of the military do not have to file multiple forms prior to receiving an absentee ballot. In addition, general registrars are expressly prohibited from requesting specific forms of voter identification from individuals who indicate certain qualifications on the absentee ballot application. For example, a

general registrar may not request an individual who indicates that she will be absent because she is a student at a university to provide a school photo identification. Although anecdotal evidence indicates that this practice is not uniform across the Commonwealth, these regulations clarify that even absentee voters may satisfy the voter photo identification requirement by providing any of the identifications listed in § 24.2-643.

Importantly, these regulations also properly reflect the prohibition found in Va. Code § 24.2-706 that states, “In reviewing the application for an absentee ballot, the general registrar and electoral board *shall not reject* the application of any individual because of an error or omission on any record or paper relating to the application, *if such error or omission is not material in determining whether such individual is qualified to vote absentee.*” (emphasis added).

The list of individuals who are “qualified to vote absentee” appears in § 24.2-700. This list includes individuals who are unable to go to the polls on Election Day because she “is primarily and personally responsible for the care of an ill or disabled family member who is confined at home,” (“Caretaker”) and individuals who will be absent from his city or county of residence “for personal business or vacation reasons.”

Therefore, these regulations clarify that any error or omission that is “not material” to determining whether an applicant qualifies under 24.2-700 may not be used to deny the applicant’s absentee ballot application. To this end, these regulations include a list of material and immaterial omissions and errors on the application. In sum, if the applicant provides sufficient information to determine whether the applicant is properly a currently registered voter, and provides a qualifying reason, then the general registrar should not deny the application.

For example, “Supporting Information” is included in the list of immaterial omissions in the proposed regulations. While Va. Code § 24.2-701 lists the supporting information that certain applicants are to provide on the application, this supporting information, such as the “relationship to the family member” for those individuals who qualify for an absentee ballot as a Caretaker, and the “name of the county or city in Virginia or the state or country to which he is traveling” for those who are absent due to vacation are “not material” in determining whether an individual is qualified to vote absentee. For example, whether an applicant is vacationing in Florida or France will not affect whether the applicant is qualified to vote absentee. An applicant is qualified to vote once the applicant states on the application that she will be absent from her city or county on Election Day on vacation. The location to which she is traveling on Election Day is not material.

Further, if supporting information is not identified as immaterial, there is an exceptionally high risk that general registrars will treat similar voters differently. For example, a general registrar in one county may conclude that additional information is needed from applicants who indicate 1A on their application and provide “George Mason University” (“GMU”) as supporting information. GMU has campuses in three different counties: Arlington, Fairfax and Loudoun. Without these regulations, any of these general registrars could contact the applicant and inquire as to what campus she would be on during Election Day. On these facts, it’s quite possible that two of the three general registrars may routinely contact these applicants, while the third relevant general registrar never contacts an applicant

who identifies GMU as the supporting information for 1A. These regulations will ensure that this disparate treatment does not occur. To ensure consistent treatment of voters across the state, the best option is to comply with 24.2-706 and conclude that general registrars may not deny applications for immaterial omissions – which include supporting information.

In addition, these regulations properly reflect the Board’s previous policy and identify the signature, of either the applicant or the assistant if the applicant is unable to sign due to disability, to be a material omission.

In conclusion, the Department requests this Board to publish the proposed revisions to the absentee ballot application form and the proposed regulations for a 30 day public comment period.

1 1VAC20-70-30

2 1VAC20-70-30. Applications for absentee ballots.

3 A. This section provides standards for reviewing absentee ballot requests submitted on the  
4 Virginia Absentee Ballot Application Form (SBE-701).

5

6 B. General registrars and electoral board members are prohibited from denying applications  
7 for absentee ballots due to any error or omission by the applicant if the error or omission  
8 is not material in determining whether the applicant is qualified to vote absentee.

9 C. An absentee ballot application may not be denied for the following immaterial errors or  
10 immaterial omissions:

11 1. Daytime telephone number;

12 2. Date of the application;

13 3. Failure to include any combination of full, middle or last name or suffix so long  
14 as the general registrar is able to identify the voter using the name information  
15 provided by the applicant;

16 4. Failure to include any combination of street address, apartment number, city or  
17 zip code if the general registrar is able to identify the voter's address using the  
18 address information provided by the applicant;

19 5. Full name in an order other than "last, first, middle";

20 6. Failure to provide the last four digits of the applicant's social security number if  
21 the general registrar is able to determine the identity of the applicant using the  
22 other information provided by the applicant;

23 7. First five digits of applicant's social security number;

24 8. Assistant's address;

25 9. Assistant's city, state or zip code;

26 10. Assistant's first or last name;

27 11. Supporting information in Box 3; and

28 12. Failure to write or indicate "Applicant Unable to Sign" in Box 7 if the applicant  
29 does not sign and the application includes an assistant signature.

30 D. The following omissions are always material and any absentee ballot application  
31 containing such omissions must be denied in writing and the applicant must be notified  
32 immediately of the denial and the reason:

33 1. Signature of the applicant unless the application is signed by the assistant;

34 2. Signature of an assistant if the applicant does not sign the application;

- 35 3. Failure to include name information in all of the first name, middle name and last  
36 name in Box 1 which renders the general registrar unable to determine the  
37 applicant's name; and
- 38 4 Failure to include all of the following information: address, city, state and zip in  
39 Box 1 which renders the general registrar unable to determine the residence of the  
40 applicant.
- 41 E. A registrar shall not deny an application for an absentee ballot on the basis that the  
42 applicant is ineligible to receive a ballot in the manner requested on the application. The  
43 general registrar shall attempt to contact such applicant at least once to determine proper  
44 delivery address. In the event that the general registrar is unable to contact applicant, the  
45 absentee ballot will be mailed to the applicant's registration address.
- 46 F. 1. If the applicant provides sufficient supporting information based on the Reason  
47 Code indicated, a general registrar may not request additional supporting  
48 information.
- 49 2. A general registrar may not deny an absentee ballot application, refuse to send an  
50 absentee ballot via email or fax, or require additional forms to be completed by an  
51 otherwise eligible applicant who indicates Reason Code 6A, 6B, 6C or 6D.  
52
- 53 G. A general registrar may not question any statement of fact the applicant has affirmed by  
54 signing the application personally or by an assistant.
- 55 H. A signature is required by each applicant for an absentee ballot unless the applicant is  
56 unable to sign the application. Under these circumstances, an assistant should indicate  
57 that the "applicant is unable to sign," provide his name, address and sign separately on  
58 the assistant's signature line.
- 59 I. If the applicant fails to indicate which election he is applying for an absentee ballot, then  
60 the general registrar shall assume that this application is an application for the next  
61 election in which the voter is eligible. If the next election is a primary, then the general  
62 registrar may contact the applicant to obtain the information necessary to determine  
63 which election the applicant has requested a ballot.
- 64 J. If the individual submitting the absentee ballot application is currently a registered voter  
65 in Virginia, then the general registrar must process the application form as a request to  
66 update or change the registered voter's information if the form contains new information  
67 and is signed by the voter. If a registered voter with a physical disability is unable to sign,  
68 then the assistant must also sign the application before the general registrar may process  
69 the application as a request to update the applicant's name and/or address.
- 70 K. A general registrar may not request a specific form of voter identification based on the  
71 Reason Code provided by the applicant.
- 72 L. All absentee ballot applications must be processed within three business days of receipt.

73 M. For cases not covered by this section, the general registrar should consultation with the  
74 Department of Elections staff to determine materiality on a case-by-case basis that may  
75 result in further amendment of this regulation.

76

77 1VAC20-70-9998

78 FORMS (1VAC20-70)

79

80 Annual Absentee Ballot Application, SBE-703.1 (rev. 7/13)

81 Virginia Absentee Ballot Application Form, SBE-701 (rev. 7/15)

82 Envelope B - Ballot - Statement of Absentee Voter (undated)

83

84

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86

87

88

# Virginia Absentee Ballot Application Form

Complete this form to request an absentee ballot and/or update your voter registration information if you are currently registered to vote in Virginia. You may check your voter registration status at [elections.virginia.gov/status](http://elections.virginia.gov/status) or call toll free: (800) 552-9745. See form instructions and submit your completed application to the general registrar's office where you are currently registered. Look up your general registrar's office by going to: [elections.virginia.gov/localGR](http://elections.virginia.gov/localGR).

## 1 Current Name and Residence

(Enter your current name and residence address.)

Last name \_\_\_\_\_ Social Security number  -  -   
(Last 4 digits required.)

First name \_\_\_\_\_ Middle name \_\_\_\_\_ Suffix \_\_\_\_\_

Street address \_\_\_\_\_ APT/Suite # \_\_\_\_\_  
(No P.O. Boxes allowed.)

City \_\_\_\_\_ State \_\_\_\_\_ ZIP

This is a new Address and /or I have changed my legal name. Date moved  /  /

By providing a new address or legal name-change, you authorize the cancellation or transfer of your current voter registration.

## 2 Election

I am applying to vote in the:  May General Election  Republican Primary  Presidential Democratic Primary  Special Election on:  /   
 November General Election  Democratic Primary  Presidential Republican Primary  /

## 3 Reason for Absentee Ballot

\* Reason Codes and list of supporting information required, if any, are on page 2. Your application may be denied if required information is not provided.

Reason Code\*  Supporting information (If required) \_\_\_\_\_

## 4 Delivery of Ballot

(See instructions)

I would like my ballot delivered to:  Registration address (Provided in Box 1) [This address will be used if no other address is checked or provided.]  Mailing address (Provide below)  
 Email (Reason Codes 6A, 6B, 6C, 6D only) (Provide in Box 7)  Fax (Reason Codes 6A, 6B, 6C, 6D only) (Provide in Box 7)

Address \_\_\_\_\_ APT/Suite # \_\_\_\_\_

City \_\_\_\_\_ State/Country \_\_\_\_\_ ZIP

## 5 Assistance to Vote

I will need assistance in completing my ballot due to a disability, blindness, or inability to read or write. If checked, an assistance form will be provided with the absentee ballot.

## 6 Assistant's Statement/Signature

(If applicant is individual with disability and does not include signature in Box 7)

Assistant's Information: (If applicable)

Last name \_\_\_\_\_ First name \_\_\_\_\_

Address \_\_\_\_\_ APT/Suite # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP

I swear/affirm, under felony penalty for making willfully false material statements, that the information I have provided on this form is true and I have indicated on the Applicant's signature line in Box 7 "Applicant Unable to Sign."

Signature (x) \_\_\_\_\_ Telephone  -  -

## 7 Applicant Statement/Signature

I swear/affirm, under felony penalty for making willfully false material statements, that (1) I am registered to vote in the city or county in which I am offering to vote, (2) the information I have provided on this form is true, and (3) I am not requesting a ballot or voting in any other jurisdiction in the U.S., except the jurisdiction to which this application relates.

Check if applicant unable to sign.

Signature (x) \_\_\_\_\_ Today's date  /  /

Electronic Signature with intent to sign this Absentee Ballot Application. Telephone  -  -

Email (optional) \_\_\_\_\_ Fax (optional) \_\_\_\_\_

## Office Use Only

Precinct _____	District/Senate/House _____	Application # _____	Application accepted <input type="checkbox"/> Yes <input type="checkbox"/> No
Date received <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Received by _____	Reason not accepted	
Method received <input type="checkbox"/> In Person <input type="checkbox"/> By Mail <input type="checkbox"/> By Fax <input type="checkbox"/> Email <input type="checkbox"/> Other			
Ballot sent by <input type="checkbox"/> Mail <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> In Person <input type="checkbox"/> On Machine			

# Virginia Absentee Ballot Application

## Instructions

- Box 1:** Enter your current name and residence address. Use check box to indicate new address or name change when applicable. When entering a new address, you must provide the date you moved.
- Box 2:** Enter the election or primary you wish to vote absentee.
- Box 3:** Only qualified applicants may vote absentee in Virginia. Qualifying reasons are listed in the table below and you must provide the appropriate **Reason Code**, and supporting information, if required.
- Box 4:** No ballot may be sent in care of any other person.
- Box 5:** Use only if applicant is individual with disability, blindness, or inability to read or write.
- Box 6:** Use only if applicant is individual with disability and does not include signature in **Box 7**.
- Box 7:** Sign and submit your completed application to the general registrar's office where you are currently registered.

## Deadlines

Your application to vote absentee by mail must be received by 5:00 p.m. on the Tuesday prior to the election. You may return the completed application via email, fax or mail to the general registrar's office where you are currently registered. Look up your general registrar's office by going to: [elections.virginia.gov/localGR](http://elections.virginia.gov/localGR).

Your application to vote absentee in-person must be personally delivered to the general registrar by the Saturday before the election.

## Alternative Options for Voters with Disabilities

Registered voters with ongoing physical disabilities may apply to automatically receive absentee ballots for subsequent elections. That application is available here: [elections.virginia.gov/annualAB](http://elections.virginia.gov/annualAB).

## Alternative Options for Military and Overseas Voters

Members of uniformed services, overseas citizens, and eligible family may apply to register to vote and receive absentee ballots by completing one form: the Federal Post Card Application ("FPCA") available here: [elections.virginia.gov/fpca](http://elections.virginia.gov/fpca).

## Reason Codes

First-time Virginia voters (*who registered by mail*) may not vote absentee by mail for any **Reason Code** starred (\*) below, UNLESS the voter is 65 years or older pursuant to Va. Code § 24.2-416.1. You may contact your local general registrar's office for absentee in-person times and locations.

Code	Reason	Supporting Information Required
1A	Student attending college or university outside of locality of residence in Virginia	Name of college or university
1B*	Spouse of student attending college or university outside locality of residence in Virginia	Name of college or university
1C*	Any business outside of locality of residence on Election Day not covered under 1D	Name of employer or business
1D*	Personal business or vacation outside County/City of residence on Election Day	Place of travel (VA county/city or state or country)
1E*	I am working and commuting to/from home for eleven (11) or more hours between 6:00 a.m. and 7:00 p.m. on Election Day	Name of employer or business and Election Day hours of working and commuting (AM to PM)
1F*	I am a first responder (member of law enforcement, fire fighter, emergency technician, search and rescue)	Not required
2A	My disability or illness or pregnancy	Not required
2B*	I am primarily and personally responsible for the care of a disabled/ill family member confined at home	Family Relationship
3A*	Confined, awaiting trial or confined, convicted of a misdemeanor	Name of institution
4A*	An electoral board member, registrar, officer of election, or custodian of voting equipment	Not required
5A*	I have a religious obligation	Not required
6A	Active Duty Uniformed Service	Branch of service
6B	Spouse or dependent absent with a member of 6A	Branch of service
6C	Temporarily residing outside US	If you haven't given up your Virginia residency, then supporting information is <i>not required</i> . If your Virginia residency is no longer available to you, then you must provide the last date of Virginia residency in the "Date moved" section in <b>Box 1</b> .
6D	Temporarily residing outside US for employment or spouse or dependent absent with employee	Name of business or employer
7A	Moved out of state less than 30 days prior to the presidential election. Absentee ballot will only include office of President and Vice President.	Not required
8A*	Authorized representative of candidate or party serving inside the polling place	Not required

**Privacy Act Notice:** This form collects personal information, including your Social Security number, for identification and to prevent fraud. Your application will be denied if you fail to provide the last four digits of your Social Security number or any other information required to determine your qualification to vote absentee. Federal law (*the Privacy Act*) and state law (Va. Code § 24.2-701 and the Government Data Collection and Dissemination Practices Act) authorize collecting this information and restrict its use to official purposes only.

