

HOUSE BILL NO. _____ SENATE BILL NO. _____

1 A BILL to amend and reenact §§ 24.2-115, 24.2-115.1, 24.2-117, 24.2-119, 24.2-310, 24.2-
2 406, 24.2-604, 24.2-604.1, 24.2-609, 24.2-610, 24.2-611, 24.2-612, 24.2-614, 24.2-616,
3 24.2-617, 24.2-618, 24.2-619, 24.2-620, 24.2-621, 24.2-626.1, 24.2-627, 24.2-631, 24.2-
4 632, 24.2-633, 24.2-634, 24.2-635, 24.2-636, 24.2-637, 24.2-638, 24.2-639, 24.2-641,
5 24.2-642, 24.2-647, 24.2-659, 24.2-668, 24.2-683, 24.2-684, and 24.2-712 of the Code
6 of Virginia, relating to duties of the electoral board.

7

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

9

10 **1. That §§ 24.2-115, 24.2-115.1, 24.2-117, 24.2-119, 24.2-310, 24.2-406, 24.2-604, 24.2-**
11 **604.1, 24.2-609, 24.2-610, 24.2-611, 24.2-612, 24.2-614, 24.2-616, 24.2-617, 24.2-618, 24.2-**
12 **619, 24.2-620, 24.2-621, 24.2-626.1, 24.2-627, 24.2-631, 24.2-632, 24.2-633, 24.2-634, 24.2-**
13 **635, 24.2-636, 24.2-637, 24.2-638, 24.2-639, 24.2-641, 24.2-642, 24.2-647, 24.2-659, 24.2-**
14 **668, 24.2-683, 24.2-684, and 24.2-712 of the Code of Virginia are amended and**
15 **reenacted as follows:**

16

17 **§ 24.2-115. Appointment, qualifications, and terms of officers of election.**

18 Each electoral board at its regular meeting in the first week of February of the year in
19 which the terms of officers of election are scheduled to expire shall appoint officers of election.
20 Their terms of office shall begin on March 1 following their appointment and continue, at the

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21 discretion of the electoral board, for a term not to exceed three years or until their successors are
22 appointed. The director of elections shall prepare, and submit to the electoral board, a plan to
23 ensure adequate numbers of trained officers of election are available to serve in each election.
24

25 Not less than three competent citizens shall be appointed for each precinct. However, a
26 precinct having more than 4,000 registered voters shall have not less than five officers of election
27 serving for a presidential election, and the electoral board shall appoint additional officers as
28 needed to satisfy this requirement. Insofar as practicable, each officer shall be a qualified voter
29 of the precinct he is appointed to serve, but in any case a qualified voter of the Commonwealth.
30 In appointing the officers of election, representation shall be given to each of the two political
31 parties having the highest and next highest number of votes in the Commonwealth for Governor
32 at the last preceding gubernatorial election. The representation of the two parties shall be equal at
33 each precinct having an even number of officers and shall vary by no more than one at each
34 precinct having an odd number of officers. If practicable, officers shall be appointed from lists of
35 nominations filed by the political parties entitled to appointments. The party shall file its
36 nominations with the secretary of the electoral board at least 10 days before February 1 each
37 year. The electoral board may appoint additional citizens who do not represent any political party
38 to serve as officers. If practicable, no more than one-third of the total number of officers
39 appointed for each precinct may be citizens who do not represent any political party.
40

41 Officers of election shall serve for all elections held in their respective precincts during
42 their terms of office unless a substitute is required to be appointed pursuant to § 24.2-117 or the
43 electoral board decides that fewer officers are needed for a particular election, in which case

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44 party representation shall be maintained as provided above. For a primary election involving
45 only one political party, persons representing the political party holding the primary shall serve
46 as the officers of election if possible.

47

48 The electoral board shall ~~designate~~ ensure that one officer is designated as the chief
49 officer of election and one officer as the assistant for each precinct. The officer designated as the
50 assistant for a precinct, whenever practicable, shall not represent the same political party as the
51 chief officer for the precinct. Notwithstanding any other provision of this section, where
52 representatives for one or both of the two political parties having the largest number of votes for
53 Governor in the last preceding gubernatorial election are unavailable, ~~the electoral board may~~
54 ~~designate as the chief officer and the assistant chief officer~~ citizens who do not represent either
55 of those two political parties may be designated as the chief officer and the assistant chief
56 officer. In such case, the director of elections shall ~~provide~~ notice to representatives of both
57 parties at least 10 days prior to the election that it intends to use nonaffiliated officers so that
58 each party shall have the opportunity to provide additional nominations. The electoral board may
59 ~~also~~ appoint at least one officer of election who reports to the precinct at least one hour prior to
60 the closing of the precinct and whose primary responsibility is to assist with closing the precinct
61 and reporting the results of the votes at the precinct.

62

63 ~~The electoral board~~ electoral board shall ensure that each chief officer and assistant is
64 instructed in his duties not less than three nor more than 30 days before each election. Each
65 ~~electoral board~~ officer of election may be instructed in his duties at an appropriate time or times
66 before each November general election, and training of the officers of election shall be

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67 conducted consistent with the standards set by the State Board pursuant to subsection B of §
68 24.2-103. Each ~~electoral board~~ electoral board shall ensure that the director of elections certify to
69 the ~~State Board~~ Department that such training of all officers of elections has been conducted
70 every four years.

71
72 Notwithstanding the provisions of § 24.2-117, if an officer of election is unable to serve
73 at any election during his term of office, the electoral board may at any time appoint a substitute
74 who shall hold office and serve for the unexpired term.

75
76 Additional officers shall be appointed in accordance with this section at any time that the
77 electoral board determines that they are needed or as required by law.

78
79 If practicable, substitute officers or additional officers appointed after the electoral
80 board's regular meeting in the first week of February shall be appointed from lists of nominations
81 filed by the political parties entitled to appointments. The ~~electoral board shall inform~~ electoral
82 board or director of elections shall inform the political parties of ~~its~~ the electoral board's decision
83 to make such appointments and the party shall file its nominations with the ~~secretary of the~~
84 electoral board secretary of the electoral board or the director of elections within five business
85 days.

86
87 The secretary of the electoral board or director of elections shall prepare a list of the
88 officers of election that shall be available for inspection and posted in the director of elections'
89 office prior to March 1 each year. Whenever substitute or additional officers are appointed, the

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90 ~~secretary~~ secretary or director of elections shall promptly add the names of the appointees to the
91 public list. Upon request and at a reasonable charge not to exceed the actual cost incurred, the
92 ~~secretary~~ secretary or director of elections shall provide a copy of the list of the officers of
93 election, including their party designation and precinct to which they are assigned, to any
94 requesting political party or candidate.

95

96 **§ 24.2-115.1. Officers of election; hours of service.**

97 The ~~electoral board~~ electoral board or director of elections may provide that the officers
98 of election for one or more precincts may be assigned to work all or a portion of the time that the
99 precinct is open on election day or reassigned to another precinct for the remaining portion of
100 election day, as needed. Any officer of election assisting with the closing of the precinct and
101 reporting the results of the votes at the precinct shall be required to report to the precinct at least
102 one hour prior to the closing of the precinct. However, the chief officer and the assistant chief
103 officer, appointed pursuant to § 24.2-115 to represent the two political parties, shall be on duty at
104 all times. The ~~electoral board~~ electoral board or director of elections may provide for the
105 administration of the oath of office provided for in § 24.2-120 and the oath required in § 24.2-
106 611 to be kept with the pollbook at times convenient for officers of election assigned to work
107 only a portion of the time that the precinct is open on election day.

108

109 **§ 24.2-117. Request for removal of officer of election.**

110 A candidate may require the removal of an officer of election for the election in which he
111 is a candidate by a request in writing, filed at least seven days before the election with the
112 electoral board appointing the officer, on the grounds that the officer is the spouse, parent,

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113 grandparent, sibling, child, or grandchild of an opposing candidate. A member of the electoral
114 board may also request the removal of an officer of election whom he knows to be the spouse,
115 parent, grandparent, sibling, child, or grandchild of a candidate in the election by a request in
116 writing, filed at least seven days before the election with the electoral board. The electoral board
117 ~~may appoint a substitute who shall hold office and serve for that election.~~ shall ensure that a
118 different officer is assigned to work at the precinct to comply with a timely written request under
119 this section.

120

121 **§ 24.2-119. Restrictions on persons holding other offices serving as member of**
122 **electoral board, registrar, or officer of election.**

123 No person, nor the deputy of any person, who is employed by or holds any office or post
124 of profit or emolument, or who holds any elective office of profit or trust, under the governments
125 of the United States, the Commonwealth, or any county, city, or town, shall be appointed a
126 member of the electoral board or general registrar. No person, nor the deputy or the employee of
127 any person, who holds any elective office of profit or trust under the government of the United
128 States, the Commonwealth, or any county, city, or town of the Commonwealth, shall be
129 appointed an assistant registrar or officer of election.

