

State Board of Elections Policy 2008-013

A meeting of the Virginia State Board of Elections was held on November 24, 2008 whereby a policy was proposed and approved by the Board:

Calculation of Voters Voting Precinct

WHEREAS, the Code of Virginia, § 24.2-307 requires general registrars to notify the local governing body when the number of voters voting in a precinct in a presidential election exceeds 4,000.

WHEREAS, § 24.2-309.2 sets a time limit for adopting ordinances effecting revisions to limit the size of precincts to 5,000 of February 1, 2009;

WHEREAS, ordinances adopted to comply with § 24.2-307 must also comply with other general requirements for precinct ordinances, including advertising and notice to affected voters, and preclearance in localities that have not bailed out from Section 5 coverage.

WHEREAS, applying § 24.2-307 to particular localities can present an issue of interpretation for localities using central absentee precincts (CAPs) with large numbers of absentee voters whose allocations to their specific physical precinct polling places could cause the turnout in these precincts to exceed 4,000.

WHEREAS, including absentee voters in the § 24.2-307 calculation could result in precinct changes that are not actually necessary to meet the demand on precinct polling places.

WHEREAS, the level of absentee voting has consistently increased in presidential election years with 538,130 absentee ballot applications approved and 465,962 voted absentee ballots received as of November 3, 2008, as compared to a total of 222,059 absentee ballots cast in 2004.

WHEREAS, many voters need or want to vote absentee, but the exact voters (persons) who are eligible and will apply each year will change;

WHEREAS, the consistent increase and expansion of absentee voting make it reasonable to expect voters voting absentee in the presidential election will want to continue to do so, and federal and state laws authorize ongoing applications for certain military, overseas and disabled voters. §§ 24.2-703. 24.2-703.1, 42 USC § 1973ff-3; and

WHEREAS, the Policy Division recommends that the calculation of voters voting in a precinct under § 24.2-307 exclude absentee voters;

now therefore, be it

RESOLVED, by the State Board of Elections under its authority to issue rules and regulations to promote the proper administration of election laws and obtain uniformity in the administration of elections pursuant to § 24.2-103, that

an electoral board may properly determine that the calculation of voters voting in a precinct under § 24.2-307 may exclude absentee voters;

Nothing in this Policy shall prohibit an electoral board from including absentee voters in its calculation of voters supporting creation of new precincts.