**WARNING: INTENTIONALLY VOTING MORE THAN ONCE IN AN ELECTION OR 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.**



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STATE BOARD *of* ELECTIONS

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# Final Approval Of Amended Delegation Regulations

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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: June 22, 2015  
Subject: Final Approval of Amended Delegation Regulations, Delegations for Ballot Order Drawing and Conformity

---

### Suggested motion for a Board member to make:

I move that the Board (1) approve staff's proposed regulations conforming to 2013 legislation naming the Commissioner of Elections agency head, (2) delegate to the Department of Elections responsibility for the drawing to determine ballot order in special elections; and (3) delegate to the Commissioner, authority to determine when changes to forms, instructions and guidance documents require Board approval.

**Affected Regulations:** 1 VAC 20-20-10, 20-20-30, 20-20-60

**Applicable Code Sections:** 2013 Va. Acts Ch. 542; Va. Code §§ 24.2-103, 24.2-105, 24.2-613.

### Board Materials:

1. This memorandum
2. Proposed amendments to regulations
3. Town Hall Regulatory Action page
4. Standard Operating Procedure for Drawings by Staff under Delegated Authority for Special Elections
5. Town Hall DEL-1 with proposed edit to page 25
6. 2015 Legislation Summary
7. 2015 Legislation Text

### Background:

The 2013 legislation restructuring the agency effective last July requires updating the regulations that reference delegations of Board authority; these amendments make clear that the Commissioner has the same authority as the former agency head. After counsel determined the proposed regulations are exempt under the Virginia Administrative Process Act (APA), the Board approved publishing the proposed amendments to its regulations for public comment in the Virginia Regulatory Town Hall. The proposed regulations were published March 23, 2015, with a public comment period that ended May 15, 2015.

During this time, although no comments were received from the public, another needed delegation came to the Board's attention. At its meeting April 1, 2015, the Board directed staff to prepare materials supporting delegation of responsibility for the drawing to determine ballot order in special elections to the Department of Elections. Commissioner Cortés explained that when the agency previously was delegated this responsibility, the ballot drawings

were conducted in the presence of an appropriate authority such as the Clerk of the House or Senate and this practice would continue with notice to affected political parties or independent candidates. Staff recommends that the Board formalize this delegation and practice in its minutes and published guidance document. The agency has developed a standard operating procedure to be used when exercising this delegated authority.

Staff is recommending another delegation to implement 2015 legislation reassigning to the general registrar specific administrative duties related to absentee voting and campaign finance. Implementing this legislation requires updating the language of numerous forms, instructions and guidance documents. Rather than consume Board time with these administrative details, the Commissioner should have authority to supervise the updating of forms and guidance documents generally and the responsibility to determine what changes rise to the level of requiring Board review and approval to be put in place. Similar approval was given to update numerous forms and guidance documents for the agency name change at the state level. We have similar name change issues we would like to take care of as efficiently as possible.

1 1VAC20-20-10

2 1VAC20-20-10. Definitions.

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

5 "Board" means the Virginia State Board of Elections.

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

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

10 1VAC20-20-30

11 1VAC20-20-30. Organization of State Board of Elections; seal.

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

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

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

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

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

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

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

40 H. G. Notice of each meeting of the board shall be given to all board members either by the  
41 secretary or the member calling the meeting at least three business days prior to the meeting  
42 except in the case of an emergency as defined in § 2.2-3701 of the Code of Virginia. Notice shall  
43 be given to the public as required by § 2.2-3707 of the Code of Virginia. All meetings shall be  
44 conducted in accordance with the requirements of the Virginia Freedom of Information Act  
45 (§ 2.2-3700 et seq. of the Code of Virginia). All meetings shall be open to the public unless the  
46 board goes into a closed meeting pursuant to § 2.2-3711 of the Code of Virginia.

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

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

51 1VAC20-20-60

52 1VAC20-20-60. Delegations to ~~Secretary of State Board~~ Commissioner of Elections.

53 A. In addition to the authority described in 1VAC20-20-30, the ~~secretary~~ commissioner has the  
54 delegations of authority to the secretary detailed in the board's ~~minutes of December 2, 2004, as~~  
55 ~~amended September 14, 2010~~ Virginia State Board of Elections: Delegated Duties and  
56 Responsibilities, undated, and Addendum to Board Policy 2004-007a - Delegation of Board  
57 Authority, August 16, 2011. Board staff (i) may update that listing to correct citations and (ii)  
58 shall post the list to the Internet in order that additional delegations or other modifications may  
59 be proposed to the board by any interested person.

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

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

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

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

74 1VAC20-20-9999

75 DOCUMENTS INCORPORATED BY REFERENCE (1VAC20-20)

76 Security Requirements for Cryptographic Modules, FIPS PUB 140-2, issued May 25, 2001,  
77 including change notices through December 3, 2002, National Institute of Standards and  
78 Technology, U.S. Department of Commerce

79 Virginia State Plan - 2012, Help America Vote Act of 2002, adopted March 2012, Virginia State  
80 Board of Elections

81 Help America Vote Act of 2002 Performance Goals, Virginia State Board of Elections, June 19,  
82 2006 (Virginia State Board of Elections Policy 2006-004)

83 State Board of Election Minutes of December 2, 2004, as amended September 14, 2010

84 Delegated Duties and Responsibilities, Virginia State Board of Elections, undated

85 Addendum to Board Policy 2004-007a, Delegation of Board Authority, Virginia State Board of  
86 Elections, August 16, 2011

87

Virginia.gov Agencies | Governor



Agency Department of Elections

Board State Board of Elections

Chapter General Administration [1 VAC 20 – 20]

[Action:](#) 2015 Delegations Update

Action 4328 / Stage 7171

## Proposed Stage

Documents	
<a href="#">Proposed Text</a>	3/11/2015 9:47 am
<a href="#">Agency Statement</a>	3/4/2015

Status	
<b>Exempt from APA</b>	Yes, this chapter of the VA Administrative Code is exempt from article 2 of the <i>Administrative Process Act</i> . The normal executive branch review process is not required.
<b>Virginia Registrar</b>	Submitted on 3/4/2015 <a href="#">The Virginia Register of Regulations</a> Publication Date: 3/23/2015 <a href="#">Volume: 31 Issue: 15</a>
<b>Comment Period</b>	Ended 5/15/2015 0 comments

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Virginia Department of Elections

# Standard Operating Procedures

Drawing to Determine Ballot Order by Staff for Special Elections under  
Delegation from State Board of Elections

New   /  /2015



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

# Drawing to Determine Ballot Order

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*Department of Elections Operations*

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This Standard Operating Procedure (SOP) describes the process by which the Department of Elections conducts the drawing to determine ballot order under delegation from the State Board of Elections for special elections. It includes references to key statutes and resources, specific procedures and notice requirements.

## Resources and Background

- Department of Elections website: [www.elections.virginia.gov](http://www.elections.virginia.gov)
- Virginia Regulatory Town Hall Guidance Documents, DEL-1, Delegations to Department of Elections: <http://townhall.virginia.gov/L/gdocs.cfm?agencynumber=132>
- Code of Virginia, § 24.2-613
- GREB Handbook: (On SharePoint), Chapter 15, Managing Ballots

## Instructions

1. Contact the clerk of the body for which a vacancy is being filled or if none, the clerk of the Circuit Court for the City of Richmond, to arrange a suitable time and place for the drawing to be witnessed by the Clerk.
2. Notify the state political parties and any independent candidates of the time set for staff to conduct the drawing. This notice should be sent as soon as an agreed upon time and place has been confirmed with the parties and clerk. Do not conduct the drawing unless the following are present: (i) the clerk or his designee is present; and (ii) the political parties or independent candidates unless they have confirmed that they will not be attending.
3. Notice must be provided to the parties and any independent candidates at least 24 hours before the drawing takes place, unless all the affected political parties and independent candidates waive this requirement.
4. Place then names of each candidate on a slip of paper and enclose each one in a separate opaque film container. Place all the containers in a transparent glass or plastic bowl large enough to allow the name containers to move about freely.
5. Announce each candidate name as drawn. Request that the clerk record the names in order as drawn.
6. After all candidate names have been drawn and announced, review the complete list of candidate names in order as they will appear on the ballot.
7. Communicate the ballot order to all state and local elections staff responsible for preparing ballots, the affected political parties and independent candidates.

**Virginia State Board of Elections: Delegated Duties and Responsibilities**

<b><u>Code Section</u></b>	<b><u>Code Responsibility</u></b>	<b><u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u></b>	<b><u>Date</u></b>	<b><u>Comments</u></b>
24.2-101	"State Board" or "Board" means the <b>State Board</b> of Elections	NA	12/7/04	
24.2-102	<p>The State Board of Elections is continued and shall consist of three members appointed by the Governor from the qualified voters of the Commonwealth, subject to confirmation by the General Assembly. In the appointment of the Board, representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. Two Board members shall be of the political party which cast the highest number of votes for Governor at that election. When the Governor was not elected as the candidate of a political party, representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of the appointment and two Board members shall be of the political party having the highest number of members in the General Assembly. Each political party entitled to an appointment may make and file recommendations with the Governor for the appointment. Its recommendations shall contain the names of at least three qualified voters of the Commonwealth.</p> <p>Board members shall serve four-year terms beginning February 1, 1995, and each fourth year thereafter. Vacancies shall be filled for the unexpired terms. No member, except the Secretary, shall be eligible for more than two successive four-year terms. A member appointed for an unexpired term may be appointed for the two succeeding four-year terms.</p>	NA	12/7/04	
24.2-102	The Governor shall designate one member of the <b>Board</b> as the <b>Secretary</b> , who shall receive the salary fixed by law. The <b>Secretary</b> may <u>employ the personnel</u> required to carry out the duties imposed by this title. The provisions of § 2.2-106 shall not apply to this section.	S	12/7/04	
24.2-103	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	12/7/04	
24.2-103	It shall make rules and regulations	B	12/7/04	
24.2-103	and issue instructions and provide information to the electoral boards and registrars to promote the proper administration of election laws.		12/7/04	For Further Review
24.2-103	Electoral boards and registrars shall provide <u>information requested by the Board</u>	D	12/7/04	
24.2-103	The <b>Board</b> shall ensure that the members of the electoral boards and general registrars are properly trained to carry out their duties by <u>offering training</u> annually, or more often, as it deems appropriate.	D	12/7/04	
24.2-103	B. The <b>Board</b> may <u>institute proceedings</u> pursuant to § 24.2-234 <u>for the removal of any member of an electoral board</u> who fails to discharge the duties of his office in accordance with law.	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-103	The <b>Board</b> may petition the local electoral board to remove from office any <u>general registrar</u> who fails to discharge the duties of his office according to law	B	12/7/04	
24.2-103	The <b>Board</b> may <u>institute proceedings</u> pursuant to § 24.2-234 for the <u>removal of a general registrar</u> if the local electoral board refuses to remove the general registrar and the <b>State Board</b> 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	12/7/04	
24.2-103	C. The <b>Board</b> may <u>petition a circuit court</u> or the Supreme Court, whichever is appropriate, <u>for a writ of mandamus or prohibition, or other available legal relief</u> , for the purpose of ensuring that elections are conducted as provided by law.	B	12/7/04	
24.2-103	The <b>Board</b> shall <u>adopt a seal</u> for its use <u>and bylaws</u> for its own proceedings.	B	12/7/04	
24.2-104	When the <b>State Board</b> is of the opinion that the public interest will be served, it may <u>request the Attorney General, or other attorney designated by the Governor for the purpose, to assist the attorney for the Commonwealth</u> of any jurisdiction in which election laws have been violated. The Attorney General, or the other attorney designated by the Governor, shall have full authority to do whatever is necessary or appropriate to enforce the election laws or prosecute violations thereof.	B	12/7/04	
24.2-104	<u>When the State Board makes its request pursuant to a unanimous vote of all members</u> , the Attorney General or other attorney designated by the Governor shall exercise the authority granted by this section to conduct an investigation, prosecute a violation, assure the enforcement of the elections laws, and report the results of the investigation to the <b>State Board</b> .	B	12/7/04	
24.2-105	The <b>State Board</b> shall <u>prescribe appropriate forms and records for the registration of voters, conduct of elections, and implementation of this title</u> , which shall be used throughout the Commonwealth.	B	12/7/04	
24.2-105.1	Beginning with the general election in November 1998, the <b>State Board</b> shall implement a system by which it shall <u>furnish lists of candidates</u> for all elections in the Commonwealth, <u>and information on proposed constitutional amendments and statewide referenda</u> prepared pursuant to §§ 30-19.9 and 30-19.10, <u>electronically through the global information system known as the Internet</u> .	D	12/7/04	
24.2-105.1	The <b>Board</b> may list other referenda issues on the Internet.	D	12/7/04	
24.2-107	No election record containing an individual's social security number shall be made available for inspection or copying by anyone. The <b>State Board</b> of Elections shall <u>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</u> .	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-109.1	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 <u>provide a copy of the review to the State Board.</u>	D	12/7/04	
24.2-109.1	<u>The performance review shall be conducted in accordance with the format and forms provided by the State Board</u>	B	12/7/04	
24.2-111	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 <u>State Board shall approve or disapprove the reimbursement.</u>	D	12/7/04	
24.2-111	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 <u>annual training offered by the State Board</u> ; (ii) adequate training for officers of election; (iii) conducting elections as required by this title; and (iv) voter education.	D	12/7/04	
24.2-114	3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in <u>multijurisdictional staffing for voter registration offices, approved by the State Board</u> , that are located at facilities of the Department of Motor Vehicles.	B	12/7/04	
24.2-114	5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. <u>The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records, 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.</u>	D	12/7/04	
24.2-114	6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. <u>Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board</u> and shall forward the completed application or request to the registrar of the applicant's residence.	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-114	8. <u>Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board</u> ; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.	D	12/7/04	
24.2-114	10. Verify the accuracy of the <u>pollbooks provided for each election by the State Board</u> , make the pollbooks available to the precincts,	D	12/7/04	
24.2-114	<u>and according to the instructions of the State Board return the pollbooks, or transfer a copy of the data from any electronic pollbooks, to the State Board after each election for voting credit purposes.</u>	D	12/7/04	
24.2-234	<u>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.</u>	B	12/7/04	
24.2-309	<u>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.</u>		12/7/04	For Further Review
24.2-310	C. <u>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.</u>	D	12/7/04	
24.2-310	<u>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.</u>	D	12/7/04	
24.2-310.1	<u>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.</u>	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-404	A. The <b>State Board</b> shall provide for the continuing operation and maintenance of a central record-keeping system, the <u>Virginia Voter Registration System</u> , for all voters registered in the Commonwealth.	D	12/7/04	
24.2-404	1. <u>Maintain a complete, separate, and accurate record</u> of all registered voters in the Commonwealth.	D	12/7/04	
24.2-404	2. <u>Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.</u>	D	12/7/04	
24.2-404	3. <u>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.</u>	D	12/7/04	
24.2-404	4. <u>Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, or (v) is otherwise no longer qualified to vote as may be provided by law.</u>	D	12/7/04	
24.2-404	5. <u>Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.</u>	D	12/7/04	
24.2-404	6. <u>Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.</u>	D	12/7/04	
24.2-404	7. <u>Provide to each general registrar, at least 10 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks.</u>	D	12/7/04	
24.2-404	Prior to any general, primary, or special election, the <b>State Board</b> 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	12/7/04	
24.2-404	<u>If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the <b>State Board</b> shall provide a regional or statewide list of registered voters to the general registrar of the</u>	D	12/7/04	
24.2-404	<u>The <b>State Board</b> shall determine whether regional or statewide data is provided.</u>	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-404	8. <u>Acquire by purchase, lease, or contract equipment necessary to execute the duties of the <b>Board</b>.</u>	D	12/7/04	
24.2-404	8. <u>Acquire by purchase, lease, or contract equipment necessary to execute the duties of the <b>Board</b>.</u>	D	12/7/04	
24.2-404	10. <u>Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts and polling places, statements of election results by precinct, and any other items required of the <b>State Board by law</b>. Receipts from such sales shall be credited to the <b>Board</b> for reimbursement of printing expenses.</u>	D	12/7/04	
24.2-404	B. <u>The <b>State Board</b> 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.</u>	D	12/7/04	
24.2-404.1	The <b>Secretary</b> of the <b>State Board</b> 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.).	S	12/7/04	
24.2-405	A. <u>The <b>State Board</b> 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 <b>State Board</b> 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.</u>	D	12/7/04	
24.2-405	<u>The lists shall be furnished to no one else and used for no other purpose. However, the <b>State Board</b> 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.</u>	D	12/7/04	
24.2-405	B. <u>The <b>State Board</b> 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</u>	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-405	The <b>State Board</b> 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	12/7/04	
24.2-406	The <b>State Board</b> 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	12/7/04	
24.2-408	The State Registrar of Vital Records shall transmit to the <b>State Board</b> 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	12/7/04	
24.2-408	The lists shall be in a format specified by the <b>State Board</b> 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	12/7/04	
24.2-408	The <b>Board</b> 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.	D	12/7/04	
24.2-409	The Division of Central Criminal Records Exchange shall transmit to the <b>State Board</b> by electronic means a monthly list of all persons convicted of a felony during the preceding month.	D	12/7/04	
24.2-409	The list shall be in a format specified by the <b>State Board</b> 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	12/7/04	
24.2-409	The <b>Board</b> 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	12/7/04	
24.2-411	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 <b>State Board</b> .		12/7/04	For Further Review