130

131 **§ 24.2-310. Requirements for polling places.**

132 A. The polling place for each precinct shall be located within the county or city and either
133 within the precinct or within one mile of the precinct boundary. The polling place for a county
134 precinct may be located within a city (i) if the city is wholly contained within the county election
135 district served by the precinct or (ii) if the city is wholly contained within the county and the

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136 polling place is located on property owned by the county. The polling place for a town precinct
137 may be located within one mile of the precinct and town boundary. For town elections held in
138 November, the town shall use the polling places established by the county for its elections.

139

140 B. The governing body of each county, city, and town shall provide funds to enable the
141 ~~electoral board~~ director of elections to provide adequate facilities at each polling place for the
142 conduct of elections. Each polling place shall be located in a public building whenever
143 practicable. If more than one polling place is located in the same building, each polling place
144 shall be located in a separate room or separate and defined space.

145

146 C. Polling places shall be accessible to qualified voters as required by the provisions of
147 the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly
148 and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act
149 relating to public services (42 U.S.C. § 12131 et seq.). The ~~State Board~~ Department of Elections
150 shall provide instructions to the local electoral boards and director of elections to assist the
151 localities in complying with the requirements of the Acts.

152

153 D. If an emergency makes a polling place unusable or inaccessible, the ~~electoral board~~
154 ~~electoral board~~ or director of elections shall provide an alternative polling place and give notice
155 of the change in polling place, including to all candidates, or such candidate's campaign,
156 appearing on the ballot to be voted at the alternative polling place, subject to the prior approval
157 of the ~~State Board~~ Commissioner. The ~~electoral board~~ director of elections shall provide notice
158 to the voters appropriate to the circumstances of the emergency. For the purposes of this

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159 subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the
160 resulting state, that calls for immediate action.

161

162 E. It shall be permissible to distribute campaign materials on the election day on the
163 property on which a polling place is located and outside of the building containing the room
164 where the election is conducted except as specifically prohibited by law including, without
165 limitation, the prohibitions of § 24.2-604 and the establishment of the "Prohibited Area" within
166 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of
167 clause (i) of subsection A of § 24.2-604, and upon the approval of the local ~~electoral board~~
168 electoral board, campaign materials may be distributed outside the polling place and inside the
169 structure where the election is conducted, provided that the "Prohibited Area" (i) includes the
170 area within the structure that is beyond 40 feet of any entrance to the polling place and the area
171 within the structure that is within 40 feet of any entrance to the room where the election is
172 conducted and (ii) is maintained and enforced as provided in § 24.2-604. The local ~~electoral~~
173 ~~board~~ electoral board may approve campaigning activities inside the building where the election
174 is conducted when an entrance to the building is from an adjoining building, or if establishing the
175 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from
176 entering or leaving the building.

177

178 F. Any local government, local electoral board, or the ~~State Board~~ Department of
179 Elections may make monetary grants to any non-governmental entity furnishing facilities under
180 the provisions of § 24.2-307 or 24.2-308 for use as a polling place. Such grants shall be made for
181 the sole purpose of meeting the accessibility requirements of this section. Nothing in this

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182 subsection shall be construed to obligate any local government, local electoral board, Department
183 or the State Board to appropriate funds to any non-governmental entity.

184

185 **§ 24.2-406. Lists of persons voting at elections.**

186 A. The Department of Elections shall furnish, at a reasonable price, lists of persons who
187 voted at any primary, special, or general election held in the four preceding years to (i)
188 candidates for election or political party nomination to further their candidacy, (ii) political party
189 committees or officials thereof for political purposes only, (iii) political action committees that
190 have filed a current statement of organization with the Department of Elections pursuant to §
191 24.2-949.2 or with the Federal Elections Commission pursuant to federal law, for political
192 purposes only, (iv) incumbent officeholders to report to their constituents, and (v) members of
193 the public or a nonprofit organization seeking to promote voter participation and registration by
194 means of a communication or mailing without intimidation or pressure exerted on the recipient,
195 for that purpose only. Such lists shall be furnished to no one else and shall be used only for
196 campaign and political purposes and for reporting to constituents. Unless such lists are not
197 available due to a pending recount or election contest, the ~~electoral board~~ director of elections
198 shall submit the list of persons who voted to the Department of Elections within 14 days after
199 each election. The ~~electoral boards~~ director of elections of localities using nonelectronic
200 pollbooks shall submit the list of persons who voted to the Department of Elections within seven
201 days after the pollbooks are released from the possession of the clerk of court. The Department
202 of Elections shall make available such lists no later than seven days after receiving them from the
203 ~~electoral board~~ director of elections.

204 B. The Department of Elections shall furnish to the Chief Election Officer of another state, on
205 request and at a reasonable price, lists of persons who voted at any primary, special, or general election

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206 held for the four preceding years. Such lists shall be used only for the purpose of maintenance of voter
207 registration systems and shall be transmitted in accordance with security policies approved by the State
208 Board of Elections.

209 C. In no event shall any list furnished under this section contain the social security number, or
210 any part thereof, of any registered voter, except for a list furnished to the Chief Election Officer of
211 another state permitted to use social security numbers, or any parts thereof, that provides for the use of
212 such numbers on applications for voter registration in accordance with federal law, for maintenance of
213 voter registration systems.

214 D. Any list furnished under this section shall contain the post office box address in lieu of the
215 residence street address for any individual who has furnished at the time of registration or subsequently,
216 in addition to his street address, a post office box address pursuant to subsection B of § [24.2-418](#).

217
218 **§ 24.2-604. Prohibited activities at polls; notice of prohibited area; electioneering;**
219 **presence of representatives of parties or candidates; simulated elections; observers;**
220 **news media; penalties.**

221
222 A. During the times the polls are open and ballots are being counted, it shall be unlawful
223 for any person (i) to loiter or congregate within 40 feet of any entrance of any polling place; (ii)
224 within such distance to give, tender, or exhibit any ballot, ticket, or other campaign material to
225 any person or to solicit or in any manner attempt to influence any person in casting his vote; or
226 (iii) to hinder or delay a qualified voter in entering or leaving a polling place.

227
228 B. Prior to opening the polls, the officers of election shall post, in the area within 40 feet
229 of any entrance to the polling place, sufficient notices which state "Prohibited Area" in two-inch

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230 type. The notices shall also state the provisions of this section in not less than 24-point type. The
231 officers of election shall post the notices within the prohibited area to be visible to voters and the
232 public.

233

234 C. The officers of election shall permit one authorized representative of each political
235 party or independent candidate in a general or special election, or one authorized representative
236 of each candidate in a primary election, to remain in the room in which the election is being
237 conducted at all times. A representative may serve part of the day and be replaced by successive
238 representatives. The officers of election shall have discretion to permit up to three authorized
239 representatives of each political party or independent candidate in a general or special election,
240 or up to three authorized representatives of each candidate in a primary election, to remain in the
241 room in which the election is being conducted. The officers shall permit one such representative
242 for each pollbook station. However, no more than one such representative for each pollbook
243 station or three representatives of any political party or independent candidate, whichever
244 number is larger, shall be permitted in the room at any one time. Each authorized representative
245 shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative shall
246 present to the officers of election a written statement designating him to be a representative of
247 the party or candidate and signed by the county or city chairman of his political party, the
248 independent candidate, or the primary candidate, as appropriate. If the county or city chairman is
249 unavailable to sign such a written designation, such a designation may be made by the state or
250 district chairman of the political party. However, no written designation made by a state or
251 district chairman shall take precedence over a written designation made by the county or city
252 chairman. Such statement, bearing the chairman's or candidate's original signature, may be

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253 photocopied, and such photocopy shall be as valid as if the copy had been signed. No candidate
254 whose name is printed on the ballot shall serve as a representative of a party or candidate for
255 purposes of this section. Authorized representatives shall be allowed, whether in a regular
256 polling place or central absentee voter precinct, to be close enough to the voter check-in table to
257 be able to hear and see what is occurring; however, such observation shall not violate the secret
258 vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with
259 the orderly process of the election. Any representative who complains to the chief officer of
260 election that he is unable to hear or see the process may accept the chief officer's decision or, if
261 dissatisfied, he may immediately appeal the decision to the local ~~electoral board~~ electoral board
262 or registrar. Authorized representatives shall be allowed, whether in a regular polling place or
263 central absentee voter precinct, to use a handheld wireless communications device, but shall not
264 be allowed to use such a device to capture a digital image inside the polling place or central
265 absentee voter precinct. The officers of election may prohibit the use of cellular telephones or
266 other handheld wireless communications devices if such use will result in a violation of
267 subsection A or D or § 24.2-607. Authorized representatives shall not be allowed in any case to
268 provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they
269 are authorized to assist voters either inside the polling place or within 40 feet of any entrance to
270 the polling place.

271

272 D. It shall be unlawful for any authorized representative, voter, or any other person in the
273 room to (i) hinder or delay a qualified voter; (ii) give, tender, or exhibit any ballot, ticket, or
274 other campaign material to any person; (iii) solicit or in any manner attempt to influence any
275 person in casting his vote; (iv) hinder or delay any officer of election; (v) be in a position to see

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276 the marked ballot of any other voter; or (vi) otherwise impede the orderly conduct of the
277 election.

