

1 A BILL to amend and reenact §§ 24.2-115, 24.2-115.1, 24.2-117, 24.2-310, 24.2- 406,
2 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, 24.2-
3 617, 24.2-618, 24.2-619, 24.2-620, 24.2-621, 24.2-627, 24.2-631, 24.2-632, 24.2-633,
4 24.2-634, 24.2-635, 24.2-636, 24.2-637, 24.2-638, 24.2-639, 24.2-641, 24.2-642, 24.2-
5 647, 24.2-659, 24.2-668, 24.2-683, 24.2-684, and 24.2-712 of the Code of Virginia,
6 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, 24.2-310, 24.2-406, 24.2-604, 24.2-604.1, 24.2-**
11 **609, 24.2-610, 24.2-611, 24.2-612, 24.2-614, 24.2-616, 24.2-617, 24.2-618, 24.2-619, 24.2-**
12 **620, 24.2-621, 24.2-627, 24.2-631, 24.2-632, 24.2-633, 24.2-634, 24.2-635, 24.2-636, 24.2-**
13 **637, 24.2-638, 24.2-639, 24.2-641, 24.2-642, 24.2-647, 24.2-659, 24.2-668, 24.2-683, 24.2-**
14 **684, and 24.2-712 of the Code of Virginia are amended and reenacted as follows:**

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16 **§ 24.2-115. Appointment, qualifications, and terms of officers of election.**

17 Each electoral board at its regular meeting in the first week of February of the year in
18 which the terms of officers of election are scheduled to expire shall appoint officers of election.
19 Their terms of office shall begin on March 1 following their appointment and continue, at the
20 discretion of the electoral board, for a term not to exceed three years or until their successors are

21 appointed. The director of elections shall prepare, and submit to the electoral board, a plan to
22 ensure adequate numbers of trained officers of election are available to serve in each election.

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

39

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

44 only one political party, persons representing the political party holding the primary shall serve
45 as the officers of election if possible.

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

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61 The electoral board shall ensure that each chief officer and assistant is instructed in his
62 duties not less than three nor more than 30 days before each election. Each officer of election
63 may be instructed in his duties at an appropriate time or times before each November general
64 election, and training of the officers of election shall be conducted consistent with the standards
65 set by the State Board pursuant to subsection B of § 24.2-103. Each electoral board shall ensure

66 that the director of elections certify to the State Board that such training of all officers of
67 elections has been conducted every four years.

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

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

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

82

83 The secretary of the electoral board or director of elections shall prepare a list of the
84 officers of election that shall be available for inspection and posted in the director of elections'
85 office prior to March 1 each year. Whenever substitute or additional officers are appointed, the
86 secretary or director of elections shall promptly add the names of the appointees to the public
87 list. Upon request and at a reasonable charge not to exceed the actual cost incurred, the secretary
88 or director of elections shall provide a copy of the list of the officers of election, including their

89 party designation and precinct to which they are assigned, to any requesting political party or
90 candidate.

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92 **§ 24.2-115.1. Officers of election; hours of service.**

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

104

105 **§ 24.2-117. Request for removal of officer of election.**

106 A candidate may require the removal of an officer of election for the election in which he
107 is a candidate by a request in writing, filed at least seven days before the election with the
108 electoral board appointing the officer, on the grounds that the officer is the spouse, parent,
109 grandparent, sibling, child, or grandchild of an opposing candidate. A member of the electoral
110 board may also request the removal of an officer of election whom he knows to be the spouse,
111 parent, grandparent, sibling, child, or grandchild of a candidate in the election by a request in

112 writing, filed at least seven days before the election with the electoral board. The electoral board
113 shall ensure that a different officer is assigned to work at the precinct to comply with a timely
114 written request under this section.

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117 **§ 24.2-310. Requirements for polling places.**

118 A. The polling place for each precinct shall be located within the county or city and either
119 within the precinct or within one mile of the precinct boundary. The polling place for a county
120 precinct may be located within a city (i) if the city is wholly contained within the county election
121 district served by the precinct or (ii) if the city is wholly contained within the county and the
122 polling place is located on property owned by the county. The polling place for a town precinct
123 may be located within one mile of the precinct and town boundary. For town elections held in
124 November, the town shall use the polling places established by the county for its elections.

125

126 B. The governing body of each county, city, and town shall provide funds to enable the
127 director of elections to provide adequate facilities at each polling place for the conduct of
128 elections. Each polling place shall be located in a public building whenever practicable. If more
129 than one polling place is located in the same building, each polling place shall be located in a
130 separate room or separate and defined space.

131

132 C. Polling places shall be accessible to qualified voters as required by the provisions of
133 the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly
134 and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act

135 relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions
136 to the local electoral boards and director of elections to assist the localities in complying with the
137 requirements of the Acts.

138

139 D. If an emergency makes a polling place unusable or inaccessible, the electoral board or
140 director of elections shall provide an alternative polling place and give notice of the change in
141 polling place, including to all candidates, or such candidate's campaign, appearing on the ballot
142 to be voted at the alternative polling place, subject to the prior approval of the State Board. The
143 director of elections shall provide notice to the voters appropriate to the circumstances of the
144 emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen
145 combination of circumstances, or the resulting state, that calls for immediate action.

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147 E. It shall be permissible to distribute campaign materials on the election day on the
148 property on which a polling place is located and outside of the building containing the room
149 where the election is conducted except as specifically prohibited by law including, without
150 limitation, the prohibitions of § 24.2-604 and the establishment of the "Prohibited Area" within
151 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of
152 clause (i) of subsection A of § 24.2-604, and upon the approval of the local electoral board,
153 campaign materials may be distributed outside the polling place and inside the structure where
154 the election is conducted, provided that the "Prohibited Area" (i) includes the area within the
155 structure that is beyond 40 feet of any entrance to the polling place and the area within the
156 structure that is within 40 feet of any entrance to the room where the election is conducted and
157 (ii) is maintained and enforced as provided in § 24.2-604. The local electoral board may approve

158 campaigning activities inside the building where the election is conducted when an entrance to
159 the building is from an adjoining building, or if establishing the 40-foot prohibited area outside
160 the polling place would hinder or delay a qualified voter from entering or leaving the building.