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-411.1	Any completed application for voter registration submitted by a person who is already registered shall serve as a written request to update his registration record. Any change of address form submitted for purposes of a motor vehicle driver's license or special identification card shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes. If the information from the notification of change of address for voter registration indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the registered voter. <u>The notification and the registered voter's registration record shall be transmitted as directed by the <b>State Board</b> of Elections to the appropriate general registrar who shall send a voter registration card as confirmation of the transfer to the voter pursuant to § 24.2-424.</u>	D	12/7/04	
24.2-411.1	C. <u>The completed voter registration portion of the application shall be transmitted as directed by the <b>State Board</b> not later than five business days after the date of receipt.</u>	D	12/7/04	
24.2-411.1	D. <u>The <b>State Board</b> of Elections shall maintain statistical records on the number of applications to register to vote with information provided from the Department of Motor Vehicles.</u>	D	12/7/04	
24.2-411.2	B. <u>The Secretary of the <b>State Board</b> 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.</u>	S	12/7/04	
24.2-411.2	<u>The Secretary of the <b>State Board</b> of Elections shall notify each agency of its designation and thereafter notify any agency added to or deleted from the list.</u>	S	12/7/04	
24.2-413	<u>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 <b>State Board</b> 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.</u>	D	12/7/04	

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24.2-416.2	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 <b>State Board of Elections shall design</b>	B	12/7/04	
24.2-416.2	<u>and distribute a state mail voter registration application form</u> . 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	12/7/04	
24.2-416.3	The <b>State Board of Elections shall make available to any individual or group a reasonable number of mail voter registration application forms</b> .	D	12/7/04	
24.2-418	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. <u>The application to register shall be only on a form or forms prescribed by the State Board.</u>	B	12/7/04	
24.2-420.1	C. The <b>State Board shall prescribe procedures for the addition of persons registered under this section to the lists of registered voters.</b>	D	12/7/04	
24.2-423	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. <u>Such notice may be made in writing or on a form approved by the State Board of Elections, which may be electronic.</u> 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	12/7/04	
24.2-423	The <b>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</b> 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	12/7/04	

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24.2-424	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. <u>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.</u> 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	12/7/04	
24.2-424	<u>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.).</u> 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	12/7/04	
24.2-428	A. The <b>State Board</b> 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	12/7/04	
24.2-428	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, <u>the State Board of Elections shall provide to the general registrar the information necessary to change the registration records to show the new address, 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.</u>	D	12/7/04	
24.2-428	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, <u>the State Board of Elections or the general registrar shall send to the last known address of the voter by forwardable mail.</u>	D	12/7/04	

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24.2-428	a notice on a form prescribed by the <b>State Board</b> , along with a postage prepaid and pre-addressed return card on which the voter may state his current address.	B	12/7/04	
24.2-441	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. <u>The application shall be on a form prescribed or approved by the <b>State Board</b> or on a Federal Post Card Application.</u> The application shall be signed by the applicant who shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information required for registration under § 24.2-418, 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.).	B	12/7/04	
24.2-443	<u>In accordance with instructions provided by the <b>State Board</b>, the electoral board shall provide to any person registering under this article the ballot to vote absentee by mail for the federal election and no other ballot.</u> The absentee ballots shall be voted by mail, handled, and counted with other absentee ballots voted by mail in accordance with the provisions of this title.	D	12/7/04	
24.2-443.2	Any person intending to register and vote under the provisions of this article shall apply to the general registrar of the county or city in which he had been registered immediately preceding his moving overseas prior to the election in which he seeks to vote. <u>The application shall be on a form prescribed or approved by the <b>State Board</b> or on a Federal Post Card Application.</u> The application shall be signed by the applicant who shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information required for registration under § 24.2-418 and the provisions of this article, including the applicant's resident address of previous place of abode and domicile in Virginia and any additional information necessary to implement the provisions of this article.	B	12/7/04	
24.2-443.4	<u>In accordance with instructions provided by the <b>State Board</b>, the electoral board shall provide to any person registering under this article the ballot to vote absentee.</u> The absentee ballots shall be voted, handled, and counted with other absentee ballots in accordance with the provisions of this title.	D	12/7/04	

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24.2-444	C. The <b>State Board</b> 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	12/7/04	
24.2-446	Whenever the registration records of a county or city have been destroyed by fire or otherwise, the <b>State Board</b> shall provide substitute active registration records obtained from the Virginia voter registration system.	D	12/7/04	
24.2-501	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 <b>State Board</b> , that he is qualified to vote for and hold the office for which he is a candidate.	B	12/7/04	
24.2-501	Every candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall file the statement with the <b>State Board</b> . Every candidate for any other office shall file the statement with the general registrar of the county or city where he resides.	D	12/7/04	
24.2-501	Each general registrar shall transmit to the <b>State Board</b> , immediately after the filing deadline, a list of the candidates who have filed statements of qualification	D	12/7/04	
24.2-501	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 <b>State Board</b> .	B	12/7/04	
24.2-502	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 <b>State Board</b> , immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests.	D	12/7/04	
24.2-502	The <b>Secretary</b> of the <b>State Board</b> shall notify the appropriate local electoral boards of the filings.	S	12/7/04	

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24.2-503	The <b>State Board</b> 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	12/7/04	
24.2-503.1	It shall be a requirement of candidacy in any election for Governor, Lieutenant Governor, Attorney General, or the General Assembly that the candidate shall have filed the disclosure reports required by the Campaign Finance Disclosure Act (§ 24.2-900 et seq.) for any election in which he participated as a candidate for any such office and which was held within the five years preceding the date of the election in which he seeks to be a candidate. <u>For the purposes of this section, the candidate shall be presumed to have complied with the candidate disclosure reporting requirements unless (i) the State Board of Elections or local electoral board, whichever is appropriate, has notified the candidate, at least sixty days prior to the applicable deadline for him to file his written statement of qualification set out in § 24.2-503, that he has failed to file a required report or reports and (ii) the candidate fails to file the specified report or reports by the applicable deadline for filing his written statement of qualification.</u>	D	12/7/04	
24.2-503.1	<u>The authority of the State Board to grant an extension of the deadline established in § 24.2-503 shall include the authority to grant such extension with respect to the requirements of this section.</u>	D	12/7/04	
24.2-505	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 <u>file a declaration of candidacy with the State Board,</u>	D	12/7/04	
24.2-505	<u>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</u>	B	12/7/04	
24.2-505	<u>The State Board shall notify the respective secretaries of the appropriate electoral boards of the qualified candidates who have so filed.</u>	D	12/7/04	

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24.2-505	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 <b>State Board</b> 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. <u>He shall transmit the names of the candidates who have filed with him to the <b>State Board</b> immediately after the filing deadline.</u>	D	12/7/04	
24.2-505	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 <b>State Board</b> 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. <u>He shall transmit the names of the candidates who have filed with him to the <b>State Board</b> immediately after the filing deadline.</u>	D	12/7/04	
24.2-506	The name of any candidate for any office, other than a party nominee, shall not be printed upon any official ballots provided for the election unless he shall file along with his declaration of candidacy <u>a petition therefore, on a form prescribed by the <b>State Board</b></u> , signed by the number of qualified voters specified below after January 1 of the year in which the election is held and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself a qualified voter, or qualified to register to vote, for the office for which he is circulating the petition and whose affidavit to that effect appears on each page of the petition.	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-511	A. <u>The state, district, or other appropriate party chairman shall certify the name of any candidate who has been nominated by his party by a method other than a primary for any office to be elected by the qualified voters of (i) the Commonwealth at large, (ii) a congressional district or a General Assembly district, or (iii) political subdivisions jointly electing a shared constitutional officer to the State Board not later than five days after the last day for nominations to be made.</u>	D	12/7/04	
24.2-511	<u>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.</u>	D	12/7/04	
24.2-511	B. <u>The party chairman of the district or political subdivision in which any other office is to be filled shall certify the name of any candidate for that office who has been nominated by his party by a method other than a primary to the State Board and to the secretary or secretaries of the electoral boards of the cities and counties in which the name of the candidate will appear on the ballot not later than five days after the last day for nominations to be made.</u>	D	12/7/04	
24.2-511	<u>Should the party chairman fail to make such certification, the State Board shall declare that the candidate is the nominee of the particular party and direct that his name be treated as if certified by the party chairman.</u>	D	12/7/04	For Further Review. Delegated 9.14.2010.
24.-516	<u>Each political party within the Commonwealth shall furnish to the State Board the names and addresses of its state, county, and city party chairmen in January of each year, and during the remainder of the year it shall notify the Board of any changes in such names and addresses.</u>	D	12/7/04	
24.2-516	<u>At least 120 days prior to the regular date for a primary, the Board shall inquire of each state chairman and each county and city chairman whether a direct primary has been adopted.</u>	D	12/7/04	
24.2-516	<u>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.</u>	D	12/7/04	
24.2-516	<u>Each chairman shall file timely written notice with the Board whether or not a primary has been adopted and identify each office for which a primary has been adopted.</u>	D	12/7/04	
24.2-516	<u>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.</u>	D	12/7/04	

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24.2-517	The <b>State Board</b> 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	12/7/04	
24.2-517	<u>The notice ordering the primary shall be sent to the secretary of the electoral board.</u> 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	12/7/04	
24.2-520	A candidate for nomination by primary for any office shall be required to file a <u>written declaration of candidacy on a form prescribed by the State Board.</u> 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	12/7/04	
24.2-521	A candidate for nomination by primary for any office shall be required to file with his declaration of candidacy a <u>petition for his name to be printed on the official primary ballot, on a form prescribed by the State Board,</u> signed by the number of qualified voters specified below after January 1 of the year in which the election is held 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	12/7/04	
24.2-522	C. Any candidate for nomination for United States Senator, Governor, Lieutenant Governor, or Attorney General shall file with the <b>State Board</b> (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	12/7/04	
24.2-522	The <b>State Board</b> 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	12/7/04	

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24.2-524	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 <b>State Board</b> or the <u>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</u> 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	12/7/04	
24.2-527	It shall be the duty of the chairman or chairmen of the several committees of the respective parties to <u>furnish the name of any candidate for nomination</u> 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 <u>to the State Board</u> , and to furnish the name of any candidate for any other office to the <b>State Board</b> and to the electoral boards charged with the duty of preparing and printing the primary ballots.	D	12/7/04	
24.2-527	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 <b>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</b> . Each chairman shall comply with the provisions of this section not less than fifty-five days before the primary	D	12/7/04	
24.2-529	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. <u>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</u> as in the case of a tie vote for the office. No write-in shall be permitted on ballots in primary elections.	D	12/7/04	