278

279 E. The officers of election may require any person who is found by a majority of the
280 officers present to be in violation of this section to remain outside of the prohibited area. Any
281 person violating subsection A or D shall be guilty of a Class 1 misdemeanor.

282

283 F. This section shall not be construed to prohibit a candidate from entering any polling
284 place on the day of the election to vote, or to visit a polling place for no longer than 10 minutes
285 per polling place per election day, provided that he complies with the restrictions stated in
286 subsections A, D, and K.

287

288 G. This section shall not be construed to prohibit a minor from entering a polling place on
289 the day of the election to vote in a simulated election at that polling place, provided that the local
290 ~~electoral board~~ electoral board or registrar has determined that such polling place can
291 accommodate simulated election activities without interference or substantial delay in the orderly
292 conduct of the official voting process. Persons supervising or working in a simulated election in
293 which minors vote may remain within such polling place. The local ~~electoral board~~ electoral
294 board or registrar and the chief officer for the polling place shall exercise authority over, but
295 shall have no responsibility for the administration of, simulated election related activities at the
296 polling place.

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298 H. A ~~local electoral board, and its~~ local electoral board or its director of elections, may
299 conduct a special election day program for high school students, selected by the ~~electoral board~~
300 electoral board or registrar in cooperation with high school authorities, in one or more polling
301 places designated by the ~~electoral board~~ electoral board or registrar, other than a central absentee
302 voter precinct. The program shall be designed to stimulate the students' interest in elections and
303 registering to vote, provide assistance to the officers of election, and ensure the safe entry and
304 exit of elderly and disabled voters from the polling place. Each student shall take and sign an
305 oath as an election page, serve under the direct supervision of the chief officer of election of his
306 assigned polling place, and observe strict impartiality at all times. Election pages may observe
307 the electoral process and seek information from the chief officer of election, but shall not handle
308 or touch ballots, voting machines, or any other official election materials, or enter any voting
309 booth.

310
311 I. A ~~local electoral board~~ local electoral board or registrar may authorize in writing the
312 presence of additional neutral observers as it deems appropriate, except as otherwise prohibited
313 or limited by this section. Such observers shall comply with the restrictions in subsections A and
314 D and shall not be allowed in any case to provide assistance to any voter as permitted under §
315 24.2-649 or to wear any indication that they are authorized to assist voters either inside the
316 polling place or within 40 feet of any entrance to the polling place.

317
318 J. The officers of election shall permit representatives of the news media to visit and film
319 or photograph inside the polling place for a reasonable and limited period of time while the polls
320 are open. However, the media (i) shall comply with the restrictions in subsections A and D; (ii)

321 shall not film or photograph any person who specifically asks the media representative at that
322 time that he not be filmed or photographed; (iii) shall not film or photograph the voter or the
323 ballot in such a way that divulges how any individual voter is voting; and (iv) shall not film or
324 photograph the voter list or any other voter record or material at the precinct in such a way that it
325 divulges the name or other information concerning any individual voter. Any interviews with
326 voters, candidates or other persons, live broadcasts, or taping of reporters' remarks, shall be
327 conducted outside of the polling place and the prohibited area. The officers of election may
328 require any person who is found by a majority of the officers present to be in violation of this
329 subsection to leave the polling place and the prohibited area.

330

331 K. The provisions of subsections A and D shall not be construed to prohibit a person who
332 approaches or enters the polling place for the purpose of voting from wearing a shirt, hat, or
333 other apparel on which a candidate's name or a political slogan appears or from having a sticker
334 or button attached to his apparel on which a candidate's name or a political slogan appears. This
335 exemption shall not apply to candidates, representatives of candidates, or any other person who
336 approaches or enters the polling place for any purpose other than voting.

337

338 **§ 24.2-604.1. Signs for special entrances to polling places.**

339

340 ~~The electoral board~~ electoral board or director of elections shall provide and have posted
341 outside each polling place appropriate signs to direct people with disabilities and elderly persons
342 to any special entrance designed for their use.

343

344 **§ 24.2-609. Voting booths.**

345

346 Each ~~electoral board~~ electoral board or director of elections shall provide at each polling
347 place in its county or city one or more voting booths. At least one booth shall be an enclosure
348 which permits the voter to vote by printed ballot in secret and is equipped with a writing surface,
349 operative writing implements, and adequate lighting. Enclosures for voting equipment shall
350 provide for voting in secret and be adequately lighted. "Voting booth" includes enclosures for
351 voting printed ballots and for voting equipment.

352

353 **§ 24.2-610. Materials at polling places.**

354

355 A. The ~~State Board~~ Department shall provide copies of this title to each ~~electoral board~~
356 director of elections for each precinct in its county or city and each member of the electoral
357 board. The ~~electoral board~~ director of elections shall furnish a copy of this title to each precinct
358 for the use of the officers of election on election day.

359

360 B. Pursuant to subdivision A 7 of § 24.2-404, the ~~State Board~~ Department shall transmit
361 to the director of elections of each county and city pollbooks for each precinct in which the
362 election is to be held. The data elements printed or otherwise provided for each voter on the
363 pollbooks shall be uniform throughout the Commonwealth.

364

365 C. The electoral board, director of elections, and officers of election shall comply with
366 the requirements of this title and the instructions of the State Board and the Department of

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367 Elections to ensure that the pollbooks, ballots, voting equipment keys, and other materials and
368 supplies required to conduct the election are delivered to the polling place before 6:00 a.m. on
369 the day of the election and delivered to the proper official following the election.

370

371 **§ 24.2-611. Form and signing of pollbooks; records of persons voting; electronic**
372 **pollbooks.**

373

374 A. The following oath shall be on a form prescribed by the ~~State Board~~ Department,
375 administered to all officers of election, and kept by the officers of election with the pollbook:

376

377 "I do solemnly swear (or affirm) that I will perform the duties for this election according to law
378 and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse
379 in conducting this election."

380

381 The oath shall be administered to each officer of election by the director of elections, a
382 member of the electoral board, or an officer of election designated by the director of elections
383 and secretary of the electoral board, who shall be so identified on the form. The oath shall be
384 signed by each officer of election and the person administering the oath. The pollbook shall be
385 marked to identify the election for which it is used.

386

387 B. The ~~State Board~~ Department shall provide the pollbook pursuant to subdivision A 7 of
388 § 24.2-404. The pollbook shall (i) provide a space for the officer of election to record the name
389 and consecutive number of the voter at the time he offers to vote and (ii) be retained in

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390 accordance with the provisions governing pollbooks in this title. The ~~State Board~~ Department
391 shall make available a numerical check sheet required to be used with pollbooks in printed form
392 to determine the consecutive number to be recorded with the name of the voter by the officer of
393 election. In electronic pollbooks, the consecutive number shall be entered automatically when the
394 officer of election records that the voter has voted. When the name and number of the last
395 qualified voter have been entered on the pollbook, the officer of election responsible for that
396 pollbook shall sign a statement on the check sheet, or on a separate form if an electronic
397 pollbook is used, certifying the number of qualified registrants who have voted. The ~~State Board~~
398 Department shall provide instructions to the local electoral boards, director of elections, and
399 officers of election for the conduct of the election and for procedures for entering a voting record
400 for each voter and recording each voter's name, including voters unable to enter the polling
401 place, and for verifying the accurate entry of the voting record for each registrant on the Virginia
402 Voter Registration System. Notwithstanding any other provision of this title, for any election
403 held on or after November 1, 2010, all pollbooks provided by the ~~State Board~~ Department shall
404 be in electronic form only.

405

406 C. The ~~State Board~~ Department shall incorporate safeguards to assure that the records of
407 the election, including the pollbook, voter count sheets, or other alternative records, will provide
408 promptly an accurate and secure record of those who have voted.

409

410 D. Any locality may expend its own funds to purchase electronic pollbooks that have
411 been approved for use in elections by the State Board.

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413 E. In the event that the electronic pollbooks for a precinct fail to operate properly and no
414 alternative voter list or pollbook is available, the officers of election, in accordance with the
415 instructions and materials approved by the ~~State Board~~ Department, shall (i) maintain a written
416 list of the persons voting and (ii) provide to each person voting a provisional ballot to be cast as
417 provided in § 24.2-653.

418

419 **§ 24.2-612. List of offices and candidates filed with Department of Elections and**
420 **checked for accuracy; when ballots printed; number required.**

421

422 Immediately after the expiration of the time provided by law for a candidate for any
423 office to qualify to have his name printed on the official ballot and prior to printing the ballots
424 for an election, each ~~electoral board~~ director of elections shall forward to the Department of
425 Elections a list of the county, city, or town offices to be filled at the election and the names of all
426 candidates who have filed for each office. In addition, each ~~electoral board~~ director of elections
427 shall forward the name of any candidate who failed to qualify with the reason for his
428 disqualification. On that same day, the ~~electoral board~~ director of elections shall also provide a
429 copy of the notice to each disqualified candidate. The notice shall be sent by email or regular
430 mail to the address on the candidate's certificate of candidate qualification, and such notice shall
431 be deemed sufficient. The Department of Elections shall promptly advise the ~~electoral board~~
432 director of elections of the accuracy of the list. The failure of any ~~electoral board~~ director of
433 elections to send the list to the Department of Elections for verification shall not invalidate any
434 election.

