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## HOUSE BILL NO. 1690

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on Privileges and Elections  
on February 1, 2001)

(Patron Prior to Substitute—Delegate Marshall)

*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.*

**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.~~ A group of qualified voters, not constituting a political party as defined in § 24.2-101, may submit a certified list of their candidates to the State Board (i) by 7:00 p.m. of the fifth day following the filing deadline for the candidate petitions for the office, or (ii) in the case of a special election held at a time other than a general election, by 7:00 p.m. of the day at least 30 days before the election or within five days of any writ of election or order calling a special election to be held less than thirty-five days after the issuance of the writ or order. The candidates certified by such a group shall be entitled to have the party name of that group listed on the ballot provided that the party name had been listed on the candidate petition when it was circulated. In order to utilize a selected party name on the ballot, the group shall have had a state central committee composed of registered voters from each congressional district of the Commonwealth, a party plan and bylaws, a membership of at least 1,000, and a duly designated chairman and secretary in existence and holding office for at least six months prior to filing the petition. The State Board may require proof that the group meets these requirements before permitting use of a party name on the ballot. The party name shall not be identical or substantially similar to the name of any political party qualifying under § 24.2-101 and then in existence.

The State Board shall be authorized to provide for space on the ballot for the political party name, party name of a group, and term "Independent" (i) by requiring the use of initials or abbreviations for political party names, party names of groups, and the term "Independent" to meet ballot space requirements and (ii) by limiting the use of candidate nicknames and first names on the ballot only as necessary to meet ballot space 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. *The State Board shall determine by lot the order of the party names of groups qualifying to use a party name as provided above to be placed on the ballot after the political parties and independents.*

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..... "

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

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

66 § 24.2-640. (Effective January 1, 2001) Ballots generally.

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

72 For elections for federal, statewide, and General Assembly offices only, each candidate who has been  
73 nominated by a political party or in a primary election shall be identified by the name of his political  
74 party. Independent candidates shall be identified by the term "Independent." The name of the political  
75 party or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements. as  
76 provided in § 24.2-613.

77 *The State Board shall be authorized to provide for space on the ballot for the political party name,*  
78 *party name of a group, and term "Independent" (i) by requiring the use of initials or abbreviations for*  
79 *political party names, party names of groups, and the term "Independent" to meet ballot space*  
80 *requirements and (ii) by limiting the use of candidate nicknames and first names on the ballot only as*  
81 *necessary to meet ballot space requirements.*

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

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

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