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HOUSE BILL NO. 2648

Offered January 23, 2009

A BILL to amend and reenact § 24.2-709.1 of the Code of Virginia, relating to elections; methods for counting absentee ballots.

Patron—Jones

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-709.1 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-709.1. Alternative procedures for counting absentee ballots.

A. The electoral board may authorize a general registrar at his its option to may take one or more of the following measures as needed to expedite counting absentee ballots capable of being read with optical scan counting devices and returned by mail before election day: (i) examine the ballot envelopes to verify completion of the required voter affirmation; or (ii) mark the pollbook, or the absentee voter applicant list if the pollbook is not available, that the voter has voted; or (iii). If the electoral board exercises option (i) or (ii), it shall exercise the option no more often than twice in advance of the election day; and it shall notify the political parties or candidates entitled to have representatives in the polling place on election day and allow their representatives to be present when such measures are taken. Whether or not such representatives are present, the electoral board shall report to the political parties or candidates the results of such measures.

B. The electoral board at its option may also take the following measures to expedite counting absentee ballots capable of being read with optical scan counting devices and returned by mail before election day: open the sealed ballot envelopes and insert the ballots in the optical scan counting equipment without initiating any ballot count totals. If the board authorizes optical scanning as provided in clause (iii), this subsection, at least two officers of election, one representing each political party, shall be present during all hours when a general registrar the electoral board uses the expedited procedures authorized in this section subsection. Additionally, the electoral board shall notify the political parties or candidates entitled to have representatives in the polling place on election day and allow their representatives to be present when such measures are taken. If the electoral board exercises the option provided in this subsection, it shall exercise the option no more often than five times prior to election day and no earlier than 10 days prior to the election day. No person present while sealed ballot envelopes are opened and ballots are inserted into counting equipment pursuant to clause (iii) this subsection shall purposely notice how any particular ballot is voted for any office or on any question, nor shall he disclose any information concerning the ballots.

INTRODUCED

HB2648