435

436 Each ~~electoral board~~ director of elections shall have printed the number of ballots he
437 determines will be sufficient to conduct the election, subject to approval of the electoral board.

438
439 Notwithstanding any other provisions of this title, the Department of Elections may print
440 or otherwise provide one statewide paper ballot style for each paper ballot style in use for
441 presidential and vice-presidential electors for use only by persons eligible to vote for those
442 offices only under § 24.2-402 or only for federal elections under § 24.2-453. The Department of
443 Elections may apportion or authorize the printer or vendor to apportion the costs for these ballots
444 among the localities based on the number of ballots ordered. Any printer employed by the
445 Department of Elections shall execute the statement required by § 24.2-616. The Department of
446 Elections shall designate a representative to be present at the printing of such ballots and deliver
447 them to the appropriate ~~electoral boards~~ director of elections pursuant to § 24.2-617. Upon
448 receipt of such paper ballots, the ~~electoral board~~ electoral board or director of elections shall
449 affix ~~its~~ the electoral board seal. Thereafter, such ballots shall be handled and accounted for, and
450 the votes counted as the Department of Elections shall specifically direct.

451
452 The ~~electoral board~~ director of elections shall make printed ballots available for absentee
453 voting not later than 45 days prior to any election or within three business days of the receipt of a
454 properly completed absentee ballot application, whichever is later. In the case of a special
455 election, excluding for federal offices, if time is insufficient to meet the applicable deadline
456 established herein, then the ~~electoral board~~ director of elections shall make printed ballots
457 available as soon after the deadline as possible. For the purposes of this chapter, making printed
458 ballots available includes mailing of such ballots or electronic transmission of such ballots

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459 pursuant to § 24.2-706 to a qualified absentee voter who is eligible for an absentee ballot under
460 subdivision 2 of § 24.2-700. Not later than five days after absentee ballots are made available,
461 each ~~electoral board~~ director of elections shall report to the Department of Elections, in writing
462 on a form approved by the Department of Elections, whether ~~it~~ he has complied with the
463 applicable deadline.

464

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

467

468 The ~~electoral boards~~ director of elections shall send to the Department of Elections a
469 statement of the number of ballots ordered to be printed proofs of each printed ballot for
470 verification, and copies of each final ballot. If the Department of Elections finds that, in its
471 opinion, the number of ballots ordered to be printed by any local electoral board is not sufficient,
472 it may direct the ~~local board~~ registrar to order the printing of a reasonable number of additional
473 ballots.

474

475 **§ 24.2-614. Preparation and form of presidential election ballots.**

476

477 As soon as practicable after the seventy-fourth day before the presidential election, the
478 State Board shall certify to the ~~secretary~~ director of elections of each county and city ~~electoral~~
479 ~~board~~ the form of official ballot for the presidential election which shall be uniform throughout
480 the Commonwealth. Each ~~electoral board~~ director of elections shall have the official ballot
481 printed in time to begin sending ballots at least forty-five days preceding the election.

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482

483 The ballot shall contain the name of each political party and the party group name, if any,
484 specified by the persons naming electors by petition pursuant to § 24.2-543. Below the party
485 name in parentheses, the ballot shall contain the words "Electors for _____,
486 President and _____, Vice President" with the blanks filled in with the names of the
487 candidates for President and Vice President for whom the candidates for
488 electors are expected to vote in the Electoral College. A printed square shall precede the name of
489 each political party or party designation.

490

491 Groups of petitioners qualifying for a party name under § 24.2-543 shall be treated as a
492 class; the order of the groups shall be determined by lot by the State Board; and the groups shall
493 immediately precede the independent class on the ballot. The names of the candidates within the
494 independent class shall be listed alphabetically.

495

496 **§ 24.2-616. Duties of printer; statement; penalty.**

497 The printer contracting with or employed by the ~~electoral board~~ electoral board or
498 director of elections to print the ballots shall sign a statement before the work is commenced
499 agreeing, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he
500 will print the number of ballots requested by the ~~electoral board~~ electoral board or director of
501 elections in accordance with ~~its~~ the registrar's instructions; that he will print, and permit to be
502 printed, directly or indirectly, no more than that number; that he will at once destroy all
503 imperfect and perfect impressions other than those required to be delivered to the ~~electoral board~~
504 director of elections; that as soon as such number of ballots is printed he will distribute the type,

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505 if any, used for such work and that he will not communicate to anyone, in any manner, the size,
506 style, or contents of such ballots.

507

508 A similar statement shall be required of any employee or other person engaged in the
509 work.

510

511 **§ 24.2-617. Representative of electoral board to be present at printing; custody of**
512 **ballots; electoral board may disclose contents, style, and size.**

513

514 The ~~electoral board~~ electoral board or director of elections shall designate one person to
515 be continuously present in the room in which the ballots are printed from the start to the end of
516 the work and ensure that the undertakings of the printer's statement are complied with strictly.
517 For the discharge of this duty the person, other than a board member, shall receive at least twenty
518 dollars per day.

519

520 As soon as the ballots are printed they shall be securely wrapped and sealed, and the
521 designated person shall assure their delivery to the ~~electoral board~~ director of elections, allowing
522 no one to examine them until delivery.

523

524 The designated person shall sign a statement, subject to felony penalties for making false
525 statements pursuant to § 24.2-1016, that he has faithfully performed his duties, that the printer
526 has complied with the requirements of law, and that only the requested number of ballots have
527 been printed and are being delivered to the ~~electoral board~~ director of elections.

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528

529 This section shall not be construed to prohibit any ~~electoral board~~ electoral board or
530 director of elections from publishing or otherwise disclosing the contents, style, and size of
531 ballots, which information ~~electoral boards~~ electoral boards or director of elections are
532 authorized to publish or otherwise disclose.

533

534 **§ 24.2-618: Delivery of ballots ~~to electoral board~~; checking and recording number.**

535 The ~~electoral board~~ shall designate one of its members or employees or the general or an
536 assistant registrar ~~to~~ shall receive the ballots after they are printed. The ~~member of the board or~~
537 ~~other such designated person~~ general or assistant registrar shall certify the number of ballots
538 received. ~~This certificate shall be filed with the minutes of the board.~~ The director of elections
539 shall file this certificate with other materials for the election.

540

541 **§ 24.2-619. Sealing ballots.**

542 The ~~electoral board~~ shall designate one of its members or some other person to electoral
543 board or director of elections or his designee shall cause the seal of the board to be affixed in his
544 presence to every ballot printed as provided in this chapter. The seal shall be on the side reverse
545 from that on which the names of the candidates appear. The seal may be affixed on the ballot
546 either mechanically or manually. The ~~member of the board~~ member of the board or director of
547 elections or other person designated shall sign a statement, subject to felony penalties for making
548 false statements pursuant to § 24.2-1016, that the seal of the electoral board was affixed to the
549 ballots in his presence in the manner prescribed by law, setting forth the name of every person
550 taking part in the affixing of the seal, and stating that he has faithfully performed his duties. His

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551 statement shall be filed with the minutes of the board. For his services in causing the seal to be
552 affixed to the ballots, the person designated, other than a board member, general or assistant
553 registrar, shall receive at least twenty dollars per day.

554

555 Any person, ~~other than the secretary of the board,~~ designated to attend to the stamping of
556 to seal the ballots, shall return the seal to the secretary as soon as the ~~stamping of sealing the~~
557 ~~ballots~~ is completed.

558

559 Every person taking part in affixing the seal to the ballots or in placing the ballots in
560 packages shall give his statement, subject to felony penalties for making false statements
561 pursuant to § 24.2-1016, that he has faithfully performed his duties and that he will not divulge
562 to anyone the contents of the ballots or any part thereof. ~~These~~ The director of elections shall
563 retain these statements shall to be filed with the secretary of the board and ~~retained with the~~
564 ~~minutes of the board~~ minutes of the board.

565

566 **§ 24.2-620. Dividing ballots into packages for each precinct; delivery of absentee**
567 **ballots.**

568

569 ~~The electoral board~~ electoral board or director of elections shall cause to be made, in the
570 presence of at least one member of the board, or ~~an employee~~ designee of the board ~~or the~~
571 ~~general or an assistant registrar designated by the board,~~ one or more packages of ballots for each
572 precinct in the election district. Each package shall contain a number of ballots determined by the
573 ~~board~~ board or director of elections. Each of these packages shall be securely sealed in the

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574 presence of a member of the board or such designated person so that the ballots shall be
575 invisible, and so that the packages cannot be readily opened without detection. On each of the
576 packages shall be endorsed the name of the precinct for which it is intended and the number of
577 ballots therein contained. Thereafter the packages designated for each precinct shall be delivered
578 to the ~~secretary of the board~~ director of elections and remain in his exclusive possession until
579 delivered by him, or by ~~another~~ a board member, board employee designee, ~~the general or an~~ or
580 assistant registrar ~~designated by the board~~, to the officers of election of each precinct as provided
581 in § 24.2-621.