161

162 F. Any local government, local electoral board, or the State Board may make monetary
163 grants to any non-governmental entity furnishing facilities under the provisions of § 24.2-307 or
164 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the
165 accessibility requirements of this section. Nothing in this subsection shall be construed to
166 obligate any local government, local electoral board, or the State Board to appropriate funds to
167 any non-governmental entity.

168

169 **§ 24.2-406. Lists of persons voting at elections.**

170 A. The Department of Elections shall furnish, at a reasonable price, lists of persons who
171 voted at any primary, special, or general election held in the four preceding years to (i)
172 candidates for election or political party nomination to further their candidacy, (ii) political party
173 committees or officials thereof for political purposes only, (iii) political action committees that
174 have filed a current statement of organization with the Department of Elections pursuant to §
175 24.2-949.2 or with the Federal Elections Commission pursuant to federal law, for political
176 purposes only, (iv) incumbent officeholders to report to their constituents, and (v) members of
177 the public or a nonprofit organization seeking to promote voter participation and registration by
178 means of a communication or mailing without intimidation or pressure exerted on the recipient,
179 for that purpose only. Such lists shall be furnished to no one else and shall be used only for
180 campaign and political purposes and for reporting to constituents. Unless such lists are not

181 available due to a pending recount or election contest, the director of elections shall submit the
182 list of persons who voted to the Department of Elections within 14 days after each election. The
183 director of elections of localities using nonelectronic pollbooks shall submit the list of persons
184 who voted to the Department of Elections within seven days after the pollbooks are released
185 from the possession of the clerk of court. The Department of Elections shall make available such
186 lists no later than seven days after receiving them from the director of elections.

187 B. The Department of Elections shall furnish to the Chief Election Officer of another
188 state, on request and at a reasonable price, lists of persons who voted at any primary, special, or
189 general election held for the four preceding years. Such lists shall be used only for the purpose of
190 maintenance of voter registration systems and shall be transmitted in accordance with security
191 policies approved by the State Board of Elections.

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

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

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202 **§ 24.2-604. Prohibited activities at polls; notice of prohibited area; electioneering;**
203 **presence of representatives of parties or candidates; simulated elections; observers;**
204 **news media; penalties.**

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

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212 B. Prior to opening the polls, the officers of election shall post, in the area within 40 feet
213 of any entrance to the polling place, sufficient notices which state "Prohibited Area" in two-inch
214 type. The notices shall also state the provisions of this section in not less than 24-point type. The
215 officers of election shall post the notices within the prohibited area to be visible to voters and the
216 public.

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218 C. The officers of election shall permit one authorized representative of each political
219 party or independent candidate in a general or special election, or one authorized representative
220 of each candidate in a primary election, to remain in the room in which the election is being
221 conducted at all times. A representative may serve part of the day and be replaced by successive
222 representatives. The officers of election shall have discretion to permit up to three authorized
223 representatives of each political party or independent candidate in a general or special election,
224 or up to three authorized representatives of each candidate in a primary election, to remain in the

225 room in which the election is being conducted. The officers shall permit one such representative
226 for each pollbook station. However, no more than one such representative for each pollbook
227 station or three representatives of any political party or independent candidate, whichever
228 number is larger, shall be permitted in the room at any one time. Each authorized representative
229 shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative shall
230 present to the officers of election a written statement designating him to be a representative of
231 the party or candidate and signed by the county or city chairman of his political party, the
232 independent candidate, or the primary candidate, as appropriate. If the county or city chairman is
233 unavailable to sign such a written designation, such a designation may be made by the state or
234 district chairman of the political party. However, no written designation made by a state or
235 district chairman shall take precedence over a written designation made by the county or city
236 chairman. Such statement, bearing the chairman's or candidate's original signature, may be
237 photocopied, and such photocopy shall be as valid as if the copy had been signed. No candidate
238 whose name is printed on the ballot shall serve as a representative of a party or candidate for
239 purposes of this section. Authorized representatives shall be allowed, whether in a regular
240 polling place or central absentee voter precinct, to be close enough to the voter check-in table to
241 be able to hear and see what is occurring; however, such observation shall not violate the secret
242 vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with
243 the orderly process of the election. Any representative who complains to the chief officer of
244 election that he is unable to hear or see the process may accept the chief officer's decision or, if
245 dissatisfied, he may immediately appeal the decision to the local electoral board or director of
246 elections. Authorized representatives shall be allowed, whether in a regular polling place or
247 central absentee voter precinct, to use a handheld wireless communications device, but shall not

248 be allowed to use such a device to capture a digital image inside the polling place or central
249 absentee voter precinct. The officers of election may prohibit the use of cellular telephones or
250 other handheld wireless communications devices if such use will result in a violation of
251 subsection A or D or § 24.2-607. Authorized representatives shall not be allowed in any case to
252 provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they
253 are authorized to assist voters either inside the polling place or within 40 feet of any entrance to
254 the polling place.

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256 D. It shall be unlawful for any authorized representative, voter, or any other person in the
257 room to (i) hinder or delay a qualified voter; (ii) give, tender, or exhibit any ballot, ticket, or
258 other campaign material to any person; (iii) solicit or in any manner attempt to influence any
259 person in casting his vote; (iv) hinder or delay any officer of election; (v) be in a position to see
260 the marked ballot of any other voter; or (vi) otherwise impede the orderly conduct of the
261 election.

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

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

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

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

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

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301 J. The officers of election shall permit representatives of the news media to visit and film
302 or photograph inside the polling place for a reasonable and limited period of time while the polls
303 are open. However, the media (i) shall comply with the restrictions in subsections A and D; (ii)
304 shall not film or photograph any person who specifically asks the media representative at that
305 time that he not be filmed or photographed; (iii) shall not film or photograph the voter or the
306 ballot in such a way that divulges how any individual voter is voting; and (iv) shall not film or
307 photograph the voter list or any other voter record or material at the precinct in such a way that it
308 divulges the name or other information concerning any individual voter. Any interviews with
309 voters, candidates or other persons, live broadcasts, or taping of reporters' remarks, shall be
310 conducted outside of the polling place and the prohibited area. The officers of election may
311 require any person who is found by a majority of the officers present to be in violation of this
312 subsection to leave the polling place and the prohibited area.

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314 K. The provisions of subsections A and D shall not be construed to prohibit a person who
315 approaches or enters the polling place for the purpose of voting from wearing a shirt, hat, or
316 other apparel on which a candidate's name or a political slogan appears or from having a sticker

317 or button attached to his apparel on which a candidate's name or a political slogan appears. This
318 exemption shall not apply to candidates, representatives of candidates, or any other person who
319 approaches or enters the polling place for any purpose other than voting.