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24.2-532	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 <u>forward certified copies thereof to the State Board</u> . 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	12/7/04	
24.2-532	If the abstract of votes shall not have been received by the <b>State Board</b> from any county or city within six days after any state primary election, the <b>Board</b> <u>shall dispatch a law-enforcement officer to obtain them</u> as provided in § 24.2-678.	D	12/7/04	
24.2-534	As soon as possible after receipt of the certified abstract and not later than fourteen days after the day of the election, the <b>State Board</b> <u>shall open and tabulate the returns</u> .	D	12/7/04	
24.2-534	Upon completion of the tabulation the <b>Board</b> shall declare the nominee in the manner and form as it <u>does in general elections</u> .	B	12/7/04	
24.2-537	If more than one person qualifies, <u>the party chairman shall promptly certify their names to the State Board</u> and the appropriate electoral boards as having qualified under the provisions of this section. The electoral boards having charge of the printing of the official ballots for the primary election shall either: ...	D	12/7/04	
24.2-538	The <u>party chairman or chairmen shall promptly certify the names of every such person to the State Board</u> and appropriate electoral boards as having qualified under the provisions of this section. Every electoral board having charge of the printing of official ballots for the primary election shall either:	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-542	In elections for President and Vice-President of the United States, the appropriate chairman or secretary of each political party shall furnish to the <b>State Board</b> by noon of the seventy-fourth day before the presidential election (i) <u>the names of the electors</u> 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.	D	12/7/04	
24.2-542	In the event of the death or withdrawal of a candidate of a political party for President or Vice-President, <u>that party may substitute the name of a different candidate before the <b>State Board</b> certifies to the county and city electoral boards the form of the official ballots.</u>		12/7/04	For Further Review
24.2-542	<u>The <b>State Board</b> shall also be furnished, if it requests, with satisfactory evidence that any person undertaking to act as an elector on behalf of any political party is, in fact, duly and properly authorized to do so.</u>	D	12/7/04	
24.2-542.1	Notwithstanding the provisions of § 24.2-542, (i) <u>the state political party chairman of a political party whose national convention has been scheduled to be held after the seventy-fourth day before the presidential election, shall file</u> 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 <b>State Board</b> of Elections <u>shall certify candidates to the local electoral boards</u> and ballot preparation shall proceed based on the state party chairman's certifications; and (iii) <u>the persons nominated by the party at its national convention shall be certified to the <b>State Board</b> no later than 5:00 p.m. on the sixtieth day before the presidential election.</u>	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-543	<p>group qualified, not a party defined § .2-101, have 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. <u>The petition shall be filed with the State Board</u> 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</p>	D	12/7/04	
24.2-544	<p>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. <u>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.</u></p>	B	12/7/04	
24.2-545	<p>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. <u>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.</u></p>			
24.2-545	<p><u>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.</u></p>	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-545	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, <u>may file with the State Board petitions</u> 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. <u>Such petitions shall be filed with the State Board by the primary filing deadline.</u>	D	12/7/04	
24.2-545	<u>The petitions shall be on a form prescribed by the State Board</u> 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	12/7/04	
24.2-545	<u>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.</u> The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate.	D	12/7/04	
24.2-545	<u>The state chairman of the party shall, by the deadline set by the State Board,</u>	B	12/7/04	
24.2-545	<u>furnish to the State Board the names of all candidates</u> who have satisfied the requirements of this section. Whenever only one candidate for a party's nomination for President of the United States has met the requirements to have his name on the ballot, he will be declared the winner and no presidential primary for that party will be held.	D	12/7/04	
24.2-545	C. <u>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</u>	B	12/7/04	
24.2-545	D. <u>The State Board shall certify the results of the presidential primary to the state chairman.</u> 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	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-603.1	The <b>State Board</b> shall prescribe appropriate procedures to implement this section		12/7/04	For Further Review
24.2-604.2	<u>If an emergency causes the dimensions of the prohibited area for a polling place to be perceived as increasing the risk of danger for persons outside the polling place, the electoral board may modify the distance requirements for the prohibited area, subject to the prior approval of the State Board.</u> For purposes of this section, an "emergency" includes a state of emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States.	D	12/7/04	
24.2-610	A. The <b>State Board</b> 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	12/7/04	
24.2-610	B. Pursuant to subdivision A 7 of § 24.2-404, the <b>State Board</b> 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	12/7/04	
24.2-610	C. The electoral board, general registrar, and officers of election shall comply with the requirements of this title and the instructions of the <b>State Board</b> 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	12/7/04	
24.2-611	A. The following oath shall be on a form prescribed by the <b>State Board</b> , administered to all officers of election, and kept by the officers of election with the pollbook: <del>The Board provide pollbook pursuant subdivision 7 § .2 404. pollbook</del>	D	12/7/04	
24.2-611	shall (i) provide a space for the officer of election to record the name and consecutive number of the voter at the time he offers to vote and (ii) be retained in accordance with the provisions governing pollbooks in this title. <u>If the pollbook is provided in printed form, the State Board shall provide a numerical check sheet to be used to determine the consecutive number to be recorded with the name of the voter by the officer of election.</u> If the pollbook is provided in electronic form, the consecutive number shall be entered automatically when the officer of election records that the voter has voted. When the name and number of the last qualified voter have been entered on the pollbook, the officer of election responsible for that pollbook shall sign a statement on the check sheet, or on a separate form if an electronic pollbook is used, certifying the number of qualified registrants who have voted. The <b>State Board</b> 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	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-611	C. The <b>State Board</b> 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.	D	4/26/05	Board authorizes Sec to develop and maintain EDG's.
24.2-611	The <b>State Board</b> 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	12/7/04	
24.2-611	The <b>State Board</b> 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	12/7/04	
24.2-612	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 <b>State Board</b> 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	12/7/04	
24.2-612	The <b>State Board</b> shall promptly advise the electoral board of the accuracy of the list. The failure of any electoral board to send the list to the State Board for verification shall not invalidate any election.	D	12/7/04	
24.2-612	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 <b>State Board</b> 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 <b>State Board</b> shall execute the statement required by § 24.2-616. The <b>State Board</b> shall designate a representative to be present at the	D	12/7/04	
24.2-612	The electoral boards shall send to the <b>State Board</b> 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	12/7/04	

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24.2-612	If the <b>State Board</b> 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	12/7/04	
24.2-612.1	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 <b>State Board</b> 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.		12/7/04	For Further Review
24.2-612.1	The <b>State Board</b> 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.		12/7/04	For Further Review
24.2-613	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 <b>State Board</b> , 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	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-613	Except as provided for primary elections, the <b>State Board</b> shall determine by lot the order of the <u>political parties</u> , 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; <u>the order of the recognized political parties within the class shall be determined by lot by the State Board</u> ; 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 for general and primary elections; D for special elections	12/7/04	
24.2-613	In preparing the ballots for general, special and primary elections, the <b>State Board</b> and electoral boards shall cause to be printed in not less than ten-point type, immediately below the title of any office, a <u>statement of the number of candidates who may be voted for that office</u> . The following language shall be used: "Vote for not more than . . . . ."	D	12/7/04	
24.2-613	<u>At any precinct at which mark sense ballots are used, the mark sense ballot may be used in lieu of the official paper ballot with the approval of the State Board. 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.</u> Such reproductions shall be printed and otherwise handled in accordance with all laws and procedures that apply to official paper ballots.	B	4/26/05	Board authorized use of Marksense ballot in lieu of paper ballots if use of certified Marksense equipment is allowed 4/26/05. See also §§24.2-649 and 24.2-654
24.2-614	<u>Groups of petitioners qualifying for a party name under § 24.2-543 shall be treated as a class; the order of the groups shall be determined by lot by the State Board</u> ; 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	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-626	A. <u>The governing body of each county having an optional form of government and of each city shall provide for the use of mechanical or electronic voting or counting systems, of a kind approved by the State Board,</u> 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	12/7/04	
24.2-626	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. <u>Systems of different kinds may be adopted for use and be used in different precincts of the same county or city, or within a precinct or precincts in a county or city, subject to the approval of the State Board.</u>	D	6/28/05	Pursuant to HAVA mandates of 1 DRE per polling place, Board delegate authority to Sec.
24.2-628	A. <u>Any person, firm, or corporation manufacturing, owning, or offering for sale any mechanical voting device may apply to the State Board,</u>	D	12/7/04	
24.2-628	<u>in the manner prescribed by the Board, to examine and approve such device.</u> 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.	B	12/7/04	
24.2-628	<u>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.</u>	S	12/7/04	Board has no offices, only Secretary's offices.
24.2-628	<u>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.</u> No form of voting device not so approved shall be used at any election.	B	12/7/04	
24.2-629	A. <u>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,</u>	D	12/7/04	

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24.2-629	in the manner prescribed by the <b>Board</b> , to have examined a production model of such equipment and the ballots used with it.	B	12/7/04	
24.2-629	The <b>Board</b> 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	12/7/04	
24.2-629	<u>Receipts from such fees shall be credited to the <b>Board</b> for reimbursement of testing and certification expenses.</u>	D	12/7/04	
24.2-629	In addition to any other materials that may be required, <u>a current statement of the financial status of the vendor, including any assets and liabilities, shall be filed with the <b>Board</b></u> ; 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 <b>Board</b> shall also require, at a site of its choosing, a <u>demonstration of such system and ballots and may require that a production model of the system and a supply of ballots</u>	B	12/7/04	
24.2-629	<u>be provided to the <b>Board</b> for testing purposes.</u>	D	12/7/04	
24.2-629	C. After its examination of the equipment, ballots, and other materials submitted by the vendors, <u>the <b>Board</b> 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;</u>	D	12/7/04	
24.2-629	<u>and (ix) whether, in the opinion of the <b>Board</b>, the potential for approval of such system is such as to justify further examination and testing.</u>	B	12/7/04	
24.2-629	D. <u>If the <b>Board</b> determines that there is such potential and prior to its final determination as to approval or disapproval of such system,</u>	B	12/7/04	

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24.2-629	the <b>Board</b> 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 <b>Board</b> .	D B	12/7/04	Board delegated authority to obtain report but retained authority to determine "any other matters deemed necessary by the Board.
24.2-629	<u>The report of the consultant shall be filed in the office of the <b>Board</b>.</u>	S	12/7/04	Board has no offices, only Secretary's offices.
24.2-629	<u>E. If the <b>Board</b> determines that there is potential for approval of the system and prior to its final determination, the <b>Board</b> shall also require that the system be tested in an actual election in one or more counties or cities.</u>	B	12/7/04	
24.2-629	<u>F. If, following testing, the <b>Board</b> approves any electronic system and its ballots for use,</u>	B	12/7/04	
24.2-629	<u>the <b>Board</b> shall so notify the electoral boards of each county and city. Systems so approved may be adopted for use at elections as herein provided. No form of electronic system and ballots not so approved shall be adopted by any county or city. Any electronic system and ballots approved for use by the <b>Board</b> shall be deemed to meet the requirements of this title and any applicable federal laws, and their use in any election shall be valid.</u>	D	12/7/04	
24.2-630	<u>With the approval of the <b>State Board</b>, the governing body of any county, city, or town may provide for the experimental use at an election in one or more election districts or precincts of a voting or counting system which it might legally adopt without a formal adoption thereof, and its use at such election shall be valid for all purposes.</u>	B	12/7/04	
24.2-631	<u>The <b>State Board</b> 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 <b>Board</b> (i) that have established central absentee voter election districts</u>	B	12/7/04	
24.2-631	<u>and (ii) whose electoral board submits to the <b>Board</b> for approval a plan for the use of such system and ballots.</u>	D	12/7/04	

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24.2-631	The <b>Board</b> 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	12/7/04	
24.2-631	submits to the <b>Board</b> for approval a plan for such use. The use of such systems and ballots at an election shall be valid for all purposes.	D	12/7/04	
24.2-632	A. For the purpose of programming and preparing voting and counting equipment, including the programming of any electronic activation devices or data storage media used to program or operate the equipment, and maintaining, testing, calibrating, and delivering it, the electoral board shall employ one or more persons, to be known as custodians of voting equipment. The custodians shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least 30 days before each election. <u>With the approval of the <b>State Board</b>, the electoral board may contract with the voting equipment vendor or another contractor for the purpose of programming, preparing and maintaining the voting equipment.</u>	D	12/7/04	
24.2-643	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 <b>State Board</b>, 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	12/7/04	
24.2-643	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 <b>State Board</b>. 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	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-643	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 State Board</u> 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	12/7/04	
24.2-643	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. <u>The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots</u> pursuant to subsection B of § 24.2-653 and this section.	B	12/7/04	Board approved instructions on 4/26/05
24.2-644	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. <u>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</u> not less than ten days before the date of the presidential election.	S	12/7/04	
24.2-644	The declaration of intent shall be <u>on a form prescribed by the State Board</u> 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	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-649	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. <u>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.</u>	D	4/26/05	This delegation falls under Sec authorization to issue EDG's under §24.2-611 & 24.2-654
24.2-649	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. <u>The request and statement shall be on a single form furnished by the State Board.</u> 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	12/7/04	
24.2-651	When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, <u>and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.</u>	D	12/7/04	
24.2-651.1	When the voter has shown the requested identification, has signed the statement, and is permitted to vote, the officers of election shall mark his name on the pollbook with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, and shall <u>indicate on the pollbook that the person has signed the required statement in accordance with the instructions of the State Board</u> of Elections.	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-652	When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, and <u>shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.</u>	D	12/7/04	
24.2-653	Such person shall be given a paper ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, <u>on a green envelope supplied by the State Board</u> , the identifying information required in § 24.2-652. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. If he is unable to present one of these forms of identification, he shall sign a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter who he claims to be, and the officers of election shall note on the green envelope that the required statement was signed in lieu of presenting one of the specified forms of identification.	B	12/7/04	
24.2-653	<u>The officers of election shall enter the appropriate information for the person on the pollbook in accordance with the instructions of the State Board</u> but shall not enter a consecutive number for the voter nor otherwise mark his name as having voted.	B	4/26/05	Board approved Procedures on 4/26/05
24.2-653	C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B of this section; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. <u>The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section</u>	B	4/26/05	Board approved Procedures on 4/26/05

