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**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
(Proposed by the Senate Committee on Privileges and Elections  
on January 15, 2008)  
(Patron Prior to Substitute—Senator Howell)

*A BILL to amend and reenact § 24.2-622 of the Code of Virginia, relating to elections; sample ballots.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 24.2-622 of the Code of Virginia is amended and reenacted as follows:**

§ 24.2-622. Sample ballots.

Nothing contained in this title shall be construed to prohibit: (i) the printing and circulation of sample paper ballots, which are not printed on white or yellow paper and do include thereon the words "sample ballot" in type no smaller than 24 point; (ii) the printing and circulation of sample voting equipment ballots, provided such sample ballots include on their face the words "sample ballot"; or (iii) the publication in newspapers or on the Internet of sample ballots of either type.

Sample ballots, in whole or in part, other than the official sample ballots, shall not be printed on white or yellow paper. *On or before December 15 of each year, the state chairman of each political party shall notify the Secretary of the State Board of the color that the party shall use for any sample ballots that the party or its committees or candidates will distribute during the following calendar year and provide a sample of the color. If the Secretary finds that the colors chosen by the political parties are the same or sufficiently similar to confuse voters, the State Board shall at its first meeting in the calendar year conduct a drawing to assign different colors to the political parties for use as sample ballots during the calendar year.*

All sample ballots, excepting those official sample ballots authorized by electoral boards, are advertisements for purposes of Chapter 9.5 (§ 24.2-955 et seq.). Voters may take sample ballots into the voting booth or enclosure, but shall not give, tender, or exhibit such sample ballot to any person, other than an assistant designated under § 24.2-649, while inside the polling place or within the prohibited area designated by § 24.2-604.