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321 **§ 24.2-604.1. Signs for special entrances to polling places.**

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

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327 **§ 24.2-609. Voting booths.**

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

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336 **§ 24.2-610. Materials at polling places.**

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338 A. The State Board shall provide copies of this title to each director of elections for each
339 precinct in its county or city and each member of the electoral board. The director of elections

340 shall furnish a copy of this title to each precinct for the use of the officers of election on election
341 day.

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

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348 C. The electoral board, director of elections, and officers of election shall comply with
349 the requirements of this title and the instructions of the State Board to ensure that the pollbooks,
350 ballots, voting equipment keys, and other materials and supplies required to conduct the election
351 are delivered to the polling place before 6:00 a.m. on the day of the election and delivered to the
352 proper official following the election.

353

354 **§ 24.2-611. Form and signing of pollbooks; records of persons voting; electronic**
355 **pollbooks.**

356

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

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

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

B. The State Board shall provide the pollbook pursuant to subdivision A 7 of § 24.2-404. The pollbook shall (i) provide a space for the officer of election to record the name and consecutive number of the voter at the time he offers to vote and (ii) be retained in accordance with the provisions governing pollbooks in this title. The State Board shall make available a numerical check sheet required to be used with pollbooks in printed form to determine the consecutive number to be recorded with the name of the voter by the officer of election. In electronic pollbooks, the consecutive number shall be entered automatically when the officer of election records that the voter has voted. When the name and number of the last qualified voter have been entered on the pollbook, the officer of election responsible for that pollbook shall sign a statement on the check sheet, or on a separate form if an electronic pollbook is used, certifying the number of qualified registrants who have voted. The State Board shall provide instructions to the local electoral boards, director of elections, and officers of election for the conduct of the election and for procedures for entering a voting record for each voter and recording each voter's name, including voters unable to enter the polling place, and for verifying the accurate entry of the voting record for each registrant on the Virginia Voter Registration System. Notwithstanding

385 any other provision of this title, for any election held on or after November 1, 2010, all pollbooks
386 provided by the State Board shall be in electronic form only.

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

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

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

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401 **§ 24.2-612. List of offices and candidates filed with Department of Elections and**
402 **checked for accuracy; when ballots printed; number required.**

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404 Immediately after the expiration of the time provided by law for a candidate for any
405 office to qualify to have his name printed on the official ballot and prior to printing the ballots
406 for an election, each director of elections shall forward to the Department of Elections a list of
407 the county, city, or town offices to be filled at the election and the names of all candidates who

408 have filed for each office. In addition, each director of elections shall forward the name of any
409 candidate who failed to qualify with the reason for his disqualification. On that same day, the
410 director of elections shall also provide a copy of the notice to each disqualified candidate. The
411 notice shall be sent by email or regular mail to the address on the candidate's certificate of
412 candidate qualification, and such notice shall be deemed sufficient. The Department of Elections
413 shall promptly advise the director of elections of the accuracy of the list. The failure of any
414 director of elections to send the list to the Department of Elections for verification shall not
415 invalidate any election.

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

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420 Notwithstanding any other provisions of this title, the Department of Elections may print
421 or otherwise provide one statewide paper ballot style for each paper ballot style in use for
422 presidential and vice-presidential electors for use only by persons eligible to vote for those
423 offices only under § 24.2-402 or only for federal elections under § 24.2-453. The Department of
424 Elections may apportion or authorize the printer or vendor to apportion the costs for these ballots
425 among the localities based on the number of ballots ordered. Any printer employed by the
426 Department of Elections shall execute the statement required by § 24.2-616. The Department of
427 Elections shall designate a representative to be present at the printing of such ballots and deliver
428 them to the appropriate director of elections pursuant to § 24.2-617. Upon receipt of such paper
429 ballots, the electoral board or director of elections shall affix the electoral board seal. Thereafter,

430 such ballots shall be handled and accounted for, and the votes counted as the Department of
431 Elections shall specifically direct.

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433 The director of elections shall make printed ballots available for absentee voting not later
434 than 45 days prior to any election or within three business days of the receipt of a properly
435 completed absentee ballot application, whichever is later. In the case of a special election,
436 excluding for federal offices, if time is insufficient to meet the applicable deadline established
437 herein, then the director of elections shall make printed ballots available as soon after the
438 deadline as possible. For the purposes of this chapter, making printed ballots available includes
439 mailing of such ballots or electronic transmission of such ballots pursuant to § 24.2-706 to a
440 qualified absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700.
441 Not later than five days after absentee ballots are made available, each director of elections shall
442 report to the Department of Elections, in writing on a form approved by the Department of
443 Elections, whether ~~it~~ he has complied with the applicable deadline.

444

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

447

448 The director of elections shall send to the Department of Elections a statement of the
449 number of ballots ordered to be printed, proofs of each printed ballot for verification, and copies
450 of each final ballot. If the Department of Elections finds that, in its opinion, the number of ballots
451 ordered to be printed by any local electoral board is not sufficient, it may direct the director of
452 elections to order the printing of a reasonable number of additional ballots.

453

454 **§ 24.2-614. Preparation and form of presidential election ballots.**

455

456 As soon as practicable after the seventy-fourth day before the presidential election, the
457 State Board shall certify to the director of elections of each county and city the form of official
458 ballot for the presidential election which shall be uniform throughout the Commonwealth. Each
459 director of elections shall have the official ballot printed at least forty-five days preceding the
460 election.

461

462 The ballot shall contain the name of each political party and the party group name, if any,
463 specified by the persons naming electors by petition pursuant to § 24.2-543. Below the party
464 name in parentheses, the ballot shall contain the words "Electors for _____,
465 President and _____, Vice President" with the blanks filled in with the names of the
466 candidates for President and Vice President for whom the candidates for
467 electors are expected to vote in the Electoral College. A printed square shall precede the name of
468 each political party or party designation.