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-654	<u>In ascertaining the vote, the officers of election shall complete a statement of results in duplicate on the form and in the manner prescribed by the <b>State Board</b>.</u>	D	4/26/05	This delegation falls under Sec authorization to issue EDG's under §24.2-611 & 24.2-654
24.2-659	<u>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 <b>State Board</b></u>	D	12/7/04	
24.2-659	<u>or the electoral board at the direction of the <b>State Board</b> in order to ensure the accuracy of the returns</u>	D	12/7/04	
24.2-666	<u>The <b>State Board</b> shall prescribe appropriate forms and procedures for use by the local electoral boards, general registrars, and officers of election to account for all paper ballots, used and unused.</u>	D	4/26/05	Board Approved Paper Ballot Reconciliation form promulgated by staff.
24.2-668	<u>A. After ascertaining the results and before adjourning, the officers shall put the pollbooks, the duplicate statements of results, and any printed inspection and return sheets <u>in the envelopes provided by the <b>State Board</b></u>. The officers shall seal the envelopes and direct them to the clerk of the circuit court for the county or city. The pollbooks, statements, and sheets thus sealed and directed, the sealed counted ballots envelope or container, and the unused, defaced, spoiled and set aside ballots properly accounted for, packaged and sealed, shall be conveyed by one of the officers to be determined by lot, if they cannot otherwise agree, to the clerk of court by noon on the day following the election.</u>	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-668	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 <u>the general registrar who shall return the pollbooks or transfer a copy of the electronic data to the State Board</u> as directed by § 24.2-114 for voting credit purposes.	D	12/7/04	
24.2-668	<u>After the pollbooks are returned by the State Board</u> , 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	12/7/04	
24.2-668	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, <u>provided that the records for the election have been transferred or printed according to the instructions of the State Board.</u>	D	12/7/04	
24.2-669	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. <u>He shall not allow the ballots to be inspected except (i) by an authorized representative of the State Board</u>	D	12/7/04	
24.2-669	<u>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,</u> (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	12/7/04	
24.2-674	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 <b>State Board</b> of Elections <u>shall proceed publicly to determine by lot which of them shall be declared elected.</u> 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 <b>Board</b> <u>shall proceed so as to determine the election in their absence.</u>	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-675	The abstracts shall be certified and signed by the electoral board, attested by the secretary, and retained by the electoral board as part of its records. <u>A copy of each, certified under the official seal of the electoral board, shall immediately be mailed or delivered by hand to the State Board.</u>	D	12/7/04	
24.2-675	The <b>State Board</b> 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	12/7/04	
24.2-677	The <b>State Board</b> , 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	12/7/04	
24.2-678	If the <b>State Board</b> 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	12/7/04	
24.2-678	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 <b>State Board</b> without delay.	D	12/7/04	
24.2-679	A. The <b>State Board</b> shall meet on the fourth Monday in November to ascertain the results of the November election. If a majority of the <b>Board</b> 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	12/7/04	
24.2-679	The <b>Board</b> 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	12/7/04	
24.2-679	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 <b>Board</b> members shall certify the statements to be correct and sign the statements.	B	12/7/04	
24.2-679	The <b>Board</b> shall then determine those persons who received the greatest number of votes and have been duly elected to each office.	B	12/7/04	
24.2-679	The <b>Board</b> members shall endorse and subscribe on such statements a certificate of their determination.	B	12/7/04	
24.2-679	The <b>Board</b> shall record each certified statement and determination in a suitable book to be kept by it in its office.	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-679	B. The <b>State Board</b> 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 <b>Board</b> shall meet and adjourn from day to day until it receives the returns, ascertains the results, and makes its determination.	B	12/7/04	
24.2-680	Subject to the requirements of § 24.2-922, the <b>State Board</b> 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	12/7/04	Board to complete certificates and Secretary or staff to transmit certificates.
24.2-680	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	12/7/04	
24.2-680	The names of members elected to the General Assembly shall be certified by the <b>State Board</b> to the clerk of the House of Delegates or Senate, as appropriate.	B	12/7/04	
24.2-680	The names of the persons elected Governor, Lieutenant Governor, and Attorney General shall be certified by the <b>State Board</b> to the clerks of the House of Delegates and Senate.	B	12/7/04	
24.2-680	The name of any officer shared by more than one county or city, or any combination thereof, shall be certified by the <b>State Board</b> to the clerk of the circuit court having jurisdiction in each affected county or city.	B	12/7/04	
24.2-680	The names of the persons elected to soil and water conservation districts shall be certified by the <b>State Board</b> to the Director of the Department of Conservation and Recreation.	B	12/7/04	
24.2-701	A. The <b>State Board</b> 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	12/7/04	
24.2-701	The <b>State Board</b> shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet.	D	12/7/04	
24.2-701	Electronic absentee ballot applications shall be in a form approved by the <b>State Board</b> .	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-701	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 <b>State Board</b> of Elections <u>shall provide instructions to the electoral boards for the handling and counting of such provisional ballots</u> pursuant to subsection B of § 24.2-653 and this section.	B	4/26/05	Board approved Procedures on 4/26/05
24.2-703	<u>The general registrar shall retain the application and process the applicant's request for an absentee ballot for each election in accordance with procedures established by the State Board.</u> The applicant shall specify by party designation the primary ballots he is requesting.	D	12/7/04	
24.2-703.1	Any person who is eligible for an absentee ballot under subdivision 4 of § 24.2-700 because of a physical disability or physical illness and who is likely to remain so disabled or ill for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in a calendar year. <u>His first such application shall be accompanied by a statement, on a form prescribed by the State Board and signed by the voter and his physician or accredited religious practitioner,</u> that the voter is eligible for an absentee ballot under subdivision 4 of § 24.2-700 because of a physical disability or physical illness and likely to remain so disabled or ill for the remainder of the calendar year.	B	12/7/04	
24.2-703.1	<u>In accordance with procedures established by the State Board, the general registrar shall retain the application and form, enroll the applicant on a special absentee voter applicant list, and process the applicant's request</u> for an absentee ballot for each succeeding election in the calendar year. The applicant shall specify by party designation the primary ballots he is requesting.	D	12/7/04	
24.2-703.2	<u>The voter and representative shall complete the form prescribed by the State Board to implement the provisions of this section.</u> 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	12/7/04	

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24.2-705	The application shall be on a form prescribed by the <b>State Board</b> 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	12/7/04	
24.2-706	No list or application containing an individual's social security number shall be made available for inspection or copying by anyone. The <b>State Board</b> 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.	D	12/7/04	
24.2-706	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 <b>State Board</b> 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	4/26/05	Board approved Procedures on 4/26/05
24.2-706	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 <b>State Board</b> 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	12/7/04	
24.2-706	The envelopes and instructions shall be in the form prescribed by the <b>State Board</b> .	B	12/7/04	

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24.2-707	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. <u>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.</u>	B	12/7/04	
24.2-707	<u>The procedures shall be applicable and uniformly applied by the State Board to all jurisdictions using comparable voting equipment.</u> At least two officers of election, one representing each political party, shall be present during all hours that absentee voting is available at any location at which absentee ballots are cast prior to election day.	D	12/7/04	
24.2-710	On the day before the election, the general registrar shall (i) <u>make out in triplicate on a form prescribed by the State Board the absentee voter applicant list</u> containing the names of all persons who applied for an absentee ballot through the third day before the election and (ii) by noon on the day before the election, deliver two copies of the list to the electoral board. The general registrar shall make out a supplementary list containing the names of all persons voting absentee in person pursuant to §§ 24.2-705.1 and 24.2-705.2, or applying to vote absentee pursuant to § 24.2-705, for delivery by 5:00 p.m. on the day before the election. <u>The supplementary list shall be deemed part of the absentee voter applicant list and shall be prepared and delivered in accordance with the instructions of the State Board.</u> The general registrar shall maintain one copy of the list in his office for two years as a public record open for inspection upon request during regular office hours.	D	12/7/04	
24.2-711.1	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. <u>The State Board of Elections shall promulgate instructions to implement the provisions of this section.</u>	D	4/26/05	
24.2-712	D. Absentee ballots may be processed as required by § 24.2-711 by the officers of election at the central absentee voter precinct prior to the closing of the polls but the ballot container shall not be opened and the counting of ballots shall not begin prior to that time. <u>In the case of punch card or mark sense ballots to be inserted in electronic counting equipment, the ballot container may be opened and the absentee ballots may be inserted in the counting equipment prior to the closing of the polls in accordance with procedures prescribed by the State Board, including procedures to preserve ballot secrecy,</u> but no ballot count totals shall be initiated prior to that time.	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-801.1	The petition for a recount of an election for presidential electors shall be filed no later than 5:00 p.m. <u>on the second calendar day after the day the <b>State Board</b> certifies the result of the election</u> under § 24.2-679, but not thereafter. Presidential candidates who anticipate the possibility of asking for a recount are <u>encouraged to so notify the <b>State Board</b></u> by letter as soon as possible after election day	D	12/7/04	
24.2-801.1	If any presidential candidate is eligible to seek a recount of the results of the election for presidential electors under § 24.2-800 the <b>State Board</b> <u>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 <b>State Board</b> certified the result of the election</u>	D	12/7/04	
24.2-802	A. The <b>State Board</b> 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 <b>State Board</b> 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	12/7/04	
24.2-802	After the full court is appointed under § 24.2-801 or § 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally. <u>The court shall call for the advice and cooperation of the <b>State Board</b></u> 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	12/7/04	
24.2-903	<u>The <b>State Board</b> 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 <b>State Board</b> pursuant to this chapter, whichever occurs first.</u>	D	12/7/04	
24.2-903	<u>The <b>Board</b> shall designate the form of the report of contributions and expenditures which shall be the only such form used in complying with the provisions of this chapter.</u>	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-903	<u>The <b>Board</b> shall also prescribe a separate form for the required reporting of certain large contributions and expenditures pursuant to § 24.2-919.</u>	B	12/7/04	
24.2-903	<u>The <b>State Board</b> 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.</u>	D	12/7/04	
24.2-904	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, <u>on a statement of organization form prescribed by the <b>State Board</b></u> , 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.	B	12/7/04	
24.2-904	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 <u>the candidate shall file notice of any changes in the information provided on the form within 10 days of the change with the <b>State Board</b></u> , local electoral board, or both, as appropriate.	D	12/7/04	
24.2-904	<u>He shall file the form with the</u> (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 <b>State Board</b> if he is a candidate for the General Assembly, or (iii) <b>State Board</b> 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.	D	12/7/04	
24.2-904	B. In the event of the death, resignation, removal, or change of the treasurer, <u>the candidate shall designate a successor and file the name and address of the successor within 10 days of the change with the <b>State Board</b></u> , local electoral board, or both, as provided in subsection A.	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-906.1	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. <u>The request for an exemption shall be filed with the electoral board of the county or city where the candidate resides on a form prescribed by the State Board of Elections and in accordance with instructions by the State Board for the time for filing and the process for approval by the electoral board.</u>	B	12/7/04	Virginia's Campaign Finance Disclosure Act: Summary of Laws and Policies for Candidates and Their Committees, This summary was approved for use by the State Board on 6/28/05.
24.2-912	A. Every state, district, county, and city party committee and every organized political party group of elected officials shall file a report of contributions received by it and designated in writing, orally, or otherwise by the contributor for the election of a specified candidate or candidates. <u>The report shall (i) be on a form prescribed by the State Board and may be incorporated in the report of contributions and expenditures prescribed in § 24.2-914,</u>	B	12/7/04	
24.2-912	(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) <u>be filed with the State Board in accordance</u>	D	12/7/04	
24.2-914	A. The report required by this chapter shall be <u>filed on a form prescribed by the State Board</u> and shall include all contributions and expenditures.	B	12/7/04	
24.2-914	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, <u>reports required by this chapter shall be received by the State Board, local electoral board, or both, by the deadline for filing the report.</u>	D	12/7/04	
24.2-914	<u>The State Board shall provide instructions to filers for delivery of reports within the time periods prescribed by law.</u>	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-914	The <b>State Board</b> 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	12/7/04	
24.2-914.1	A. The <b>State Board</b> 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	12/7/04	
24.2-914.1	The <b>State Board</b> may prescribe the method of execution and certification of electronically filed statements	D	12/7/04	
24.2-914.1	and the procedures for receiving statements in the office of the <b>State Board</b> or by the local electoral boards.	S	12/7/04	Board has no offices, only Secretary's offices.
24.2-914.1	B. 1. The <b>State Board</b> 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	12/7/04	
24.2-914.1	in accordance with the standards approved by the <b>State Board</b> and using software meeting standards approved by it.	B	12/7/04	
24.2-914.1	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 <b>State Board</b> . 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	12/7/04	
24.2-914.1	3. The <b>State Board</b> may provide software to filers without charge or at a reasonable cost.	D	12/7/04	
24.2-914.1	C. On and after January 1, 2001, the <b>State Board</b> 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	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-914.1	D. <u>Candidates for Governor, Lieutenant Governor, and Attorney General shall file by computer or electronic means in accordance with the standards approved by the <b>State Board</b> the reports required by this article.</u>	B	12/7/04	
24.2-914.1	<u>Candidates for the General Assembly may file the reports required by this article with the <b>State Board</b> by computer or electronic means</u>	D	12/7/04	
24.2-914.1	<u>in accordance with the standards approved by the <b>State Board</b>.</u>	B	12/7/04	
24.2-914.1	<u>This information shall be made available to the public promptly by the <b>State Board</b> through the global information system known as the Internet.</u>	D	12/7/04	
24.2-914.1	E. <u>Other committee reports required by this chapter to be filed with the <b>State Board</b> or a local electoral board, or both, may be filed electronically on terms agreed to by the committee and Board.</u>	D	12/7/04	
24.2-914.1	F. On and after January 1, 2004, <u>a political committee that is required by this chapter to file reports with the <b>State Board</b>, 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 <b>State Board</b> by computer or electronic means</u>	D	12/7/04	
24.2-914.1	<u>in accordance with the standards approved by the <b>State Board</b> until such time as the political committee files a final report.</u>	B	12/7/04	
24.2-914.1	However, a county, city or local district political party committee shall not be required to file by computer or electronic means if it files its reports with the electoral board of that county or city. Any political committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, <u>may sign a waiver, on a form prescribed by the <b>State Board</b>, 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.</u>	B	12/7/04	
24.2-914.1	G. The <b>State Board</b> <u>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.</u>	D	12/7/04	
24.2-920.1	The <b>State Board</b> or the electoral board of any county or city <u>may close the file of any candidate required to file with it provided (i) the candidate has not filed a final report; (ii) the candidate has not filed a report with it for any campaign for any office within the prior five years; and (iii) the <b>Board</b> or board cannot locate either the candidate or his campaign treasurer.</u>	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-920.1	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 <b>Board</b> or board, it <u>may reopen the file and send notice to the candidate</u> requesting that he file the appropriate reports and pay any fines that were levied before the file was closed by it.	B	12/7/04	
24.2-923	F. <u>The <b>State Board</b> 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.</u>	B	12/7/04	
24.2-923.1	<u>The <b>State Board</b> 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 <b>Board</b> pursuant to § 24.2-908 that it has disbanded or determined it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$200; (ii) the committee has not filed any reports within the prior five years; and (iii) the Board cannot locate any of the officers listed on the committee's most recent statement of organization.</u>	B	12/7/04	
24.2-923.1	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 <b>Board</b> , it <u>may reopen the file and send notice to such officer</u> requesting that he file the appropriate reports or notice and pay any fines which were levied before the file was closed by it.	B	12/7/04	
24.2-926	<u>The <b>State Board</b> 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.</u>	D	12/7/04	
24.2-926	<u>Thereafter, the <b>State Board</b> shall forward the reports it preserves to The Library of Virginia for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).</u>	D	12/7/04	
24.2-927	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 <b>State Board</b> or the local electoral board <u>shall be authorized to grant an extension of the filing deadline for a period not to exceed five days for good cause shown</u> by the <u>filer and found by the <b>Board</b> or board sufficient to justify the granting of the extension.</u>	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-927	C. The <b>Secretary</b> 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	12/7/04	
24.2-927	D. The <b>Secretary</b> 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	12/7/04	
24.2-928	A. It shall be the duty of the <b>State Board</b> 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 <b>State Board</b> 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 <b>State Board</b> shall report violations for that political committee to the attorney for the Commonwealth of that county or city.	D	12/7/04	
24.2-928	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 <b>Board</b> , 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	12/7/04	
24.2-928	The <b>State Board</b> , 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.	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-928	<u>The <b>State Board</b>, 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.</u>	D	12/7/04	
24.2-928	<u>D. The <b>State Board</b>, 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.</u>	D	12/7/04	
24.2-928	<u>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 <b>State Board</b> shall be authorized to waive a penalty that has been assessed if the filer demonstrates that there exists good cause to waive the penalty.</u>	B	12/7/04	
24.2-929	<u>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 <b>State Board</b> 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.</u>	B	12/7/04	
24.2-929	<u>Upon notice of a violation of this chapter by the <b>State Board</b> 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 <b>State Board</b> or the local electoral board as provided herein. Any civil penalties collected pursuant to action by the <b>State Board</b> 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 <b>State Board</b> or an electoral board.</u>	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-929	Prior to assessing a penalty pursuant to this section for the filing of an incomplete report, the <b>Secretary of the State Board</b> or the general registrar or secretary of the local electoral board, as appropriate, <u>shall notify, in writing</u> , 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.	S	12/7/04	
24.2-929	C. <u>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.</u>	S	12/7/04	
24.2-929	<u>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.</u>	S	12/7/04	
24.2-929	D. <u>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.</u>	D	12/7/04	
24.2-929	F. <u>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.</u>	B	12/7/04	
24.2-929	G. <u>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.</u>	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-930	A. In addition to the penalties provided in § 24.2-929, any candidate for Governor, Lieutenant Governor, or Attorney General, and his campaign treasurer, who fail to file any report required in § 24.2-916 in a timely manner or file an incomplete report <u>may be assessed a civil penalty by the Secretary of the State Board pursuant to this section.</u>	S	12/7/04	
10.1-528	The expenses of such elections shall be paid by the counties or cities concerned. <u>The State Board of Elections shall publish, or have published within the district, the results of the election.</u>	D	12/7/04	
30-19.10	Whenever a statewide referendum on a matter other than a constitutional amendment is submitted to the voters by the General Assembly, the <b>State Board</b> of Elections <u>shall cause to be printed and distributed to the general registrar of each county and city, not less than ninety days prior to the election, copies of an explanation of the referendum to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election.</u>	D	12/7/04	
30-19.10	The <b>State Board</b> of Elections <u>also shall cause the explanation to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the referendum.</u>	D	12/7/04	
30-19.9	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 <b>State Board</b> of Elections <u>shall cause to be printed and distributed to the general registrar of each county and city, not less than ninety days prior to the election, copies of an explanation of such amendment to be placed at</u> <u>each registration site in sufficient number to provide a copy to any interested person, and to election</u>	D	12/7/04	
30.19.9	The <b>State Board</b> <u>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.</u>	D	12/7/04	
		<b>Delegated: 185</b>		
		<b>Board: 104</b>		
		<b>Secretary: 15</b>		