582
583 The electoral board shall ~~have~~ ensure that sufficient ballots for those offering to vote
584 absentee are delivered to the director of elections ~~and secretary of the electoral board~~ by the
585 deadline stated in § 24.2-612. Any such ballots remaining unused at the close of the polls on
586 election day shall be sent by the director of elections or the electoral board ~~and the secretary of~~
587 ~~the electoral board~~ to the clerk of the circuit court of the county or city.

588

589 **§ 24.2-621: Delivery of packages to officers; opening packages.**

590

591 Before every election, ~~the secretary of the electoral board, or another board member,~~
592 ~~board employee,~~ or a member of the electoral board or the general or an assistant registrar
593 ~~designated by the board~~, shall deliver to an officer of election of each precinct the official ballots
594 for that precinct and obtain a receipt for the package or packages and a certificate that the seals
595 are unbroken.

596

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597 Before opening the polls, the officers of election shall open the sealed package and carefully
598 count the ballots. If there is more than one package, additional packages shall be opened as
599 needed and the ballots counted as provided in this section.

600

601 **§ 24.2-626.1. Acquisition and use of accessible voting devices.**

602

603 The governing body of any county or city shall provide for the use of a voting or
604 counting system in all elections that shall:

605

606 1. Provide for at least one voting system equipped for individuals with disabilities at each
607 polling place, including nonvisual accessibility for the blind and visually impaired, in a manner
608 that provides the same opportunity for access and participation (including privacy and
609 independence) as for other voters; and

610

611 2. Provide alternative language accessibility when required by § 203 of the Voting Rights
612 Act of 1965 (52 U.S.C. § 10503).

613

614 **§ 24.2-627. Electronic voting or counting machines; number required.**

615

616 A. The governing body of any county or city that adopts for use at elections direct
617 recording electronic machines shall provide for each precinct at least the following number of
618 voting machines:

619

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620 In each precinct having not more than 750 registered voters, 1;

621

622 In each precinct having more than 750 but not more than 1,500 registered voters, 2;

623

624 In each precinct having more than 1,500 but not more than 2,250 registered voters, 3;

625

626 In each precinct having more than 2,250 but not more than 3,000 registered voters, 4;

627

628 In each precinct having more than 3,000 but not more than 3,750 registered voters, 5;

629

630 In each precinct having more than 3,750 but not more than 4,500 registered voters, 6;

631

632 In each precinct having more than 4,500 but not more than 5,000 registered voters, 7.

633

634 B. The governing body of any county or city that adopts for use at elections ballot

635 scanner machines shall provide for each precinct at least one voting booth with a marking device

636 for each 425 registered voters or portion thereof and shall provide for each precinct at least one

637 scanner. However, each precinct having more than 4,000 registered voters shall be provided with

638 not less than two scanners at a presidential election, unless the governing body, in consultation

639 with the director of elections and the electoral board, determines that a second scanner is not

640 necessary at any such precinct on the basis of voter turnout and the average wait time for voters

641 in previous presidential elections.

642

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643 C. The local electoral board of any county or city and director of elections shall be
644 authorized to conduct any May general election, primary election, or special election held on a
645 date other than a November general election with the number of voting or counting machines
646 they determines is appropriate for each precinct, notwithstanding the provisions of subsections A
647 and B.

648
649 D. For purposes of applying this section, ~~an electoral board~~ a director of elections may
650 exclude persons voting absentee in ~~its~~ his calculations, and if ~~it does~~ so, the ~~electoral board~~
651 director of elections shall send to the Department a statement of the number of voting systems to
652 be used in each precinct. If the ~~State Board~~ Department finds that the number of voting systems
653 is not sufficient, it may direct the local ~~board~~ registrar to use more voting systems.

654
655 **§ 24.2-631. Experimental use of voting systems and ballots prior to approval of the**
656 **system.**

657
658 The State Board is authorized to approve the experimental use of voting or counting
659 systems and ballots for the purpose of casting and counting absentee ballots in one or more
660 counties and cities designated by the Board (i) that have established central absentee voter
661 election districts and (ii) whose ~~electoral board~~ ~~electoral board~~ ~~or~~ director of elections
662 submits to the ~~Board~~ Department for approval a plan for the use of such system and ballots. The
663 Board is also authorized to approve the experimental use of voting or counting systems and
664 ballots in one or more precincts in any county or city whose ~~electoral board~~ ~~electoral board~~ ~~or~~

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665 and director of elections submits to the Board for approval a plan for such use. The use of such
666 systems and ballots at an election shall be valid for all purposes.

667

668 **§ 24.2-632. Voting equipment custodians.**

669 A. For the purpose of programming and preparing voting and counting equipment,
670 including the programming of any electronic activation devices or data storage media used to
671 program or operate the equipment, and maintaining, testing, calibrating, and delivering it, the
672 ~~electoral board~~ electoral board and director of elections shall employ one or more persons, to be
673 known as custodians of voting equipment. The custodians shall be fully competent, thoroughly
674 instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall
675 be appointed and instructed at least 30 days before each election. With the approval of the ~~State~~
676 ~~Board~~Department of Elections, the ~~electoral board~~ electoral board or director of elections may
677 contract with the voting equipment vendor or another contractor for the purpose of programming,
678 preparing and maintaining the voting equipment. The voting equipment custodians shall instruct
679 and supervise the vendor or contractor technicians and oversee the programming, testing,
680 calibrating and delivering of the equipment. The vendor or contractor technicians shall be sworn
681 to perform their duties honestly and faithfully and be informed of and subject to the
682 misdemeanor and felony penalties provided in §§ 24.2-1009 and 24.2-1010.

683

684 The final testing of the equipment prior to each election shall be done in the presence of
685 an electoral board member or a representative of the electoral board or the director of elections.
686 The ~~electoral board~~ electoral board or director of elections may authorize a representative to be
687 present at the final testing only if it is impracticable for ~~a board member~~ them to attend, and such

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688 representative shall in no case be the custodian or a vendor or contractor technician who was
689 responsible for programming the ballot software, electronic activation devices, or electronic data
690 storage media.

691

692 B. Notwithstanding the provisions of subsection A, the ~~local electoral board~~ director of
693 elections may assign a ~~board member~~ or an assistant registrar to serve as a custodian without pay
694 for such service. The ~~board member~~ or assistant registrar serving as custodian shall be fully
695 competent, thoroughly instructed, and sworn to perform his duties honestly and faithfully, and
696 for such purpose shall be appointed and instructed at least 30 days before each election.
697 Whenever the presence of an electoral board member or the director of elections and custodian is
698 required by the provisions of this title, the same person shall not serve in both capacities.

699

700 **§ 24.2-633. Notice of final testing of voting system; sealing equipment.**

701

702 Before the final testing of voting or counting machines for any election, the ~~electoral~~
703 ~~board~~ director of elections shall mail written notice (i) to the chairman of the local committee of
704 each political party, or (ii) in a primary election, to the chairman of the local committee of the
705 political party holding the primary, or (iii) in a city or town council election in which no
706 candidate is a party nominee and which is held when no other election having party nominees is
707 being conducted, to the candidates.

708

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709 The notice shall state the time and place where the machine will be tested and state that
710 the political party or candidate receiving the notice may have one representative present while
711 the equipment is tested.

712

713 At the time stated in the notice, the representatives, if present, shall be afforded an
714 opportunity to see that the equipment is in proper condition for use at the election. When a
715 machine has been so examined by the representatives, it shall be sealed with a numbered seal in
716 their presence, or if the machine cannot be sealed with a numbered seal, it shall be locked with a
717 key. The representatives shall certify for each machine the number registered on the protective
718 counter and the number on the seal. When no party or candidate representative is present, the
719 custodian shall seal the machine as prescribed in this section in the presence of a member of the
720 electoral board or the director of elections or ~~its~~ their representative.

721

722 **§ 24.2-634. Locking and securing after preparation.**

723 When voting equipment has been properly prepared for an election, it shall be locked
724 against voting and sealed, or if a voting or counting machine cannot be sealed with a numbered
725 seal, it shall be locked with a key. The equipment keys and any electronic activation devices
726 shall be retained in the custody of the ~~electoral board~~ director of elections and delivered to the
727 officers of election as provided in § 24.2-639. After the voting equipment has been delivered to
728 the polling places, the ~~electoral board~~ director of elections shall provide ample protection against
729 tampering with or damage to the equipment.