469

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

474

475 **§ 24.2-616. Duties of printer; statement; penalty.**

476 The printer contracting with or employed by the electoral board or director of elections to
477 print the ballots shall sign a statement before the work is commenced agreeing, subject to felony
478 penalties for making false statements pursuant to § 24.2-1016, that he will print the number of
479 ballots requested by the electoral board or director of elections in accordance with the director of
480 elections's instructions; that he will print, and permit to be printed, directly or indirectly, no more
481 than that number; that he will at once destroy all imperfect and perfect impressions other than
482 those required to be delivered to the director of elections; that as soon as such number of ballots
483 is printed he will distribute the type, if any, used for such work and that he will not communicate
484 to anyone, in any manner, the size, style, or contents of such ballots.

485

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

488

489 **§ 24.2-617. Representative of electoral board to be present at printing; custody of**
490 **ballots; electoral board may disclose contents, style, and size.**

491

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

497

498 As soon as the ballots are printed they shall be securely wrapped and sealed, and the
499 designated person shall assure their delivery to the director of elections, allowing no one to
500 examine them until delivery.

501
502 The designated person shall sign a statement, subject to felony penalties for making false
503 statements pursuant to § 24.2-1016, that he has faithfully performed his duties, that the printer
504 has complied with the requirements of law, and that only the requested number of ballots have
505 been printed and are being delivered to the director of elections.

506
507 This section shall not be construed to prohibit any electoral board or director of elections
508 from publishing or otherwise disclosing the contents, style, and size of ballots, which
509 information electoral boards or director of elections are authorized to publish or otherwise
510 disclose.

511
512 **§ 24.2-618: Delivery of ballots to electoral board; checking and recording number.**

513 A member of the electoral board or the director of elections shall receive the ballots after
514 they are printed, and shall certify the number of ballots received. The director of elections shall
515 file this certificate with other materials for the election.

516

517 **§ 24.2-619. Sealing ballots.**

518 The electoral board or director of elections or his designee shall cause the seal of the
519 board to be affixed in his presence to every ballot printed as provided in this chapter. The seal
520 shall be on the side reverse from that on which the names of the candidates appear. The seal may

521 be affixed on the ballot either mechanically or manually. The member of the board or director of
522 elections or other person designated shall sign a statement, subject to felony penalties for making
523 false statements pursuant to § 24.2-1016, that the seal of the electoral board was affixed to the
524 ballots in his presence in the manner prescribed by law, setting forth the name of every person
525 taking part in the affixing of the seal, and stating that he has faithfully performed his duties. His
526 statement shall be filed with the minutes of the board. For his services in causing the seal to be
527 affixed to the ballots, the person designated, other than a board member, director of elections or
528 assistant registrar, shall receive at least twenty dollars per day.

529

530 Any person designated to seal the ballots, shall return the seal to the secretary as soon as
531 the sealing is completed.

532

533 Every person taking part in affixing the seal to the ballots or in placing the ballots in
534 packages shall give his statement, subject to felony penalties for making false statements
535 pursuant to § 24.2-1016, that he has faithfully performed his duties and that he will not divulge
536 to anyone the contents of the ballots or any part thereof. The director of elections shall retain
537 these statements to be filed with the minutes of the board.

538

539 **§ 24.2-620. Dividing ballots into packages for each precinct; delivery of absentee**
540 **ballots.**

541

542 The electoral board or director of elections shall cause to be made, in the presence of at
543 least one member of the board, or designee of the board , one or more packages of ballots for

544 each precinct in the election district. Each package shall contain a number of ballots determined
545 by the board or director of elections. Each of these packages shall be securely sealed in the
546 presence of a member of the board or such designated person so that the ballots shall be
547 invisible, and so that the packages cannot be readily opened without detection. On each of the
548 packages shall be endorsed the name of the precinct for which it is intended and the number of
549 ballots therein contained. Thereafter the packages designated for each precinct shall be delivered
550 to the director of elections and remain in his exclusive possession until delivered by him, or by a
551 board member, board designee, or assistant registrar, to the officers of election of each precinct
552 as provided in § 24.2-621.

553

554 The electoral board shall ensure that sufficient ballots for those offering to vote absentee
555 are delivered to the director of elections by the deadline stated in § 24.2-612. Any such ballots
556 remaining unused at the close of the polls on election day shall be sent by the director of
557 elections or the electoral board to the clerk of the circuit court of the county or city.

558

559 **§ 24.2-621: Delivery of packages to officers; opening packages.**

560

561 Before every election, a member of the electoral board or the director of elections or an
562 assistant registrar, shall deliver to an officer of election of each precinct the official ballots for
563 that precinct and obtain a receipt for the package or packages and a certificate that the seals are
564 unbroken.

565

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

569

570

571 **§ 24.2-627. Electronic voting or counting machines; number required.**

572

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

576

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

578

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

580

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

582

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

584

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

586

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

588

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

590

591 B. The governing body of any county or city that adopts for use at elections ballot
592 scanner machines shall provide for each precinct at least one voting booth with a marking device
593 for each 425 registered voters or portion thereof and shall provide for each precinct at least one
594 scanner. However, each precinct having more than 4,000 registered voters shall be provided with
595 not less than two scanners at a presidential election, unless the governing body, in consultation
596 with the director of elections and the electoral board, determines that a second scanner is not
597 necessary at any such precinct on the basis of voter turnout and the average wait time for voters
598 in previous presidential elections.

599

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

605

606 D. For purposes of applying this section, a director of elections may exclude persons
607 voting absentee in his calculations, and if so, the director of elections shall send to the
608 Department a statement of the number of voting systems to be used in each precinct. If the State
609 Board finds that the number of voting systems is not sufficient, it may direct the local director of
610 elections to use more voting systems.

611

612 **§ 24.2-631. Experimental use of voting systems and ballots prior to approval of the**
613 **system.**

614
615 The State Board is authorized to approve the experimental use of voting or counting
616 systems and ballots for the purpose of casting and counting absentee ballots in one or more
617 counties and cities designated by the Board (i) that have established central absentee voter
618 election districts and (ii) whose electoral board and director of elections submits to the Board for
619 approval a plan for the use of such system and ballots. The Board is also authorized to approve
620 the experimental use of voting or counting systems and ballots in one or more precincts in any
621 county or city whose electoral board and director of elections submits to the Board for approval a
622 plan for such use. The use of such systems and ballots at an election shall be valid for all
623 purposes.