**HB 1433 General registrars; reassigning duties of the electoral board.** [Mark L. Cole \(by request\)](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)*Summary as introduced:*

**General registrars; reassigning duties of the electoral board.** Reassigns duties of the electoral board related to absentee voting and campaign finance to the general registrars. This bill is identical to [SB 1092](#).

*Full text:*

12/23/14 House: Prefiled and ordered printed; offered 01/14/15 15101970D [pdf](#) | [impact statement](#)

02/25/15 House: Bill text as passed House and Senate (HB1433ER) [pdf](#) | [impact statement](#)

03/26/15 Governor: Acts of Assembly Chapter text (CHAP0644) [pdf](#)

*Status:*

12/23/14 House: Prefiled and ordered printed; offered 01/14/15 15101970D

12/23/14 House: Referred to Committee on Privileges and Elections

01/13/15 House: Assigned P & E sub: Campaign Finance

01/21/15 House: Subcommittee recommends reporting (7-Y 0-N)

01/23/15 House: Reported from Privileges and Elections (22-Y 0-N)

01/26/15 House: Read first time

01/27/15 House: Read second time and engrossed

01/28/15 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)

01/28/15 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

01/29/15 Senate: Constitutional reading dispensed

01/29/15 Senate: Referred to Committee on Privileges and Elections

02/17/15 Senate: Reported from Privileges and Elections (9-Y 2-N)

02/19/15 Senate: Constitutional reading dispensed (38-Y 0-N)

02/20/15 Senate: Read third time

02/20/15 Senate: Passed Senate (37-Y 0-N)

02/25/15 House: Enrolled

02/25/15 House: Bill text as passed House and Senate (HB1433ER)

02/25/15 House: Signed by Speaker

02/26/15 Senate: Signed by President

02/26/15 House: Enrolled Bill communicated to Governor on 2/26/15

02/26/15 Governor: Governor's Action Deadline Midnight, Sunday, March 29, 2015

03/26/15 Governor: Approved by Governor-Chapter 644 (effective 7/1/15)

03/26/15 Governor: Acts of Assembly Chapter text (CHAP0644)

# VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION

## CHAPTER 644

*An Act to amend and reenact §§ 24.2-114, 24.2-701, 24.2-702, 24.2-703.2, 24.2-704, 24.2-705, 24.2-706, 24.2-707, 24.2-708, 24.2-709, 24.2-712, 24.2-945.2, 24.2-946.1 through 24.2-946.5, 24.2-947.1, 24.2-947.3, 24.2-947.4, 24.2-947.5, 24.2-947.9, 24.2-948.1, 24.2-948.3, 24.2-950.8, 24.2-953, and 24.2-953.3 of the Code of Virginia, relating to general registrars; reassigning duties of the electoral board related to absentee voting and campaign finance.*

[H 1433]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-114, 24.2-701, 24.2-702, 24.2-703.2, 24.2-704, 24.2-705, 24.2-706, 24.2-707, 24.2-708, 24.2-709, 24.2-712, 24.2-945.2, 24.2-946.1 through 24.2-946.5, 24.2-947.1, 24.2-947.3, 24.2-947.4, 24.2-947.5, 24.2-947.9, 24.2-948.1, 24.2-948.3, 24.2-950.8, 24.2-953, and 24.2-953.3 of the Code of Virginia are amended and reenacted as follows:**

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

In addition to the other duties required by this title, the general registrar, and the assistant registrars acting under his supervision, shall:

1. Maintain the office of the general registrar and establish and maintain additional public places for voter registration in accordance with the provisions of § 24.2-412.

2. Participate in programs to educate the general public concerning registration and encourage registration by the general public. No registrar shall actively solicit, in a selective manner, any application for registration or for a ballot or offer anything of value for any such application.

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.

4. Provide the appropriate forms for applications to register and to obtain the information necessary to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.

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.

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, including whether the applicant has ever been convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored, 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.

7. Preserve order at and in the vicinity of the place of registration. For this purpose, the registrar shall be vested with the powers of a conservator of the peace while engaged in the duties imposed by law. He may exclude from the place of registration persons whose presence disturbs the registration process. He may appoint special officers, not exceeding three in number, for a place of registration and may summon persons in the vicinity to assist whenever, in his judgment, it is necessary to preserve order. The general registrar and any assistant registrar shall be authorized to administer oaths for purposes of this title.

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.

9. If a person is denied registration, promptly notify such person in writing of the denial and the reason for denial in accordance with § 24.2-422.

10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the pollbooks available to the precincts, and according to the instructions of the State Board provide a copy of the data from the pollbooks to the State Board after each election for voting credit purposes.

11. Retain the pollbooks in his principal office for two years from the date of the election.

12. Maintain accurate and current registration records and comply with the requirements of this title for the transfer, inactivation, and cancellation of voter registrations.

13. Whenever election districts, precincts, or polling places are altered, provide for entry into the voter registration system of the proper district and precinct designations for each registered voter whose districts or precinct have changed and notify each affected voter of changes affecting his districts or polling place by mail.

14. Whenever any part of his county or city becomes part of another jurisdiction by annexation, merger, or other means, transfer to the appropriate general registrar the registration records of the affected registered voters. The general registrar for their new county or city shall notify them by mail of the transfer and their new election districts and polling places.

15. When he registers any person who was previously registered in another state, notify the appropriate authority in that state of the person's registration in Virginia.

16. Whenever any person is believed to be registered or voting in more than one state or territory of the United States at the same time, inquire about, or provide information from the voter's registration and voting records to any appropriate voter registration or other authority of another state or territory who inquires about, that person's registration and voting history.

17. At the request of the county or city chairman of any political party nominating a candidate for the General Assembly, constitutional office, or local office by a method other than a primary, review any petition required by the party in its nomination process to determine whether those signing the petition are registered voters with active status.

18. Carry out such other duties as prescribed by the electoral board *in his capacity as the director of elections for the locality in which he serves*.

19. Attend, or designate one member of his staff to attend, an annual training program provided by the State Board.

#### **§ 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.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all general elections, except May general elections, and on the Saturday immediately preceding any primary election, May general election, or special election.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be made not less than three days prior to the election in which the applicant offers to vote and completed only in the office of the general registrar. The applicant shall sign the application in the presence of a registrar ~~or a member of the electoral board~~. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections

shall provide instructions to the ~~electoral boards~~ *general registrar* for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of learning, the name of the school or institution of learning; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, the nature of the obligation; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated.

**§ 24.2-702. Application for early absentee ballot; procedures.**

Notwithstanding any other provisions of this title, a person, who is eligible for an absentee ballot under subdivision 2 of § 24.2-700 and qualified under this section, may apply, not later than ninety days before that election, for an absentee ballot only for elections for Governor, Lieutenant Governor, or Attorney General.

The application may be made on the Federal Post Card Application.

In order to qualify for the absentee ballot, the voter shall state that he is unable to vote in any other

manner due to overseas military service or due to living in an isolated or extremely remote overseas area. This statement may be made on the Federal Post Card Application.

On receipt of the application, the ~~electoral board~~ *general registrar* shall issue, at least ninety days before an election, the printed ballot only for elections for Governor, Lieutenant Governor, or Attorney General. No additional ballot or ballots shall be provided to such applicants for that election date.

**§ 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 disability or 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.

**§ 24.2-704. Applications and ballots for persons requiring assistance in voting; penalty.**

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, 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~~ *general registrar* 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. Any person who willfully violates the provisions of this section or § 24.2-649 in providing assistance to a person who is voting absentee shall be guilty of a Class 5 felony.

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

Any person registered and otherwise qualified to vote who becomes incapacitated on or after the seventh day preceding an election may request at any time prior to 2:00 p.m. on the day preceding the election that an emergency absentee ballot application be delivered to him. A voter who becomes hospitalized on or after the fourteenth day preceding the election and who is unable, because of his condition, to request an absentee ballot earlier than the seventh day preceding the election may request at any time prior to 2:00 p.m. on the day before an election that an emergency absentee ballot be delivered to him in the hospital. For purposes of this section, "incapacitated" means hospitalized, ill and confined to his residence, bereaved by the death of a spouse, child, or parent, or otherwise incapacitated by an emergency which is found by the ~~electoral board~~ *general registrar* to justify providing an emergency ballot application; and "hospital" means a hospital as defined in § 32.1-123 or 37.2-100 and any comparable hospital in the District of Columbia or any state contiguous to Virginia.

On receipt of the request, the ~~electoral board~~ *general registrar* shall provide an emergency absentee ballot application to the incapacitated voter's designated representative who shall deliver the application to the voter. If the voter is hospitalized, the delivery shall be made to him at the hospital; and if the voter is otherwise incapacitated, the delivery shall be made to him at his current residence address as shown on the registration records. 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 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.

If the voter is hospitalized, a hospital administrative official, a licensed physician attending the applicant, or provider as defined in § 37.2-403, shall certify on the form to the hospitalization of the applicant and the applicant's inability to be present at the polls on election day. If the voter is ill and confined to his residence, a licensed physician, provider as defined in § 37.2-403, or an accredited religious practitioner attending the applicant shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. If the voter is bereaved, a licensed

physician, an accredited religious practitioner, or a funeral service licensee (as defined in § 54.1-2800) shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. If the voter is otherwise incapacitated as determined by the ~~electoral board~~ *general registrar*, the ~~secretary of the electoral board~~ *general registrar* shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. The applicant shall sign the application and state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct. His signature shall be witnessed by the designated representative who shall sign and return the completed application to the office of the general registrar no later than 5:00 p.m. on the day preceding the election. For the purposes of this section, "accredited religious practitioner" means a person who has been trained in spiritual healing or the other healing arts and has been so accredited by a formal religious order.

On receipt of the completed application and a determination of the qualification of the applicant to vote, the general registrar ~~or secretary of the electoral board~~ shall provide, in accordance with the applicable provisions of this chapter, an absentee ballot to the designated representative for delivery to the incapacitated voter.

The incapacitated voter shall vote the absentee ballot as provided by law and mark it in the presence of the designated representative. The representative shall complete a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that (i) he is the representative of the incapacitated voter; (ii) he personally delivered the ballot to the voter who applied for it; (iii) in his presence, the voter marked the ballot, the ballot was placed in the envelope provided, the envelope was sealed, and the statement on its reverse side was signed by the incapacitated voter; and (iv) the ballot was returned, under seal, to the ~~electoral board~~ *general registrar* at the registrar's office.

The ballot shall be counted only if the ballot is received by the ~~electoral board~~ *general registrar* prior to the close of polls, and the ~~electoral board~~ *general registrar* shall deliver the ballot to the officers of election at each appropriate precinct pursuant to § 24.2-710.

**§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.**

On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications of the listed applicants. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the State Board of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, 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 or parts thereof, or an individual's day and month of birth.

The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter ~~and notify the secretary of the electoral board~~. In reviewing the application for an absentee ballot, the general registrar ~~and electoral board~~ shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the ~~electoral board~~ *general registrar* shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the ~~secretary of~~ registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."

2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is \_\_\_\_\_ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of \_\_\_\_\_ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip

code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter \_\_\_\_\_

Date \_\_\_\_\_

Signature of witness \_\_\_\_\_ "

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

3. A properly addressed envelope for the return of the ballot to the ~~electoral board~~ *general registrar* by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 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 government 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.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 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.