730

731 **§ 24.2-635. Demonstration of equipment.**

732 In each county, city, or town in which voting or counting equipment is to be used, the
733 ~~electoral board~~ electoral board or director of elections may designate times and places for the
734 exhibition of equipment containing sample ballots, showing the title of offices to be filled, and,
735 so far as practicable, the names of the candidates to be voted for at the next election for the
736 purpose of informing voters who request instruction on the use of the equipment. No equipment
737 shall be used for such instruction after being prepared and sealed for use in any election. During
738 exhibitions, the counting mechanism, if any, of the equipment may be concealed from view.

739

740 **§ 24.2-636. Instruction as to use of equipment.**

741 No fewer than three nor more than thirty days before each election, the ~~electoral board~~
742 electoral board or director of elections shall instruct, or cause to be instructed, on the use of the
743 equipment and his duties in connection therewith, each officer of election appointed to serve in
744 the election who has not previously been so instructed. The ~~board~~ electoral board or director of
745 elections shall not permit any person to serve as an officer who is not fully trained to conduct an
746 election properly with the equipment. This section shall not be construed to prevent the
747 appointment of a person as an officer of election to fill a vacancy in an emergency.

748

749 **§ 24.2-637. Furniture and equipment to be at polling places.**

750 Before the time to open the polls, each electoral board shall ensure that the director of
751 elections ~~shall have~~ has the voting and counting equipment and all necessary furniture and
752 materials at the polling places, with counters on the voting or counting devices set at zero (000),
753 and otherwise in good and proper order for use at the election.

754

755 The ~~board~~ director of elections shall have the custody of such equipment, furniture, and
756 materials when not in use at an election and shall maintain the equipment in accurate working
757 order and in proper repair.

758

759 **§ 24.2-638. Voting equipment to be in plain view; officers and others not permitted**
760 **to see actual voting; unlocking counter compartment of equipment, etc.**

761 During the election, the exterior of the voting equipment and every part of the polling
762 place shall be in plain view of the officers of election.

763

764 No voting or counting machines shall be removed from the plain view of the officers of
765 election or from the polling place at any time during the election and through the determination
766 of the vote as provided in § 24.2-657. However, an electronic voting machine that is so
767 constructed as to be easily portable may be taken outside the polling place pursuant to subsection
768 A of § 24.2-649 and to assist a voter age 65 or older or physically disabled so long as: (i) the
769 voting machine remains in the plain view of two officers of election representing two political
770 parties or, in a primary election, two officers of election representing the party conducting the
771 primary, provided that if the use of two officers for this purpose would result in too few officers
772 remaining in the polling place to meet legal requirements, the machine shall remain in plain view
773 of one officer who shall be either the chief officer or the assistant chief officer; (ii) the voter casts
774 his ballot in a secret manner unless the voter requests assistance pursuant to § 24.2-649; and (iii)
775 there remain sufficient officers of election in the polling place to meet legal requirements. After
776 the voter has completed voting his ballot, the officer or officers shall immediately return the
777 voting machine to its assigned location inside the polling place. The machine number, the time

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778 that the machine was removed and the time that it was returned, the number on the machine's
779 public counter before the machine was removed and the number on the same counter when it was
780 returned, the names of the voters who used the machine while it was removed provided that
781 secrecy of the ballot is maintained in accordance with guidance from the ~~State Board~~Department
782 of Elections, and the name or names of the officer or officers who accompanied the machine
783 shall be recorded on the statement of results. If a polling place fails to record the information
784 required in the previous sentence, or it is later proven that the information recorded was
785 intentionally falsified, the ~~local electoral board~~ electoral board or registrar shall dismiss at a
786 minimum the chief officer or the assistant chief officer, or both, as appropriate, and shall dismiss
787 any other officer of election who is shown to have caused the failure to record the required
788 information intentionally or by gross negligence or to have intentionally falsified the
789 information. The dismissed officers shall not be allowed thereafter to serve as an officer or other
790 election official anywhere in the Commonwealth. In the case of an emergency that makes a
791 polling place unusable or inaccessible, voting or counting machines may be removed to an
792 alternative polling place pursuant to the provisions of subsection D of § 24.2-310.

793

794 The equipment shall be placed at least four feet from any table where an officer of
795 election is working or seated. The officers of election shall not themselves be, or permit any
796 other person to be, in any position or near any position that will permit them to observe how a
797 voter votes or has voted.

798

799 One of the officers shall inspect the face of the voting machine after each voter has cast
800 his vote and verify that the ballots on the face of the machine are in their proper places and that

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801 the machine has not been damaged. During an election, the door or other covering of the counter
802 compartment of the voting or counting machine shall not be unlocked or open or the counters
803 exposed except for good and sufficient reasons, a statement of which shall be made and signed
804 by the officers of election and attached to the statement of results. No person shall be permitted
805 in or about the polling place except the voting equipment custodian, vendor, or contractor
806 technicians and other persons authorized by this title.

807

808 **§ 24.2-639. Duties of officers of election.**

809 The officers of election of each precinct at which voting or counting machines are used
810 shall meet at the polling place by 5:15 a.m. on the day of the election and arrange the equipment,
811 furniture, and other materials for the conduct of the election. The officers of election shall verify
812 that all required equipment, ballots, and other materials have been delivered to them for the
813 election. The officers shall post at least two instruction cards for direct recording electronic
814 machines conspicuously within the polling place.

815 The keys to the equipment and any electronic activation devices that are required for the
816 operation of electronic voting equipment shall be delivered, prior to the opening of the polls, to
817 the officer of election designated by the ~~electoral board~~ electoral board or director of elections in
818 a sealed envelope on which has been written or printed the name of the precinct for which it is
819 intended. The envelope containing the keys and any electronic activation devices shall not be
820 opened until all of the officers of election for the precinct are present at the polling place and
821 have examined the envelope to see that it has not been opened. The equipment shall remain
822 locked against voting until the polls are formally opened and shall not be operated except by
823 voters in voting.

824

825 Before opening the polls, each officer shall examine the equipment and see that no vote
826 has been cast and that the counters register zero. The officers shall conduct their examination in
827 the presence of the following party and candidate representatives: one authorized representative
828 of each political party or independent candidate in a general or special election, or one authorized
829 representative of each candidate in a primary election, if such representatives are available. Each
830 authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth.
831 Each representative, who is not himself a candidate or party chairman, shall present to the
832 officers of election a written statement designating him to be a representative of the party or
833 candidate and signed by the county or city chairman of his political party, the independent
834 candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable
835 to sign such a written designation, such a designation may be made by the state or district
836 chairman of the political party. However, no written designation made by a state or district
837 chairman shall take precedence over a written designation made by the county or city chairman.
838 Such statement, bearing the chairman's or candidate's original signature, may be photocopied and
839 such photocopy shall be as valid as if the copy had been signed.

840

841 If any counter, other than a protective or private counter, on a ballot scanner or direct
842 recording electronic machine is found not to register zero, the officers of election shall
843 immediately notify the ~~electoral board~~ which director of elections who shall, if possible,
844 substitute a machine in good working order, that has been prepared and tested pursuant to § 24.2-
845 634. No ballot scanner or direct recording electronic machine shall be used if any counter, other
846 than a protective or private counter, is found not to register zero.

847

848 **§ 24.2-641. Sample ballot.**

849 The ~~electoral board~~ electoral board or director of elections shall provide for each precinct
850 in which any voting or counting machines are used, two sample ballots, which shall be arranged
851 as a diagram of the front of the voting or counting machine as it will appear with the official
852 ballot for voting on election day. Such sample ballots shall be posted for public inspection at
853 each polling place during the day of election.

854

855 **§ 24.2-642. Inoperative equipment.**

856 A. When any voting or counting machine becomes inoperative in whole or in part while
857 the polls are open, the officers of election shall immediately notify the ~~electoral board~~ electoral
858 board or director of elections. If possible, the ~~electoral board~~ electoral board or director of
859 elections shall dispatch a qualified technician to the polling place to repair the inoperative
860 machine. All repairs shall be made in the presence of two officers of election representing the
861 two political parties or, in the case of a primary election for only one party, two officers
862 representing that party. If the machine cannot be repaired on site, the ~~electoral board~~ director of
863 elections shall, if possible, substitute a machine in good order for the inoperative machine and at
864 the close of the polls the record of both machines shall be taken and the votes shown on their
865 counters shall be added together in ascertaining the results of the election.

866

867 No voting or counting machines, including inoperative machines, shall be removed from
868 the plain view of the officers of election or from the polling place at any time during the election

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869 and through the determination of the vote as provided in § 24.2-657 except as explicitly provided
870 pursuant to the provisions of this title.

871

872 No voting or counting machine that has become inoperative and contains votes may be
873 removed from the polling place while the polls are open and votes are being ascertained. If the
874 officers of election are unable to ascertain the results from the inoperative machine after the polls
875 close in order to add its results to the results from the other machines in that precinct, the officers
876 of election shall lock and seal the machine without removing the memory card, cartridge, or data
877 storage medium and deliver the machine to either the clerk of court or registrar's office as
878 provided for in § 24.2-659. On the day following the election, the electoral board shall meet and
879 ascertain the results from the inoperative machine in accordance with the procedures prescribed
880 by the machine's manufacturer and add the results to the results for the precinct to which the
881 machine was assigned.