624
625 **§ 24.2-632. Voting equipment custodians.**

626 A. For the purpose of programming and preparing voting and counting equipment,
627 including the programming of any electronic activation devices or data storage media used to
628 program or operate the equipment, and maintaining, testing, calibrating, and delivering it, the
629 electoral board and director of elections shall employ one or more persons, to be known as
630 custodians of voting equipment. The custodians shall be fully competent, thoroughly instructed,
631 and sworn to perform their duties honestly and faithfully, and for such purpose shall be
632 appointed and instructed at least 30 days before each election. With the approval of the State
633 Board, the electoral board or director of elections may contract with the voting equipment vendor
634 or another contractor for the purpose of programming, preparing and maintaining the voting

635 equipment. The voting equipment custodians shall instruct and supervise the vendor or
636 contractor technicians and oversee the programming, testing, calibrating and delivering of the
637 equipment. The vendor or contractor technicians shall be sworn to perform their duties honestly
638 and faithfully and be informed of and subject to the misdemeanor and felony penalties provided
639 in §§ 24.2-1009 and 24.2-1010.

640
641 The final testing of the equipment prior to each election shall be done in the presence of
642 an electoral board member or a representative of the electoral board or the director of elections.
643 The electoral board or director of elections may authorize a representative to be present at the
644 final testing only if it is impracticable for them to attend, and such representative shall in no case
645 be the custodian or a vendor or contractor technician who was responsible for programming the
646 ballot software, electronic activation devices, or electronic data storage media.

647
648 B. Notwithstanding the provisions of subsection A, the local electoral board or director of
649 elections may assign a board member or an assistant registrar to serve as a custodian without pay
650 for such service. The board member or assistant registrar serving as custodian shall be fully
651 competent, thoroughly instructed, and sworn to perform his duties honestly and faithfully, and
652 for such purpose shall be appointed and instructed at least 30 days before each election.
653 Whenever the presence of an electoral board member or the director of elections and custodian is
654 required by the provisions of this title, the same person shall not serve in both capacities.

655
656 **§ 24.2-633. Notice of final testing of voting system; sealing equipment.**

657

658 Before the final testing of voting or counting machines for any election, the director of
659 elections shall mail written notice (i) to the chairman of the local committee of each political
660 party, or (ii) in a primary election, to the chairman of the local committee of the political party
661 holding the primary, or (iii) in a city or town council election in which no candidate is a party
662 nominee and which is held when no other election having party nominees is being conducted, to
663 the candidates.

664
665 The notice shall state the time and place where the machine will be tested and state that
666 the political party or candidate receiving the notice may have one representative present while
667 the equipment is tested.

668
669 At the time stated in the notice, the representatives, if present, shall be afforded an
670 opportunity to see that the equipment is in proper condition for use at the election. When a
671 machine has been so examined by the representatives, it shall be sealed with a numbered seal in
672 their presence, or if the machine cannot be sealed with a numbered seal, it shall be locked with a
673 key. The representatives shall certify for each machine the number registered on the protective
674 counter and the number on the seal. When no party or candidate representative is present, the
675 custodian shall seal the machine as prescribed in this section in the presence of a member of the
676 electoral board or the director of elections or their representative.

677
678 **§ 24.2-634. Locking and securing after preparation.**

679 When voting equipment has been properly prepared for an election, it shall be locked
680 against voting and sealed, or if a voting or counting machine cannot be sealed with a numbered

681 seal, it shall be locked with a key. The equipment keys and any electronic activation devices
682 shall be retained in the custody of the director of elections and delivered to the officers of
683 election as provided in § 24.2-639. After the voting equipment has been delivered to the polling
684 places, the director of elections shall provide ample protection against tampering with or damage
685 to the equipment.

686

687 **§ 24.2-635. Demonstration of equipment.**

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

695

696 **§ 24.2-636. Instruction as to use of equipment.**

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

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

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

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

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

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

No voting or counting machines shall be removed from the plain view of the officers of election or from the polling place at any time during the election and through the determination of the vote as provided in § 24.2-657. However, an electronic voting machine that is so constructed as to be easily portable may be taken outside the polling place pursuant to subsection A of § 24.2-649 and to assist a voter age 65 or older or physically disabled so long as: (i) the voting machine remains in the plain view of two officers of election representing two political parties or, in a primary election, two officers of election representing the party conducting the

727 primary, provided that if the use of two officers for this purpose would result in too few officers
728 remaining in the polling place to meet legal requirements, the machine shall remain in plain view
729 of one officer who shall be either the chief officer or the assistant chief officer; (ii) the voter casts
730 his ballot in a secret manner unless the voter requests assistance pursuant to § 24.2-649; and (iii)
731 there remain sufficient officers of election in the polling place to meet legal requirements. After
732 the voter has completed voting his ballot, the officer or officers shall immediately return the
733 voting machine to its assigned location inside the polling place. The machine number, the time
734 that the machine was removed and the time that it was returned, the number on the machine's
735 public counter before the machine was removed and the number on the same counter when it was
736 returned, the names of the voters who used the machine while it was removed provided that
737 secrecy of the ballot is maintained in accordance with guidance from the State Board, and the
738 name or names of the officer or officers who accompanied the machine shall be recorded on the
739 statement of results. If a polling place fails to record the information required in the previous
740 sentence, or it is later proven that the information recorded was intentionally falsified, the
741 electoral board or director of elections shall dismiss at a minimum the chief officer or the
742 assistant chief officer, or both, as appropriate, and shall dismiss any other officer of election who
743 is shown to have caused the failure to record the required information intentionally or by gross
744 negligence or to have intentionally falsified the information. The dismissed officers shall not be
745 allowed thereafter to serve as an officer or other election official anywhere in the
746 Commonwealth. In the case of an emergency that makes a polling place unusable or inaccessible,
747 voting or counting machines may be removed to an alternative polling place pursuant to the
748 provisions of subsection D of § 24.2-310.

749

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

754

755 One of the officers shall inspect the face of the voting machine after each voter has cast
756 his vote and verify that the ballots on the face of the machine are in their proper places and that
757 the machine has not been damaged. During an election, the door or other covering of the counter
758 compartment of the voting or counting machine shall not be unlocked or open or the counters
759 exposed except for good and sufficient reasons, a statement of which shall be made and signed
760 by the officers of election and attached to the statement of results. No person shall be permitted
761 in or about the polling place except the voting equipment custodian, vendor, or contractor
762 technicians and other persons authorized by this title.