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

If the applicant makes his application to vote in person under § 24.2-701 at a time when the printed ballots for the election are available, the general registrar ~~or the secretary of the electoral board~~, on the determination of the qualifications of the applicant to vote, shall provide to the applicant the items set forth in subdivisions 1 through 4, and no item shall be removed by the applicant from the office of the general registrar ~~or the secretary of the electoral board~~. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar ~~or the secretary~~ may send the items set forth in subdivisions 1 through 4 to the applicant by mail, obtaining a certificate of mailing.

If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision 2 of § 24.2-700, the ~~electoral board~~ *general registrar*, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the ~~secretary or~~ general registrar the items as set forth in subdivisions 1 through 4 and, if necessary, an application for registration. A certificate of mailing shall not be required. The ~~electoral board~~ *general registrar*, at the time when the printed ballots for the election are available, shall send by the deadline set forth in § 24.2-612 the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter by electronic transmission if the voter so requests. The voted ballot shall be returned to the ~~electoral board~~ *general registrar* as otherwise required by this chapter.

When the statement prescribed in subdivision 2 has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

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

On receipt of a mailed absentee ballot, the voter shall, in the presence of a witness, (i) open the sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644 and 24.2-646 without assistance and without making known how he marked the ballot, except as provided by § 24.2-704.

After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the back of the envelope in the presence of a witness, who shall sign the same envelope, (d) enclose the ballot envelope and any required assistance form within the envelope directed to the ~~electoral board~~ *general registrar*, and (e) seal that envelope and mail it to the office of the ~~electoral board~~ *general registrar* or deliver it personally to the ~~electoral board~~ *or the general registrar*. A voter's failure to provide in the statement on the back of the envelope his full middle name or his middle initial shall not be a material omission, rendering his ballot void, unless the voter failed to provide in the statement on the back of the envelope his full first and last name. A voter's failure to provide the date, or any part of the date, including the year, on which he signed the statement printed on the back of the envelope shall not be considered a material omission and shall not render his ballot void. For purposes of this chapter, "mail" shall include delivery by a commercial delivery service, but shall not include delivery by a personal courier service or another individual except as provided by §§ 24.2-703.2 and 24.2-705.

An applicant who makes his application to vote in person at a time when the printed ballots for the election are available shall follow the same procedure set forth above except that he may complete the procedure in person in the office of the general registrar ~~or secretary of the electoral board~~, or at another location or locations in the county or city approved by the electoral board, before a registrar ~~or a member of the electoral board~~, or, if a ballot is cast at that time, before the officers of election appointed by the electoral board. Any such location shall be in a public building owned or leased by the city, the county, or a town within the county, with adequate facilities for the protection of all records concerning the absentee voters, the absentee ballots, both voted and unvoted, and any voting equipment in use at the location. Such location may be in a facility owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities and for an office of the general registrar. Such location shall be deemed the equivalent of the office of the general registrar ~~or secretary of the electoral board~~ for the purpose of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar ~~or the secretary~~ may send the items set forth in subdivisions 1 through 4 of § 24.2-706 to the applicant by mail, obtaining a certificate of mailing.

Failure to follow the procedures set forth above shall render the applicant's ballot void.

The ~~electoral board~~ *general registrar* 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. 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.

The requirement that officers of election shall be present if ballots are cast on voting equipment prior to election day shall not be applicable when the voting equipment is located in the office of the general registrar ~~or secretary of the electoral board~~ and the general registrar, *or* an assistant registrar, ~~or the secretary of the electoral board~~ is present.

**§ 24.2-708. Return of unused ballots; voting by applicant who did not receive or lost ballot; defaced ballots.**

A. If for any reason a person, who has applied for and received a ballot, decides not to vote absentee, he shall return the ballot unopened, in the sealed envelope in which it was sent to him, to the ~~electoral board~~ *or the general registrar*, before the day of the election in which the ballot was intended to be used.

The ~~electoral board~~ *general registrar* shall note on the absentee voter applicant list, opposite the name of the person returning the ballot, the fact that the ballot was returned unused and the date of the return. The ~~electoral board~~ *general registrar* shall carefully preserve all ballots returned unused and deliver them, together with other returned ballots, to the officers of election on election day. A voter who has returned his unused ballot before the day of the election as provided herein shall be entitled to vote a regular ballot in person on election day at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where the person is registered to vote, upon confirmation by the ~~electoral board~~, *the general registrar*, or an officer of election of the return of the unused ballot. If the ~~electoral board~~, *the general registrar*, or an officer of election is unable to confirm the return of the unused ballot, the voter shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1. Notwithstanding the provisions of this subsection, a voter may return his unused ballot to his proper polling place or central absentee voter precinct on election day and shall be entitled to vote a regular ballot, and his unused ballot shall be preserved with other unused ballots.

B. If for any reason a person who has applied for and has been sent an absentee ballot does not receive the ballot or loses the ballot, he shall be entitled to cast another ballot after presenting to the

~~electoral board,~~ *general* registrar or officer of election a statement signed by him that he did not receive the ballot or has lost the ballot, subject to felony penalties for making false statements as pursuant to § 24.2-1016. If such person offers to vote at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where he is registered to vote on the day of the elections, he shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1.

C. If a person who has applied for and has been sent an absentee ballot has unintentionally or accidentally defaced and rendered the ballot unfit for voting, he shall be entitled to cast a ballot after presenting the defaced ballot to the ~~electoral board,~~ the general registrar, or an officer of election. The returned ballot shall be marked spoiled by the ~~electoral board,~~ the general registrar, or an officer of election and placed in a spoiled-ballot envelope to be retained with the ballots for the election. A voter who has returned his defaced ballot before the day of the election as provided herein shall be entitled to vote a regular ballot in person on election day at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where he is registered to vote, upon confirmation by the ~~electoral board,~~ the general registrar, or an officer of election of the return of the defaced ballot. If the ~~electoral board,~~ the general registrar, or an officer of election is unable to confirm the return of the defaced ballot, the voter shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1. A voter who returns his defaced or unfit ballot to his proper polling place or central absentee voter precinct on election day shall be entitled to vote a regular ballot, and his defaced or unfit ballot shall be preserved with other spoiled ballots.

**§ 24.2-709. Ballot to be returned in manner prescribed by law.**

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

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

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

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

A. Notwithstanding any other provision of law, the governing body of each county or city may establish one or more central absentee voter precincts in the courthouse or other public buildings for the purpose of receiving, counting, and recording absentee ballots cast in the county or city. The decision to establish any absentee voter precinct shall be made by the governing body by ordinance; the ordinance shall state for which elections the precinct shall be used. The decision to abolish any absentee voter precinct shall be made by the governing body by ordinance. Immediate notification of either decision shall be sent to the State Board and the electoral board.

B. Each central absentee voter precinct shall have at least three officers of election as provided for other precincts. The number of officers shall be determined by the electoral board.

C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day of the election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the ~~electoral board~~ *general registrar* on or before the day of the election, he shall be allowed to vote it, and his ballot shall be delivered to the absentee voter precinct pursuant to § 24.2-710.

The officers at the absentee voter precinct shall determine any appeal by any other voter whose name appears on the absentee voter applicant list and who offers to vote in person. If the officers at the absentee voter precinct produce records showing the receipt of his application and the certificate of mailing for the ballot, they shall deny his appeal. If the officers cannot produce such records, the voter shall be allowed to vote in person at the absentee voter precinct and have his vote counted with other absentee votes. If the voter's appeal is denied, the provisions of § 24.2-708 shall be applicable, and the officers shall advise the voter that he may vote on presentation of a statement signed by him that he has

not received an absentee ballot and subject to felony penalties for making false statements pursuant to § 24.2-1016.

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 machine-readable ballots, the ballot container may be opened and the absentee ballots may be inserted in the counting machines 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.

As soon as the polls are closed in the county or city the officers of election at the central absentee voter precinct shall proceed promptly to ascertain and record the vote given by absentee ballot and report the results in the manner provided for counting and reporting ballots generally in Article 4 (§ 24.2-643 et seq.) of Chapter 6.

E. The electoral board may provide that the officers of election for a central absentee voter precinct may be assigned to work all or a portion of the time that the precinct is open on election day subject to the following conditions:

1. The chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to represent the two political parties, are on duty at all times; and

2. No officer, political party representative, or other candidate representative shall leave the precinct after any ballots have been counted until the polls are closed and the count for the precinct is completed and reported.

F. ~~The electoral board, with the written agreement of the~~ general registrar, may provide that the central absentee voter precinct will open after 6:00 a.m. on the day of the election provided that the office of the general registrar will be open for the receipt of absentee ballots until the central absentee voter precinct is open and that the officers of election for the central absentee voter precinct obtain the absentee ballots returned to the general registrar's office for the purpose of counting the absentee ballots at the central absentee voter precinct and provided further that the central absentee voter precinct is the same location as the office of the general registrar.

**§ 24.2-945.2. Persons required to file independent expenditure disclosure reports; filing deadline.**

A. Any person, candidate campaign committee, or political committee that makes independent expenditures, in the aggregate during an election cycle, of \$1,000 or more for a statewide election or \$200 or more for any other election shall maintain records and report pursuant to this chapter all such independent expenditures made for the purpose of expressly advocating the election or defeat of a clearly identified candidate.

B. Independent expenditure reports shall be due (i) within 24 hours of the time when the funds were expended or (ii) within 24 hours of the time when materials, as described in subsection A of this section, are published or broadcast to the public, whichever (i) or (ii) first occurs. The reports shall be filed with the State Board if the funds were expended to support or oppose a candidate for statewide office or the General Assembly or with the ~~local electoral board~~ *general registrar* of the county or city in which the candidate resides if the funds were expended to support or oppose a candidate for local office. The report filed by a political action committee or political party committee shall include the information required for a statement of organization as listed in subdivisions A 1 through A 8 of § 24.2-949.2 or clauses 1 through 6 of § 24.2-950.2, as appropriate, unless the committee has a current statement of organization on file with the State Board.

C. Independent expenditure reports required by this section may be filed electronically pursuant to § 24.2-946.1 or in writing on a form developed by the State Board. If the report is filed in writing, the report shall be (i) received by the State Board or the ~~local electoral board~~ *general registrar*, as appropriate, within 24 hours of the time when the funds were expended or (ii) transmitted to the State Board or the ~~local electoral board~~ *general registrar*, as appropriate, by telephonic transmission to a facsimile device within 24 hours of the time when the funds were expended with an original copy of the report mailed to the State Board or the ~~local electoral board~~ *general registrar*, as appropriate, and postmarked within 24 hours of the time when the funds were expended.

**§ 24.2-946.1. Standards and requirements for electronic preparation and transmittal of campaign finance disclosure reports; database.**

A. The State Board shall review or cause to be developed and shall approve standards for the preparation, production, and transmittal by computer or electronic means of campaign finance reports required by this chapter. The State Board may prescribe the method of execution and certification of and the procedures for receiving electronically filed campaign finance reports required by this chapter in the office of the State Board or any local electoral board. The State Board may provide campaign finance report-creation software to filers without charge or at a reasonable cost.

B. The State Board shall accept any campaign finance report filed by candidates for the General Assembly and statewide office by computer or electronic means in accordance with the standards approved by the Board and using software meeting standards approved by it. This information shall be

made available to the public promptly by the Board through the Internet.

C. By July 1, 2007, the State Board of Elections shall develop and implement a centralized system to accept reports from any candidate for local or constitutional office. Such reports shall be filed in accordance with, and using software that meets, standards approved by the State Board. The State Board shall promptly notify the ~~electoral board~~ *general registrar* of the locality in which a candidate resides and make the information contained in the report available to the ~~electoral board~~ *general registrar*.

D. The State Board shall enter or cause to be entered into a campaign finance database, available to the public through the Internet, the information from required campaign finance reports filed by computer, electronic, or other means by candidates for the General Assembly and statewide office.

E. Other campaign finance reports required by this chapter to be filed by a committee with the State Board or a ~~local electoral board~~ *general registrar*, or both, may be filed electronically on terms agreed to by the committee and the Board.

**§ 24.2-946.2. Custody of reports; inspection and copying; exception for certain information.**

A. All campaign finance reports required to be filed under this chapter shall be open to inspection by any person during the business hours of the office in which they are filed. Copies shall be produced for any person requesting them who shall pay the reasonable cost of the copies. Copies of such reports certified by the principal administrative officer in whose office they are kept shall be evidence in all courts to the same extent as the original report would be if produced and proved.

Upon request from an individual granted protected voter status under the provisions of subsection B of § 24.2-418, the State Board shall replace the individual's residence address in copies of campaign finance reports available to the public with the individual's alternative mailing address found in the Virginia voter registration system.

Nothing in this chapter shall be construed to grant public access to information not required to be entered into the campaign finance database under this chapter that candidates or committees may include in campaign finance report-creation software managed by or for the State Board.

B. The following applies to campaign finance reports filed by candidate campaign committees:

1. Every officer or ~~local electoral board~~ *general registrar*, with whom reports are required to be filed by this chapter, 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.

2. The State Board shall file and preserve as part of its records the reports required to be filed with it by this chapter 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. 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.).

C. The following applies to campaign finance reports filed by political committees:

1. Every officer or ~~local electoral board~~ *general registrar*, with whom reports are required to be filed by this chapter, shall file and preserve such reports as part of the office's records for at least four years after the reporting deadline or one year after the final report is filed.

2. The State Board shall file and preserve as part of its records the reports required to be filed with it by this chapter for at least four years after the reporting deadline or one year after the final report is filed. 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.).

**§ 24.2-946.3. Reporting of certain violations; penalties.**

A. It shall be the duty of the State Board to report any violation of the provisions of this chapter 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 campaign committees for statewide office and to the attorney for the Commonwealth of the county or city of the residence of a candidate for the General Assembly. For political committees, the State Board shall report the violation to the attorney for the Commonwealth of the City of Richmond. If all the officers of a political committee are residents of one county or city as shown on the statement of organization required by this chapter, 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~~ *general registrar* of a county or city to report any violation of the provisions of this chapter relating to the filing of campaign finance reports required to be filed with the ~~electoral board~~ *general registrar* to the attorney for the Commonwealth for the county or city in which the ~~electoral board~~ *general registrar* 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 this chapter 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~~ *general registrar* and to verify that the reports are complete and submitted on time.

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 Article 8 (§ 24.2-953 *et seq.*) and (ii) if unable to collect the penalty, shall report the violation to the appropriate attorney for the Commonwealth for enforcement.

E. 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 21 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.

F. Upon notice of a violation of this chapter, the State Board or the general registrar ~~or local electoral board,~~ as appropriate, shall within 90 days of the report deadline notify the appropriate attorney for the Commonwealth, who shall initiate civil proceedings to enforce the civil penalties assessed by the State Board or the ~~local electoral board~~ *general registrar* 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.

