

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 216

An Act to amend and reenact §§ 24.2-115 and 24.2-611 of the Code of Virginia, relating to conduct of elections, training of officers of election, and use of pollbooks and precinct registered voter lists.

[H 641]

Approved March 22, 2002

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-115 and 24.2-611 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-115. Appointment, qualifications, and term of officers of election.

Each electoral board at its regular meeting in the first week of February shall appoint officers of election. Their terms of office shall begin on March 1 following their appointment and continue for one year or until their successors are appointed.

Not less than three competent citizens shall be appointed for each precinct and, insofar as practicable, each officer shall be a qualified voter of the precinct he is appointed to serve, but in any case a qualified voter of the city or county. In appointing the officers of election, representation shall be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. The representation of the two parties shall be equal at each precinct having an equal number of officers and shall vary by no more than one at each precinct having an odd number of officers. If possible, officers shall be appointed from lists of nominations filed by the political parties entitled to appointments. The party shall file its nominations with the secretary of the electoral board at least ten days before February 1 each year.

Officers of election shall serve for all elections held in their respective precincts during their terms of office. However, for a primary election involving only one political party, persons representing the political party holding the primary shall serve as the officers of election in any county or city in which the political party has submitted a list of nominations as provided above.

The electoral board shall designate one officer as the chief officer of election and one officer as the assistant for each precinct. The officer designated as the assistant for a precinct, whenever practicable, shall not represent the same political party as the chief officer for the precinct.

The electoral board shall instruct each chief officer and assistant in his duties not less than three nor more than thirty days before each election. Each electoral board may instruct each officer of election in his duties ~~not less than three nor more than thirty days~~ *at an appropriate time or times* before each November general election.

If an officer of election is unable to serve at any election during his term of office, the electoral board may at any time appoint a substitute who shall hold office and serve for the unexpired term.

The secretary of the electoral board shall prepare a list of the officers of election which shall be available for inspection and posted in the general registrar's office prior to March 1 each year.

§ 24.2-611. Form and signing of pollbooks; use of precinct registered voter lists.

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

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

The oath shall be administered to each officer of election by the general registrar, the secretary of the electoral board, or an officer of election designated by them, 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 a second or a divisible precinct registered voter list to serve as the pollbook for elections conducted on and after July 1, 1995. The second or divisible list 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 provide a numerical check sheet to be used to determine the consecutive number to be recorded with the name of the voter by the officer of election. When the name and number of the last qualified voter have been entered on the registered voter list, the officer of election responsible for that list shall sign a statement on the check sheet certifying the number of qualified registrants who have voted. The State Board shall provide instructions to the local electoral boards, general registrars, 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.

C. The State Board shall be authorized to conduct pilot programs in one or more localities, with the consent of the electoral board of the locality, to test the use of a combined precinct registered voter list and pollbook, notwithstanding any other provision of law to the contrary. The pilot programs authorized by this subsection may be conducted at any election held prior to July 1, 2003. Any pilot program conducted by the State Board shall incorporate safeguards to assure that the records of the election, including a combined precinct registered voter list and pollbook, voter count sheets, or other alternative records, will provide promptly an accurate and secure record of those who have voted. The State Board shall report its evaluation of any pilot programs conducted by it and any recommendations for legislation as a result of the programs to any committee established by the General Assembly for the purpose of studying the use of a combined precinct registered voter list and pollbook and to the General Assembly prior to the 2003 Regular Session.

D. On and after July 1, 2003, the State Board shall provide for the use of a combined precinct registered voter list and pollbook on a uniform basis at all precincts throughout the Commonwealth, notwithstanding any other provision of law to the contrary. In providing for the use of a combined precinct registered voter list and pollbook, the State Board shall incorporate safeguards to assure that the records of the election, including the combined precinct registered voter list and pollbook, voter count sheets, or other alternative records, will provide promptly an accurate and secure record of those who have voted. The State Board may provide for the combined precinct registered voter list and pollbook to be in a paper format or in an electronic format if funds are appropriated to cover the costs associated with the provision of a combined list in an electronic format.

2. That the State Board of Elections shall recommend to the General Assembly the changes to the Code necessary to permanently implement the combined precinct registered voter list and pollbook, for possible enactment into law at the 2003 Session of the General Assembly. The State Board shall submit its recommendations to the Chairs of the Committees on Privileges and Elections on or before November 1, 2002.