763

764 **§ 24.2-639. Duties of officers of election.**

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

771 The keys to the equipment and any electronic activation devices that are required for the
772 operation of electronic voting equipment shall be delivered, prior to the opening of the polls, to

773 the officer of election designated by the electoral board or director of elections in a sealed
774 envelope on which has been written or printed the name of the precinct for which it is intended.
775 The envelope containing the keys and any electronic activation devices shall not be opened until
776 all of the officers of election for the precinct are present at the polling place and have examined
777 the envelope to see that it has not been opened. The equipment shall remain locked against
778 voting until the polls are formally opened and shall not be operated except by voters in voting.

779

780 Before opening the polls, each officer shall examine the equipment and see that no vote
781 has been cast and that the counters register zero. The officers shall conduct their examination in
782 the presence of the following party and candidate representatives: one authorized representative
783 of each political party or independent candidate in a general or special election, or one authorized
784 representative of each candidate in a primary election, if such representatives are available. Each
785 authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth.
786 Each representative, who is not himself a candidate or party chairman, shall present to the
787 officers of election a written statement designating him to be a representative of the party or
788 candidate and signed by the county or city chairman of his political party, the independent
789 candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable
790 to sign such a written designation, such a designation may be made by the state or district
791 chairman of the political party. However, no written designation made by a state or district
792 chairman shall take precedence over a written designation made by the county or city chairman.
793 Such statement, bearing the chairman's or candidate's original signature, may be photocopied and
794 such photocopy shall be as valid as if the copy had been signed.

795

796 If any counter, other than a protective or private counter, on a ballot scanner or direct
797 recording electronic machine is found not to register zero, the officers of election shall
798 immediately notify the director of elections who shall, if possible, substitute a machine in good
799 working order, that has been prepared and tested pursuant to § 24.2-634. No ballot scanner or
800 direct recording electronic machine shall be used if any counter, other than a protective or private
801 counter, is found not to register zero.

802

803 **§ 24.2-641. Sample ballot.**

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

809

810 **§ 24.2-642. Inoperative equipment.**

811 A. When any voting or counting machine becomes inoperative in whole or in part while
812 the polls are open, the officers of election shall immediately notify the electoral board or director
813 of elections. If possible, the electoral board or director of elections shall dispatch a qualified
814 technician to the polling place to repair the inoperative machine. All repairs shall be made in the
815 presence of two officers of election representing the two political parties or, in the case of a
816 primary election for only one party, two officers representing that party. If the machine cannot be
817 repaired on site, the director of elections shall, if possible, substitute a machine in good order for
818 the inoperative machine and at the close of the polls the record of both machines shall be taken

819 and the votes shown on their counters shall be added together in ascertaining the results of the
820 election.

821

822 No voting or counting machines, including inoperative machines, shall be removed from
823 the plain view of the officers of election or from the polling place at any time during the election
824 and through the determination of the vote as provided in § 24.2-657 except as explicitly provided
825 pursuant to the provisions of this title.

826

827 No voting or counting machine that has become inoperative and contains votes may be
828 removed from the polling place while the polls are open and votes are being ascertained. If the
829 officers of election are unable to ascertain the results from the inoperative machine after the polls
830 close in order to add its results to the results from the other machines in that precinct, the officers
831 of election shall lock and seal the machine without removing the memory card, cartridge, or data
832 storage medium and deliver the machine to either the clerk of court or director of elections's
833 office as provided for in § 24.2-659. On the day following the election, the electoral board shall
834 meet and ascertain the results from the inoperative machine in accordance with the procedures
835 prescribed by the machine's manufacturer and add the results to the results for the precinct to
836 which the machine was assigned.

837

838 Nothing in this subsection shall prohibit the removal of an inoperative machine from a
839 precinct prior to the opening of the polls or the first vote being cast on that machine. Any
840 machine so removed shall be placed in the custody of an authorized custodian, technician,
841 director of elections or electoral board representative. If the inoperative machine can be repaired,

842 it shall be retested and resealed pursuant to § 24.2-634 and may be returned to the precinct by an
843 authorized custodian, technician, director of elections or electoral board representative. The
844 officers of election shall then open the machine pursuant to § 24.2-639.

845

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

855

856 C. An officer of election may have copies of the official paper ballot reprinted or
857 reproduced by photographic, electronic, or mechanical processes for use at the election if (i) the
858 inoperative machine cannot be repaired in time to continue using it at the election, (ii) a
859 substitute machine is needed to conduct the election but is not available for use, (iii) the supply
860 of official printed ballots that can be cast without use of the inoperative machine is not adequate,
861 and (iv) the local electoral board approves the reprinting or reproducing of the official paper
862 ballot. The voted ballot copies may be received by the officers of election and placed in the
863 ballot container and counted with the votes registered on the voting or counting machines, and
864 the result shall be declared the same as though no machine has been inoperative. The voted ballot

865 copies shall be deemed official ballots for the purpose of § 24.2-665 and preserved and returned
866 with the statement of results and with a certificate setting forth how and why the same were
867 voted. The officer of election who had the ballot copies made shall provide a written statement of
868 the number of copies made, signed by him and subject to felony penalties for making false
869 statements pursuant to § 24.2-1016, to be preserved with the unused ballot copies.

870

871 **§ 24.2-647. Voting systems; demonstration on election day.**

872

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

880

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

884

885 If any voter, after entering the voting booth, asks for further instructions concerning the
886 manner of voting, two of the officers from different political parties shall give such instructions
887 to him, but no officer shall in any manner request or seek to persuade or induce any such voter to

888 vote for or against any particular ticket, candidate, or question. After giving such instructions and
889 before the voter votes, the officers shall leave the voting booth, and the voter shall cast his ballot
890 in secret.

891

892 **§ 24.2-659. Locking voting and counting machines after election and delivering keys**
893 **to clerk; printed returns as evidence.**

894

895 A. If the voting or counting machine is secured by the use of equipment keys, after the
896 officers of election lock and seal each machine, the equipment keys shall be enclosed in an
897 envelope that shall be sealed and have endorsed thereon a certificate of an officer of election
898 stating the election precinct, the number of each machine, the number on the seal, and the
899 number of the protective counter, if one, on the machine. The sealed envelope shall be delivered
900 by one of the officers of the election to the clerk of the circuit court where the election was held.
901 The custodians of the voting equipment shall enclose and seal in an envelope, properly endorsed,
902 all other keys to all voting equipment in their jurisdictions and deliver the envelope to the clerk
903 of the circuit court by noon on the day following the election. If the voting or counting machines
904 are secured by the use of equipment keys or electronic activation devices that are not specific to
905 a particular machine, after the officers of election lock and seal each machine, the equipment
906 keys and electronic activation devices shall be enclosed in an envelope that shall be sealed and
907 have endorsed thereon a certificate of an officer of election stating the election precinct. The
908 sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit
909 court where the election was held.