882

883 Nothing in this subsection shall prohibit the removal of an inoperative machine from a
884 precinct prior to the opening of the polls or the first vote being cast on that machine. Any
885 machine so removed shall be placed in the custody of an authorized custodian, technician,
886 director of elections or electoral board representative. If the inoperative machine can be repaired,
887 it shall be retested and resealed pursuant to § 24.2-634 and may be returned to the precinct by an
888 authorized custodian, technician, director of elections or electoral board representative. The
889 officers of election shall then open the machine pursuant to § 24.2-639.

890

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891 B. In any precinct that uses a ballot that can be read without the use of the ballot scanner
892 machine, if the ballot scanner machine becomes inoperative and there is no other available
893 scanner, the uncounted ballots shall be placed in a ballot container or compartment that is used
894 exclusively for uncounted ballots. If an operative scanner is available in the polling place after
895 the polls have closed, such uncounted ballots shall be removed from the container and fed into
896 the scanner, one at a time, by an officer of election in the presence of all persons who may be
897 lawfully present at that time but before the votes are determined pursuant to § 24.2-657. If such a
898 scanner is not available, the ballots may be counted manually or as directed by the electoral
899 board.

900

901 C. An officer of election may have copies of the official paper ballot reprinted or
902 reproduced by photographic, electronic, or mechanical processes for use at the election if (i) the
903 inoperative machine cannot be repaired in time to continue using it at the election, (ii) a
904 substitute machine is needed to conduct the election but is not available for use, (iii) the supply
905 of official printed ballots that can be cast without use of the inoperative machine is not adequate,
906 and (iv) the local electoral board approves the reprinting or reproducing of the official paper
907 ballot. The voted ballot copies may be received by the officers of election and placed in the
908 ballot container and counted with the votes registered on the voting or counting machines, and
909 the result shall be declared the same as though no machine has been inoperative. The voted ballot
910 copies shall be deemed official ballots for the purpose of § 24.2-665 and preserved and returned
911 with the statement of results and with a certificate setting forth how and why the same were
912 voted. The officer of election who had the ballot copies made shall provide a written statement of

913 the number of copies made, signed by him and subject to felony penalties for making false
914 statements pursuant to § 24.2-1016, to be preserved with the unused ballot copies.

915

916 **§ 24.2-647. Voting systems; demonstration on election day.**

917

918 The ~~electoral board~~ director of elections shall provide at each polling place on election day, for
919 the voting system in use, a model of or materials displaying a portion of its ballot face. The
920 model or materials shall be located on the table of one of the officers or in some other place
921 accessible to the voters. An officer of election shall instruct any voter who requests instruction
922 before voting on the proper manner of voting. The officer may direct the voter's attention to
923 sample ballots so that the voter may become familiar with the location of questions and names of
924 offices and candidates.

925

926 For ballot scanner machines, an officer of election, using a demonstration ballot and machine,
927 shall show each voter who requests, immediately on entry to the polling place, the manner in
928 which the ballot is to be voted.

929

930 If any voter, after entering the voting booth, asks for further instructions concerning the
931 manner of voting, two of the officers from different political parties shall give such instructions
932 to him, but no officer shall in any manner request or seek to persuade or induce any such voter to
933 vote for or against any particular ticket, candidate, or question. After giving such instructions and
934 before the voter votes, the officers shall leave the voting booth, and the voter shall cast his ballot
935 in secret.

936

937 **§ 24.2-659. Locking voting and counting machines after election and delivering keys**
938 **to clerk; printed returns as evidence.**

939

940 A. If the voting or counting machine is secured by the use of equipment keys, after the
941 officers of election lock and seal each machine, the equipment keys shall be enclosed in an
942 envelope that shall be sealed and have endorsed thereon a certificate of an officer of election
943 stating the election precinct, the number of each machine, the number on the seal, and the
944 number of the protective counter, if one, on the machine. The sealed envelope shall be delivered
945 by one of the officers of the election to the clerk of the circuit court where the election was held.
946 The custodians of the voting equipment shall enclose and seal in an envelope, properly endorsed,
947 all other keys to all voting equipment in their jurisdictions and deliver the envelope to the clerk
948 of the circuit court by noon on the day following the election. If the voting or counting machines
949 are secured by the use of equipment keys or electronic activation devices that are not specific to
950 a particular machine, after the officers of election lock and seal each machine, the equipment
951 keys and electronic activation devices shall be enclosed in an envelope that shall be sealed and
952 have endorsed thereon a certificate of an officer of election stating the election precinct. The
953 sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit
954 court where the election was held.

955

956 If the voting or counting machine is secured by removal of the data storage device used in
957 that election, the officers shall remove the data storage device and proceed to lock and seal each
958 machine. The data storage device shall be enclosed in an envelope that shall be sealed and have

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959 endorsed thereon a certificate of an officer of election stating the election precinct, the number of
960 each machine, the number on the seal, and the number of the protective counter, if one, on the
961 machine. The sealed envelope shall be delivered by one of the officers of election to the clerk of
962 the circuit court where the election was held. The equipment keys used at the polls shall be
963 sealed in a different envelope and delivered to the clerk who shall release them to the ~~electoral~~
964 ~~board~~ director of elections upon request or at the expiration of the time specified by this section.

965
966 If the voting or counting machine provides for the creation of a separate master electronic
967 back-up on a data storage device that combines the data for all of the voting or counting
968 machines in a given precinct, that data storage device shall be enclosed in an envelope that shall
969 be sealed and have endorsed thereon a certificate of an officer of election stating the name of the
970 precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of
971 the circuit court where the election was held. The data storage device for the individual machines
972 may remain sealed in its individual machine until the expiration of the time specified by this
973 section. The equipment keys and the electronic activation devices used at the polls shall be
974 sealed together in a separate envelope and delivered to the clerk who shall release them to the
975 ~~electoral board~~ electoral board or director of elections upon request or at the expiration of the
976 time specified by this section.

977
978 The voting and counting machines shall remain locked and sealed until the deadline to
979 request a recount under Chapter 8 (§ 24.2-800 et seq.) has passed and, if any contest or recount is
980 pending thereafter, until it has been concluded. The machines shall be opened and all data
981 examined only (i) on the order of a court of competent jurisdiction or (ii) on the request of an

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982 authorized representative of the ~~State Board~~ Commissioner or the ~~electoral board~~ electoral board
983 or director of elections at the direction of the ~~State Board~~ Commissioner in order to ensure the
984 accuracy of the returns. In the event that machines are examined under clause (ii) of this
985 paragraph, each political party and each independent candidate on the ballot, or each primary
986 candidate, shall be entitled to have a representative present during such examination. The
987 representatives and observers lawfully present shall be prohibited from interfering with the
988 officers of election in any way. The ~~State Board~~ Commissioner or ~~local electoral board~~ director
989 of elections shall provide such parties and candidates reasonable advance notice of the
990 examination.

991

992 When recounts occur in precincts using direct recording electronic machines with printed
993 return sheets, the printed return sheets delivered to the clerk may be used as the official evidence
994 of the results.

995

996 When the required time has expired, the clerk of the circuit court shall return all voting
997 equipment keys to the electoral board.

998

999 B. The ~~local electoral board~~ electoral board or director of elections may direct that the
1000 officers of election and custodians, in lieu of conveying the sealed equipment keys to the clerk of
1001 the circuit court as provided in subsection A, shall convey them to the principal office of the
1002 director of elections on the night of the election. The director of elections shall secure and retain
1003 the sealed equipment keys and any other electronic locking or activation devices in his office and

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1004 shall convey them to the clerk of the court by noon of the day following the ascertainment of the
1005 results of the election by the electoral board.

1006

1007 **§ 24.2-668. Pollbooks, statements of results, and ballots to be sealed and delivered to**
1008 **clerk or director of elections.**

1009

1010 A. After ascertaining the results and before adjourning, the officers shall put the
1011 pollbooks, the duplicate statements of results, and any printed inspection and return sheets in the
1012 envelopes provided by the ~~State Board~~Department of Elections. The officers shall seal the
1013 envelopes and direct them to the clerk of the circuit court for the county or city. The pollbooks,
1014 statements, and sheets thus sealed and directed, the sealed counted ballots envelope or container,
1015 and the unused, defaced, spoiled and set aside ballots properly accounted for, packaged and
1016 sealed, shall be conveyed by one of the officers to be determined by lot, if they cannot otherwise
1017 agree, to the clerk of court by noon on the day following the election.

1018

1019 The clerk shall retain custody of the pollbooks, paper ballots, and other elections
1020 materials until the time has expired for initiating a recount, contest, or other proceeding in which
1021 the pollbooks, paper ballots, and other elections materials may be needed as evidence and there
1022 is no proceeding pending. The clerk shall (i) secure all pollbooks, paper ballots and other
1023 election materials in sealed boxes; (ii) place all of the sealed boxes in a vault or room not open to
1024 the public or to anyone other than the clerk and his staff; (iii) cause such vault or room to be
1025 securely locked except when access is necessary for the clerk and his staff; and (iv) upon the

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1026 initiation of a recount, certify that these security measures have been taken in whatever form is
1027 deemed appropriate by the chief judge.

