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HOUSE BILL NO. 1828

Offered January 10, 2001

Prefiled January 4, 2001

A BILL to amend and reenact § 24.2-653 of the Code of Virginia, relating to conditional ballots for voters whose names are not on the precinct registered voter list at the polls.

 Patron—Hargrove

 Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That § 24.2-653 of the Code of Virginia is amended and reenacted as follows:**

§ 24.2-653. Voter whose name does not appear on precinct registered voter list.

A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available or cannot state that the person *either is registered to vote or is not a qualified voter*, then such person shall be allowed to vote by paper ballot in the manner provided in this section. *Pursuant to the provisions of § 24.2-445 and notwithstanding any other provision of law to the contrary, the records in the possession of the general registrar shall be controlling in the determination that the person is or is not a qualified voter.*

Such person shall be given a paper ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the State Board, the identifying information required in § 24.2-652. The officers of election shall enter the appropriate information for the person on the precinct registered voter list but not mark his name as having voted nor enter it on the precinct pollbook.

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then be placed in the ballot box by an officer of election.

An officer of election shall inform the voter that a determination of his right to vote shall be made by the electoral board on the following day and advise the voter of the beginning time and place for the board's meeting.

B. The votes cast pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked " Conditional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All conditional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

The electoral board shall meet on the day following the election and determine whether each person having cast such a ballot was entitled to do so. One authorized representative of each political party or independent candidate in a general election or one authorized representative of each candidate in a primary or special election, who is a qualified voter of the city or county, shall be permitted to remain in the room in which the determination is being made so long as he does not impede the orderly conduct of the determination.

If the electoral board determines that such person was not entitled to vote, or is unable to determine his right to vote, the envelope containing his ballot shall not be opened and his vote shall not be counted. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered.

If the electoral board determines that such person was entitled to vote, the precinct registered voter list shall be so marked, the name of the voter shall be entered in a conditional votes pollbook, the envelope shall be opened, and the ballot placed in a ballot box without any inspection further than that provided for in § 24.2-646.

On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote.

The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

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