G. In the case of any political committee that is required to file a statement of organization pursuant to this chapter, 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.

H. The State Board shall notify the public through its official Internet website 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.

I. The State Board shall determine the schedule of civil penalties required to be followed by its staff and ~~local electoral boards~~ *general registrars* in assessing penalties under this chapter. No election official or staff may waive or reduce such penalties, except as provided in § 24.2-946.4.

**§ 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~~ *general registrar* 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 registrar~~ sufficient to justify the granting of the extension.

C. The 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 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.

**§ 24.2-946.5. Dormant committees.**

A. The State Board or the ~~electoral board~~ *general registrar* of any county or city may close the file of any candidate campaign committee or political committee required to file with it provided the committee has not filed a final report and the Board or ~~board registrar~~ cannot locate either the candidate or his campaign treasurer, or in the case of any political committee, the Board or ~~board registrar~~ cannot locate the treasurer or custodian of the books of the committee. A candidate campaign committee file shall not be closed if the candidate has filed a report with the Board or ~~board registrar~~ for any campaign for any office within the prior five years. A political committee file shall not be closed if the

committee has filed a report within the prior five years.

B. Once the committee's file has been closed, no more reports will be due and no additional penalties for failure to file will accrue. However, if the whereabouts of the candidate or his campaign treasurer, or in the case of any political committee, the treasurer or custodian of the books of the committee, later becomes known to the Board or ~~board~~ registrar, it may reopen the file and send notice to the candidate, or in the case of any political committee, the treasurer or custodian of the books of the committee, requesting that he file the appropriate reports and pay any penalties that were levied before the file was closed by it.

**§ 24.2-947.1. Statement of organization.**

A. Any individual seeking or campaigning for an office of the Commonwealth or one of its governmental units in a party nomination process or general, primary, or special election, shall file a statement of organization within 10 days of meeting any one of the following conditions:

1. Acceptance of a contribution;
2. Expenditure of any funds;
3. The payment of a filing fee for any party nomination method;
4. The filing of a candidate statement of qualification pursuant to § 24.2-501; or

5. The appointment of a campaign treasurer, designation of a campaign committee, or designation of a campaign depository.

B. Candidates for statewide office shall file the statement with the State Board. Candidates for the General Assembly shall file the statement with the State Board and a copy of the statement with the ~~local electoral board~~ general registrar of the locality of the candidate's residence. Candidates for local or constitutional office shall file the statement with the ~~local electoral board~~ general registrar and, if the statement indicates that the candidate committee will be filing electronically, a copy with the State Board.

C. The statement of organization shall include the following information:

1. The full name and residence address of the candidate;
2. The full name and mailing address for the campaign committee;
3. The full name, residence address, and daytime phone number of the treasurer;
4. The office being sought and district, if any, for the office;
5. The recognized political party affiliation of the candidate for statewide office or the General Assembly. In the absence of any political party affiliation, independent shall be used;
6. The name of the financial institution for his campaign depository; and
7. Such other information as shall be required by the State Board except that the account number for a designated depository account shall not be required.

D. In the case of any candidate who seeks election for successive terms in the same office, the statement of organization 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~~ general registrar, or both, as appropriate.

**§ 24.2-947.3. Campaign committee treasurer requirements and responsibilities.**

A. Upon meeting any of the requirements of subsection A of § 24.2-947.1, the candidate shall appoint a single campaign treasurer who shall be a registered voter in Virginia. Every treasurer so appointed shall accept the appointment, in writing on the statement of organization, prior to the filing thereof. No individual shall act as treasurer unless the required statement of appointment has been filed. 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~~ general registrar, or both, as provided in subsection B of § 24.2-947.1.

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

D. All contributions and expenditures received or made by any candidate, or received or made on his behalf or in relation to his candidacy by any person, except independent expenditures, shall be paid over or delivered to the candidate's treasurer or shall be reported to the treasurer in such detail and form as to allow him to comply fully with this chapter. An independent expenditure shall be reported pursuant to § 24.2-945.2 in lieu of being reported to the candidate's treasurer.

E. The candidate or his treasurer shall keep detailed and accurate accounts of all contributions turned over to and expenditures made by the candidate or his treasurer on behalf of the candidate or his campaign committee, or reported to any candidate or his treasurer pursuant to this article. Such account shall set forth the date of the contribution or expenditure, its amount or value, the name and address of the person or committee making the contribution or to whom the expenditure was made, and the object or purpose of the contribution or expenditure. Such books and records may be destroyed or discarded at any time after (i) one year from the date of filing the final report required by § 24.2-948.4 or (ii) three years after the December 31 immediately following the election, whichever last occurs, unless a court of competent jurisdiction shall order their retention for a longer period.

F. It shall be unlawful for any candidate, his treasurer, or any person receiving contributions or making expenditures on a candidate's behalf or in relation to his candidacy, to fail to report every contribution and expenditure as required by this article.

**§ 24.2-947.4. Information to be included on campaign finance reports for campaign committees.**

A. The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the campaign committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.

B. The report of receipts shall include:

1. The total number of contributors, each of whom has contributed an aggregate of \$100 or less, including cash and in-kind contributions, as of the date of the report, and the total amount of contributions from all such contributors;

2. For each contributor who has contributed an aggregate of more than \$100, including cash and in-kind contributions, as of the ending date of the report, the campaign committee shall itemize each contributor on the report and list the following information:

- a. the name of the contributor, listed alphabetically,
- b. the mailing address of the contributor,
- c. the amount of the contribution,
- d. the aggregate amount of contributions from the contributor to date,
- e. the date of the contribution,
- f. the occupation of the contributor,
- g. the name of his employer or principal business, and
- h. the city and state where employed or where his business is located.

For each such contributor, other than an individual, the principal type of business and place of business of the contributor shall be substituted for subdivisions f and g, respectively. For each such contributor other than an individual, it shall be sufficient to list the address of the contributor one time on the report of receipts.

3. For each designated contribution received by the campaign committee from a political committee, out-of-state political committee, or federal political action committee, the campaign committee shall list the name of the person who designated the contribution and provide the information required by this subsection.

C. The report of disbursements shall include all expenditures and give:

1. The name and address of the person paid;
2. A brief description of the purpose of the expenditure;
3. The name of the person contracting for or arranging the expenditure;
4. The amount of the expenditure; and
5. The date of the expenditure.

The report of disbursements shall itemize any expenditure made by credit card payment.

D. Each report for a candidate shall list separately those receipts and expenditures reported to the candidate or his treasurer by any person, campaign committee, or political committee pursuant to subsection D of § 24.2-947.3, and in the case of in-kind contributions, shall set forth in each instance the source of the information reported.

E. The report shall list separately all loans and, for each loan, shall give:

1. The date the loan was made;
2. The name and address of the person making the loan and any person who is a co-borrower, guarantor, or endorser of the loan;
3. The amount of the loan;
4. The date and amount of any repayment of the loan; and
5. For any loan or part of a loan that is forgiven by the lender, the amount forgiven listed as both a contribution and loan repayment.

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

G. It is the joint responsibility of the candidate and his treasurer that the report of a candidate be filed, that the report be in full and accurate detail, and that the report be received by the State Board, ~~local electoral board~~ *general registrar*, or both, by the deadline for filing the report.

**§ 24.2-947.5. With whom candidates file reports.**

A. Candidates for statewide office shall file the reports required by this article by computer or electronic means in accordance with the standards approved by the State Board.

B. Candidates for the General Assembly may file reports required by this article with the State Board by computer or electronic means in accordance with the standards approved by the State Board. Nonelectronic reports for the General Assembly shall be filed with the State Board and with the ~~electoral board~~ *general registrar* of the locality where the candidate resides.

C. Except as provided in § 24.2-948.1, candidates for any other office who file reports in

nonelectronic format shall file with the ~~electoral board~~ *general registrar* of the locality in which the candidate resides. Beginning July 1, 2007, candidates for local or constitutional office may file reports required by this article with the State Board by computer or other electronic means in accordance with standards approved by the State Board. Candidates who file by electronic means with the State Board do not have to file reports with the ~~electoral board~~ *general registrar* of the locality in which the candidate resides.

D. Any report that may be filed with the State Board by mail shall be (i) received by the State Board by the deadline for filing the report or (ii) transmitted to the State Board by telephonic transmission to a facsimile device by the deadline for filing the report with an original copy of the report mailed to the State Board and postmarked by the deadline for filing the report.

**§ 24.2-947.9. Special report required of certain large pre-election contributions.**

A. Any contribution reported pursuant to this section shall also be reported on the first report required by this article after any election.

B. Except as provided in subsection C, any single contribution of \$5,000 or more for a statewide office, \$1,000 or more for the General Assembly, or \$500 or more for any other office, knowingly received or reported by the candidate or his treasurer on behalf of his candidacy (i) on and after the twelfth day preceding a primary and before the primary date, (ii) on and after the twelfth day preceding a general election and before the general election date, or (iii) on and after the eleventh day preceding any other election in which the individual is a candidate and before the election day, shall be reported in writing as provided in §§ 24.2-947.4 and 24.2-947.5 or electronically pursuant to § 24.2-946.1, and the report shall be received by the State Board or ~~local electoral board~~ *general registrar*, as appropriate, by 5:00 p.m. on the following day or for a contribution received on a Saturday by 5:00 p.m. on the following Monday. However, any such contribution received within the 24 hours prior to the election day shall be reported and a report thereof received on the day prior to the election.

C. The reports required by subsection B of this section shall also be required of any candidate for nomination by a political party to serve as the party's nominee in a general or special election if (i) the party nominates by convention or any method other than a primary and (ii) there are at least two candidates for nomination pursuant to the rules and procedures of the party. In such case, candidates for nomination shall be required to file the reports required by subsection B for the 12-day or 11-day period, as specified by subsection B, immediately preceding:

1. The caucus, mass meeting, convention, or other nominating event at which the party's nomination shall be finally determined pursuant to the rules and procedures of the party; and
2. Any caucus, mass meeting, convention, or other nominating event, other than that at which the party's nomination shall be finally determined, at which delegates are chosen who are pledged to support a specified candidate on at least one ballot at a subsequent district or state convention required as part of the nominating process.

D. No report shall be required pursuant to subsection C if the candidate is or has become, by virtue of the withdrawal of any opponent or the operation of the rules and procedures of the party, unopposed for nomination at the time such report otherwise would be required to be made.

**§ 24.2-948.1. Exemption from reporting requirements for certain candidates for local office.**

A. This section shall apply to candidates for local office. A candidate for local office may seek an exemption from the requirements for filing campaign finance disclosure reports set out in this chapter except for the filing requirements of §§ 24.2-945.2, 24.2-947.1, 24.2-947.9, and 24.2-948.4 pertaining to certain independent expenditures, the statement of organization, large contributions, and the filing of a final report. The request for an exemption shall be filed with the ~~electoral board~~ *general registrar* of the county or city where the candidate resides on a form prescribed by the State Board and in accordance with instructions by the State Board for the time for filing and the process for approval by the ~~electoral board~~ *general registrar*.

B. To qualify for an exemption, the candidate shall certify on the form that (i) he has not and will not solicit or accept any contribution from any other person or political committee during the course of his campaign, (ii) he has not and will not contribute to his own campaign more than \$1,000, (iii) he has not and will not expend more than \$1,000 in the course of his campaign, and (iv) that he has complied and will comply with the requirements of this chapter. This certification shall apply for the duration of the campaign until the filing of a final report in compliance with § 24.2-948.4 after the election. A candidate may rescind his certification and exemption at any time during the campaign and shall file in accordance with the appropriate filing schedule thereafter, provided that the candidate rescinds his certification prior to engaging in the activities described in clauses (i), (ii), and (iii) of this subsection. The first report filed shall account for all prior contributions and expenditures pertaining to his campaign.

C. Any candidate who has qualified for an exemption from reporting requirements pursuant to this section shall not be permitted to qualify for any office, enter upon the duties thereof, or receive any salary or emoluments therefrom until a final report has been filed that details all financial activity of the candidate's campaign and states that all reporting for the nomination and election is complete and final. No officer authorized by the laws of the Commonwealth to issue certificates of election shall issue one

to any person determined to be elected to any such office, until copies of the final report cited above have been filed as required in this chapter.

D. A candidate who has a current exemption under the provisions of this section, or who is otherwise exempt from reporting contributions and expenditures under this chapter, may purchase voter lists from the State Board under the provisions of §§ 24.2-405 and 24.2-406 with a check drawn on the candidate's personal account.

**§ 24.2-948.3. Compliance with reporting requirements of campaign finance disclosure act as requirement of candidacy for certain offices.**

A. It shall be a requirement of candidacy in any election for statewide office or the General Assembly that the candidate shall have filed the disclosure reports required by this chapter 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 or ~~local electoral board~~ *general registrar*, whichever is appropriate, has notified the candidate, at least 60 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.

**§ 24.2-950.8. With whom political party committees file reports.**

A. Except as provided in subsection B, a political party 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 party committee files a final report. Any political party 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. 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~~ *general registrar* of that county or city.

C. Other political party committees required to file reports by this article shall file all campaign finance reports with the State Board, if filing by electronic means, or with the State Board and the ~~local electoral board~~ *general registrar* for its jurisdiction if filing campaign finance reports by nonelectronic means.

**§ 24.2-953. General provisions.**

A. The procedures to enforce the provisions of this article are found in § 24.2-946.3.

B. Either the failure to file any statement or report or the late filing of any statement or report required by this chapter shall constitute a violation of this chapter subject to the penalties provided in this article.

C. 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 \$100, unless a greater penalty is imposed by this article.

D. In the case of a willful violation, the violator shall be guilty of a Class 1 misdemeanor. 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~~ *a general registrar*. Such notice shall be sent to the most recent mailing address provided by the candidate or committee.

E. In the case of a failure to file a required statement or report by the specified deadline, the length of the delinquency shall be a factor in determining the amount of the civil penalty assessed.

F. The statute of limitations applicable to a violation of this chapter is stated in § 19.2-8.

G. The requirements of this chapter for the filing of timely and complete statements and reports by any candidate campaign committee or political committee shall at all times remain in full force and effect and shall not be vacated, suspended, or modified as the result of any pending or completed criminal or civil investigation of the candidate campaign committee, the political committee, or any individual participant in the committee.

**§ 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

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 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 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 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.



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# Other Business & Public Comment

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BOARD WORKING PAPERS



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# Adjournment

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BOARD WORKING PAPERS



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# BOARD MEETING

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Monday, June 22, 2015  
Washington Building  
Room B27  
10:00AM

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SBE Board Working Papers  
Prepared by Rose Mansfield  
SBE Clerk