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HOUSE BILL NO. 1690

Offered January 10, 2001

Prefiled December 15, 2000

A BILL to amend and reenact §§ 24.2-613 and 24.2-640 of the Code of Virginia, relating to the form of ballots for elections and political party and other designations for candidates on the ballot.

Patron—Marshall

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That §§ 24.2-613 and 24.2-640 of the Code of Virginia are amended and reenacted as follows:**

§ 24.2-613. (Effective January 1, 2001) Form of ballot.

The ballots shall be white paper without any distinguishing mark or symbol and shall contain the names of all the candidates qualifying to have their names printed on the official ballot as provided by law. Their names shall be printed in black ink, immediately below the office for which they have qualified as candidates. The names on the ballot shall be in clear print; each name shall be on a separate line; and the type used in printing the ballots shall be plain roman type, not smaller than twelve-point pica. Immediately to the left of and on the same line with the name of each candidate shall be printed a square, not less than one-quarter, nor more than one-half inch in size, printed thus:

JOHN DOE

However, the provisions of this title pertaining to ballot squares shall not be applicable to punchcard or mark sense ballots.

For elections for federal, statewide, and General Assembly offices only, each candidate who has been nominated by a political party or in a primary election shall be identified by the name of his political party. ~~Independent candidates shall be identified by the term "Independent."~~ ~~The name of the political party or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.~~ *Each independent candidate shall be identified, in the space for the name of a political party, by the word or words provided by him on his candidate petition to identify him to the voters. The identifying word or words may be "Independent" or an alternative descriptive word or words that will identify the candidate to the voters. The space on the ballot for the political party name shall be left blank if the independent candidate does not state any identifying word or words on his candidate petition. The identifying word or words shall not be identical or substantially similar to the name of any political party qualifying under § 24.2-101. The State Board shall provide for space on the candidate petition to implement this paragraph and appropriate instructions, including necessary limitations on the length of any identifying word or words. The State Board shall be authorized (i) to provide for space on the ballot for the political party name or alternative identifying word or words by limiting the use of candidate nicknames and first names on the ballot as necessary and (ii) to require the use of initials or abbreviations for political party names and the term "Independent" to meet ballot requirements.*

Except as provided for primary elections, the State Board shall determine by lot the order of the political parties, and the names of all candidates for a particular office shall appear together in the order determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section and § 24.2-640, except as provided for presidential elections in § 24.2-614, independent candidates shall be treated as a class under "Independent"; their names shall be placed on the ballot after the political parties; and where there is more than one independent candidate for an office, their names shall appear alphabetically.

No individual's name shall appear on the ballot more than once for the same office.

In preparing the ballots for general, special and primary elections, the State Board and electoral boards shall cause to be printed in not less than ten-point type, immediately below the title of any office, a statement of the number of candidates who may be voted for for that office. The following language shall be used: "Vote for not more than....."

At any precinct at which mark sense ballots are used, the mark sense ballot may be used in lieu of the official paper ballot with the approval of the State Board.

Any locality which uses mark sense ballots at one or more precincts, including any central absentee precinct, may, with the approval of the State Board, use the mark sense ballot or printed reproductions of the mark sense ballot in lieu of the official paper ballot. Such reproductions shall be printed and otherwise handled in accordance with all laws and procedures that apply to official paper ballots.

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59 § 24.2-640. (Effective January 1, 2001) Ballots generally.

60 In every county and city using mechanical or direct electronic voting systems requiring printed
61 ballots, the electoral board shall furnish a sufficient number of ballots printed on plain white paper, of
62 such form and size as will fit the ballot frames. The names of the various candidates shall be printed in
63 type not less than fourteen point. On mechanical devices, the name of the office for which candidates
64 are offering for election shall be printed in reverse printing or overlaid with a colored plastic strip.

65 For elections for federal, statewide, and General Assembly offices only, each candidate who has been
66 nominated by a political party or in a primary election shall be identified by the name of his political
67 party. Independent candidates shall be identified by the term "Independent." ~~The name of the political~~
68 ~~party or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements. as~~
69 ~~provided in § 24.2-613. The State Board shall be authorized (i) to provide for space on the ballot for~~
70 ~~the political party name or alternative identifying word or words by limiting the use of candidate~~
71 ~~nicknames and first names on the ballot as necessary and (ii) to require the use of initials or~~
72 ~~abbreviations for political party names and the term "Independent" to meet ballot requirements.~~

73 All candidates shall be arranged on each device or other ballot to be electronically counted, either in
74 columns or horizontal rows, and the caption of the various ballots on the devices shall be placed so that
75 the voter knows what feature is to be used or operated to vote for his choice. No push knob, key lever
76 or other device shall be used to vote for any candidate other than on an individual basis except for
77 presidential electors. In districts in which more than one person is nominated by a single party for the
78 same office, the names of the candidates shall appear alphabetically within their party groups.

79 The electoral board in any locality which converted from a mechanical to an electronic voting system
80 after January 1, 1994, may use a ballot which (i) is similar to the ballot used on the mechanical system
81 previously used in the locality, (ii) aligns the candidates of each political party and independent
82 candidates on the same row or column, and (iii) provides a separate row or column for each political
83 party and for independent candidates.

84 The provisions of general law concerning ballots shall apply unless in conflict with this section.