910

911 If the voting or counting machine is secured by removal of the data storage device used in
912 that election, the officers shall remove the data storage device and proceed to lock and seal each
913 machine. The data storage device shall be enclosed in an envelope that shall be sealed and have
914 endorsed thereon a certificate of an officer of election stating the election precinct, the number of
915 each machine, the number on the seal, and the number of the protective counter, if one, on the
916 machine. The sealed envelope shall be delivered by one of the officers of election to the clerk of
917 the circuit court where the election was held. The equipment keys used at the polls shall be
918 sealed in a different envelope and delivered to the clerk who shall release them to the director of
919 elections upon request or at the expiration of the time specified by this section.

920

921 If the voting or counting machine provides for the creation of a separate master electronic
922 back-up on a data storage device that combines the data for all of the voting or counting
923 machines in a given precinct, that data storage device shall be enclosed in an envelope that shall
924 be sealed and have endorsed thereon a certificate of an officer of election stating the name of the
925 precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of
926 the circuit court where the election was held. The data storage device for the individual machines
927 may remain sealed in its individual machine until the expiration of the time specified by this
928 section. The equipment keys and the electronic activation devices used at the polls shall be
929 sealed together in a separate envelope and delivered to the clerk who shall release them to the
930 electoral board or director of elections upon request or at the expiration of the time specified by
931 this section.

932

933 The voting and counting machines shall remain locked and sealed until the deadline to
934 request a recount under Chapter 8 (§ 24.2-800 et seq.) has passed and, if any contest or recount is
935 pending thereafter, until it has been concluded. The machines shall be opened and all data
936 examined only (i) on the order of a court of competent jurisdiction or (ii) on the request of an
937 authorized representative of the State Board or the electoral board or director of elections at the
938 direction of the State Board in order to ensure the accuracy of the returns. In the event that
939 machines are examined under clause (ii) of this paragraph, each political party and each
940 independent candidate on the ballot, or each primary candidate, shall be entitled to have a
941 representative present during such examination. The representatives and observers lawfully
942 present shall be prohibited from interfering with the officers of election in any way. The State
943 Board , local electoral board, or director of elections shall provide such parties and candidates
944 reasonable advance notice of the examination.

945

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

949

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

952

953 B. The local electoral board or director of elections may direct that the officers of election
954 and custodians, in lieu of conveying the sealed equipment keys to the clerk of the circuit court as
955 provided in subsection A, shall convey them to the principal office of the director of elections on

956 the night of the election. The director of elections shall secure and retain the sealed equipment
957 keys and any other electronic locking or activation devices in his office and shall convey them to
958 the clerk of the court by noon of the day following the ascertainment of the results of the election
959 by the electoral board.

960

961 **§ 24.2-668. Pollbooks, statements of results, and ballots to be sealed and delivered to**
962 **clerk or director of elections.**

963

964 A. After ascertaining the results and before adjourning, the officers shall put the
965 pollbooks, the duplicate statements of results, and any printed inspection and return sheets in the
966 envelopes provided by the State Board. The officers shall seal the envelopes and direct them to
967 the clerk of the circuit court for the county or city. The pollbooks, statements, and sheets thus
968 sealed and directed, the sealed counted ballots envelope or container, and the unused, defaced,
969 spoiled and set aside ballots properly accounted for, packaged and sealed, shall be conveyed by
970 one of the officers to be determined by lot, if they cannot otherwise agree, to the clerk of court
971 by noon on the day following the election.

972

973 The clerk shall retain custody of the pollbooks, paper ballots, and other elections
974 materials until the time has expired for initiating a recount, contest, or other proceeding in which
975 the pollbooks, paper ballots, and other elections materials may be needed as evidence and there
976 is no proceeding pending. The clerk shall (i) secure all pollbooks, paper ballots and other
977 election materials in sealed boxes; (ii) place all of the sealed boxes in a vault or room not open to
978 the public or to anyone other than the clerk and his staff; (iii) cause such vault or room to be

979 securely locked except when access is necessary for the clerk and his staff; and (iv) upon the
980 initiation of a recount, certify that these security measures have been taken in whatever form is
981 deemed appropriate by the chief judge.

982

983 After that time the clerk shall deliver the pollbooks to the director of elections who shall
984 return the pollbooks or transfer a copy of the electronic data to the State Board as directed by §
985 24.2-114 for voting credit purposes. After the pollbooks are returned by the State Board, the
986 director of elections shall retain the pollbooks in his principal office for two years from the date
987 of the election. The clerk shall retain the statement of results and any printed inspection and
988 return sheets for two years and may then destroy them.

989

990 B. The local electoral board or director of elections may direct that the officers of
991 election, in lieu of conveying the materials to the clerk of the circuit court as provided in
992 subsection A of this section, shall convey the materials to the principal office of the director of
993 elections on the night of the election or the morning following the election as the board directs.
994 The director of elections shall secure and retain the materials in his office and shall convey to the
995 clerk of the court, by noon of the day following the ascertainment of the results of the election by
996 the electoral board, all of the election materials. The director of elections shall retain for public
997 inspection one copy of the statement of results.

998

999 C. If an electronic pollbook is used, the data disc or cartridge containing the electronic
1000 records of the election, or, alternately, a printed copy of the pollbook records of those who voted,
1001 shall be transmitted, sealed and retained as required by this section, and otherwise treated as the

1002 pollbook for that election for all purposes subsequent to the election. Nothing in this title shall be
1003 construed to require that the equipment or software used to produce the electronic pollbook be
1004 sealed or retained along with the pollbook, provided that the records for the election have been
1005 transferred or printed according to the instructions of the State Board.

1006

1007 **§ 24.2-683. Writ for special election to fill a vacancy.**

1008 Whenever the Governor, Speaker of the House, President pro tempore of the Senate, or
1009 either house of the General Assembly orders a special election, he, or the person designated to
1010 act for the house, shall issue a writ of election designating the office to be filled at the election
1011 and the time to hold the election. He shall transmit the writ to the secretary of the electoral board
1012 and director of elections of each county or city in which the election is to be held. Each director
1013 of elections shall post a copy of the writ on the official website for the county or city or at not
1014 less than 10 public places or have notice of the election published once in a newspaper of general
1015 circulation in his jurisdiction at least 10 days before the election. If the special election is held in
1016 more than one county or city, the secretaries and directors of elections may act jointly to have the
1017 notice published once before the election in the affected jurisdictions.