1028

1029 After that time the clerk shall deliver the pollbooks to the director of elections who shall
1030 return the pollbooks or transfer a copy of the electronic data to the ~~State Board~~ Department as
1031 directed by § 24.2-114 for voting credit purposes. ~~After the pollbooks are returned by the State~~
1032 ~~Board Department, the~~ The director of elections shall retain the pollbooks in his principal office
1033 for two years from the date of the election. The clerk shall retain the statement of results and any
1034 printed inspection and return sheets for two years and may then destroy them.

1035

1036 B. The local ~~electoral board~~ electoral board or director of elections may direct that the
1037 officers of election, in lieu of conveying the materials to the clerk of the circuit court as provided
1038 in subsection A of this section, shall convey the materials to the principal office of the director of
1039 elections on the night of the election or the morning following the election as the board directs.
1040 The director of elections shall secure and retain the materials in his office and shall convey to the
1041 clerk of the court, by noon of the day following the ascertainment of the results of the election by
1042 the electoral board, all of the election materials. The director of elections shall retain for public
1043 inspection one copy of the statement of results.

1044

1045 C. If an electronic pollbook is used, the data disc or cartridge containing the electronic
1046 records of the election, or, alternately, a printed copy of the pollbook records of those who voted,
1047 shall be transmitted, sealed and retained as required by this section, and otherwise treated as the
1048 pollbook for that election for all purposes subsequent to the election. Nothing in this title shall be

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1049 construed to require that the equipment or software used to produce the electronic pollbook be
1050 sealed or retained along with the pollbook, provided that the records for the election have been
1051 transferred or printed according to the instructions of the ~~State Board~~ Department.

1052

1053 **§ 24.2-683. Writ for special election to fill a vacancy.**

1054 Whenever the Governor, Speaker of the House, President pro tempore of the Senate, or
1055 either house of the General Assembly orders a special election, he, or the person designated to
1056 act for the house, shall issue a writ of election designating the office to be filled at the election
1057 and the time to hold the election. He shall transmit the writ to the ~~secretary of the electoral board~~
1058 secretary of the electoral board and director of elections of each county or city in which the
1059 election is to be held. Each ~~secretary~~ registrar shall post a copy of the writ on the official website
1060 for the county or city or at not less than 10 public places or have notice of the election published
1061 once in a newspaper of general circulation in his jurisdiction at least 10 days before the election.
1062 If the special election is held in more than one county or city, the ~~secretaries~~ secretaries and
1063 registrars may act jointly to have the notice published once before the election in the affected
1064 jurisdictions.

1065

1066 Whenever a special election is ordered to fill a vacancy otherwise than under the preceding
1067 paragraph, the officer ordering the election shall issue his writ of election at the time the vacancy
1068 occurs, designating the office to be filled at the election and the time and place to hold the
1069 election. He shall direct and transmit the writ to the ~~secretary of the electoral board~~ secretary of
1070 the electoral board and director of elections of each county or city in which the election is to be
1071 held. The ~~secretary~~ secretary or registrar, or ~~secretaries~~ secretaries or registrars if the election

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1072 will be held in more than one county or city, shall proceed to cause public notice to be given of
1073 the election in the same manner as is required in the preceding paragraph.

1074 A copy of any order calling a special election to fill a vacancy shall be sent immediately
1075 to the ~~State Board~~Department.

1076

1077 **§ 24.2-684. How referendum elections called and held, and the results ascertained**
1078 **and certified.**

1079 Notwithstanding any other provision of any law or charter to the contrary, the provisions
1080 of this section shall govern all referenda.

1081 No referendum shall be placed on the ballot unless specifically authorized by statute or
1082 by charter.

1083 Whenever any question is to be submitted to the voters of any county, city, town, or other
1084 local subdivision, the referendum shall in every case be held pursuant to a court order as
1085 provided in this section. The court order calling a referendum shall state the question to appear
1086 on the ballot in plain English as that term is defined in § 24.2-687. The order shall be entered and
1087 the election held within a reasonable period of time subsequent to the receipt of the request for
1088 the referendum if the request is found to be in proper order. The court order shall set the date for
1089 the referendum in conformity with the requirements of § 24.2-682.

1090 A copy of the court order calling a referendum shall be sent immediately to the ~~State~~
1091 ~~Board~~Department by the clerk of the court in which the order was issued.

1092 The ballot shall be prepared by the appropriate ~~electoral board~~director of elections and
1093 distributed to the appropriate precincts. On the day fixed for the referendum, the regular election

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1094 officers shall open the polls and take the sense of the qualified voters of the county, city, town, or
1095 other local subdivision, as the case may be, on the question so submitted. The ballots for use at
1096 any such election shall be printed to state the question as follows:

1097 "(Here state briefly the question submitted)

1098 [] Yes

1099 [] No"

1100 The ballots shall be printed, marked, and counted and returns made and canvassed as in other
1101 elections. The results shall be certified by the secretary of the appropriate electoral board to the
1102 ~~State Board~~ Department, to the court ordering the election, and to such other authority as may be
1103 proper to accomplish the purpose of the election.

1104 **§ 24.2-712. Central absentee voter precincts; counting ballots.**

1105

1106 A. Notwithstanding any other provision of law, the governing body of each county or city
1107 may establish one or more central absentee voter precincts in the courthouse or other public
1108 buildings for the purpose of receiving, counting, and recording absentee ballots cast in the county
1109 or city. The decision to establish any absentee voter precinct shall be made by the governing
1110 body by ordinance; the ordinance shall state for which elections the precinct shall be used. The
1111 decision to abolish any absentee voter precinct shall be made by the governing body by
1112 ordinance. Immediate notification of either decision shall be sent to the Department of Elections
1113 and the electoral board.

1114

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1115 B. Each central absentee voter precinct shall have at least three officers of election as
1116 provided for other precincts. The number of officers shall be determined by the ~~electoral board~~
1117 electoral board and director of elections.

1118
1119 C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day
1120 of the election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the
1121 director of elections on or before the day of the election, he shall be allowed to vote it, and his
1122 ballot shall be delivered to the absentee voter precinct pursuant to § 24.2-710.

1123
1124 The officers at the absentee voter precinct shall determine any appeal by any other voter
1125 whose name appears on the absentee voter applicant list and who offers to vote in person. If the
1126 officers at the absentee voter precinct produce records showing the receipt of his application and
1127 the certificate or other evidence of mailing for the ballot, they shall deny his appeal. If the
1128 officers cannot produce such records, the voter shall be allowed to vote in person at the absentee
1129 voter precinct and have his vote counted with other absentee votes. If the voter's appeal is
1130 denied, the provisions of § 24.2-708 shall be applicable, and the officers shall advise the voter
1131 that he may vote on presentation of a statement signed by him that he has not received an
1132 absentee ballot and subject to felony penalties for making false statements pursuant to § 24.2-
1133 1016.

1134
1135 D. Absentee ballots may be processed as required by § 24.2-711 by the officers of
1136 election at the central absentee voter precinct prior to the closing of the polls but the ballot
1137 container shall not be opened and the counting of ballots shall not begin prior to that time. In the

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1138 case of machine-readable ballots, the ballot container may be opened and the absentee ballots
1139 may be inserted in the counting machines prior to the closing of the polls in accordance with
1140 procedures prescribed by the Department of Elections, including procedures to preserve ballot
1141 secrecy, but no ballot count totals shall be initiated prior to that time.

1142

1143 As soon as the polls are closed in the county or city the officers of election at the central
1144 absentee voter precinct shall proceed promptly to ascertain and record the vote given by absentee
1145 ballot and report the results in the manner provided for counting and reporting ballots generally
1146 in Article 4 (§ 24.2-643 et seq.) of Chapter 6.

1147

1148 E. The ~~electoral board~~ electoral board or director of elections may provide that the
1149 officers of election for a central absentee voter precinct may be assigned to work all or a portion
1150 of the time that the precinct is open on election day subject to the following conditions:

1151

1152 1. The chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to
1153 represent the two political parties, are on duty at all times; and

1154

1155 2. No officer, political party representative, or other candidate representative shall leave
1156 the precinct after any ballots have been counted until the polls are closed and the count for the
1157 precinct is completed and reported.

1158

1159 F. The director of elections may provide that the central absentee voter precinct will open
1160 after 6:00 a.m. on the day of the election provided that the office of the director of elections will

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1161 be open for the receipt of absentee ballots until the central absentee voter precinct is open and
1162 that the officers of election for the central absentee voter precinct obtain the absentee ballots
1163 returned to the director of elections' office for the purpose of counting the absentee ballots at the
1164 central absentee voter precinct and provided further that the central absentee voter precinct is the
1165 same location as the office of the director of elections.

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