1018

1019 Whenever a special election is ordered to fill a vacancy otherwise than under the preceding
1020 paragraph, the officer ordering the election shall issue his writ of election at the time the vacancy
1021 occurs, designating the office to be filled at the election and the time and place to hold the
1022 election. He shall direct and transmit the writ to the secretary of the electoral board and director
1023 of elections of each county or city in which the election is to be held. The secretary or director of
1024 elections, or secretaries or directors of elections if the election will be held in more than one

1025 county or city, shall proceed to cause public notice to be given of the election in the same
1026 manner as is required in the preceding paragraph.

1027 A copy of any order calling a special election to fill a vacancy shall be sent immediately
1028 to the State Board.

1029

1030 **§ 24.2-684. How referendum elections called and held, and the results ascertained**
1031 **and certified.**

1032 Notwithstanding any other provision of any law or charter to the contrary, the provisions
1033 of this section shall govern all referenda.

1034 No referendum shall be placed on the ballot unless specifically authorized by statute or
1035 by charter.

1036 Whenever any question is to be submitted to the voters of any county, city, town, or other
1037 local subdivision, the referendum shall in every case be held pursuant to a court order as
1038 provided in this section. The court order calling a referendum shall state the question to appear
1039 on the ballot in plain English as that term is defined in § 24.2-687. The order shall be entered and
1040 the election held within a reasonable period of time subsequent to the receipt of the request for
1041 the referendum if the request is found to be in proper order. The court order shall set the date for
1042 the referendum in conformity with the requirements of § 24.2-682.

1043 A copy of the court order calling a referendum shall be sent immediately to the State
1044 Board by the clerk of the court in which the order was issued.

1045 The ballot shall be prepared by the appropriate director of elections and distributed to the
1046 appropriate precincts. On the day fixed for the referendum, the regular election officers shall

1047 open the polls and take the sense of the qualified voters of the county, city, town, or other local
1048 subdivision, as the case may be, on the question so submitted. The ballots for use at any such
1049 election shall be printed to state the question as follows:

1050 "(Here state briefly the question submitted)

1051 [] Yes

1052 [] No"

1053 The ballots shall be printed, marked, and counted and returns made and canvassed as in other
1054 elections. The results shall be certified by the secretary of the appropriate electoral board to the
1055 State Board, to the court ordering the election, and to such other authority as may be proper to
1056 accomplish the purpose of the election.

1057 **§ 24.2-712. Central absentee voter precincts; counting ballots.**

1058

1059 A. Notwithstanding any other provision of law, the governing body of each county or city
1060 may establish one or more central absentee voter precincts in the courthouse or other public
1061 buildings for the purpose of receiving, counting, and recording absentee ballots cast in the county
1062 or city. The decision to establish any absentee voter precinct shall be made by the governing
1063 body by ordinance; the ordinance shall state for which elections the precinct shall be used. The
1064 decision to abolish any absentee voter precinct shall be made by the governing body by
1065 ordinance. Immediate notification of either decision shall be sent to the Department of Elections
1066 and the electoral board.

1067

1068 B. Each central absentee voter precinct shall have at least three officers of election as
1069 provided for other precincts. The number of officers shall be determined by the electoral board
1070 and director of elections.

1071
1072 C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day
1073 of the election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the
1074 director of elections on or before the day of the election, he shall be allowed to vote it, and his
1075 ballot shall be delivered to the absentee voter precinct pursuant to § 24.2-710.

1076
1077 The officers at the absentee voter precinct shall determine any appeal by any other voter
1078 whose name appears on the absentee voter applicant list and who offers to vote in person. If the
1079 officers at the absentee voter precinct produce records showing the receipt of his application and
1080 the certificate or other evidence of mailing for the ballot, they shall deny his appeal. If the
1081 officers cannot produce such records, the voter shall be allowed to vote in person at the absentee
1082 voter precinct and have his vote counted with other absentee votes. If the voter's appeal is denied,
1083 the provisions of § 24.2-708 shall be applicable, and the officers shall advise the voter that he
1084 may vote on presentation of a statement signed by him that he has not received an absentee ballot
1085 and subject to felony penalties for making false statements pursuant to § 24.2-1016.

1086
1087 D. Absentee ballots may be processed as required by § 24.2-711 by the officers of
1088 election at the central absentee voter precinct prior to the closing of the polls but the ballot
1089 container shall not be opened and the counting of ballots shall not begin prior to that time. In the
1090 case of machine-readable ballots, the ballot container may be opened and the absentee ballots

1091 may be inserted in the counting machines prior to the closing of the polls in accordance with
1092 procedures prescribed by the Department of Elections, including procedures to preserve ballot
1093 secrecy, but no ballot count totals shall be initiated prior to that time.

1094

1095 As soon as the polls are closed in the county or city the officers of election at the central
1096 absentee voter precinct shall proceed promptly to ascertain and record the vote given by absentee
1097 ballot and report the results in the manner provided for counting and reporting ballots generally
1098 in Article 4 (§ 24.2-643 et seq.) of Chapter 6.

1099

1100 E. The electoral board or director of elections may provide that the officers of election for
1101 a central absentee voter precinct may be assigned to work all or a portion of the time that the
1102 precinct is open on election day subject to the following conditions:

1103

1104 1. The chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to
1105 represent the two political parties, are on duty at all times; and

1106

1107 2. No officer, political party representative, or other candidate representative shall leave
1108 the precinct after any ballots have been counted until the polls are closed and the count for the
1109 precinct is completed and reported.

1110

1111 F. The director of elections may provide that the central absentee voter precinct will open
1112 after 6:00 a.m. on the day of the election provided that the office of the director of elections will
1113 be open for the receipt of absentee ballots until the central absentee voter precinct is open and

1114 that the officers of election for the central absentee voter precinct obtain the absentee ballots
1115 returned to the director of elections' office for the purpose of counting the absentee ballots at the
1116 central absentee voter precinct and provided further that the central absentee voter precinct is the
1117 same location as the office of the director of elections.