

## 2010 SESSION

LEGISLATION NOT PREPARED BY DLS  
INTRODUCED

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### HOUSE BILL NO. 390

Offered January 13, 2010

Prefiled January 12, 2010

A *BILL to amend and reenact §§ 24.2-101 and 24.2-627 of the Code of Virginia, relating to accessible voting equipment.*

Patron—Dance

Referred to Committee on Privileges and Elections

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

#### 1. That §§ 24.2-101 and 24.2-627 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established by a county or city pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, Section 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve at a polling place for any election.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Person with a disability" means a person with a disability as defined by the Virginians with Disabilities Act (§ 51.5-1 et seq.).

"Polling place" means the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be served by one polling place.

"Primary" or "primary election" means an election held for the purpose of selecting a candidate to be the nominee of a political party for election to office.

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59 "Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and  
60 who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or  
61 subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers  
62 to vote, and (iii) registered to vote. No person who has been convicted of a felony shall be a qualified  
63 voter unless his civil rights have been restored by the Governor or other appropriate authority. No  
64 person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as  
65 provided by law.

66 "Qualified voter in a town" means a person who is a resident within the corporate boundaries of the  
67 town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified  
68 voter.

69 "Referendum" means any election held pursuant to law to submit a question to the voters for  
70 approval or rejection.

71 "Registration records" means all official records concerning the registration of qualified voters and  
72 shall include all records, lists, applications, and files, whether maintained in books, on cards, on  
73 automated data bases, or by any other legally permitted record-keeping method.

74 "Residence" or "resident," for all purposes of qualification to register and vote, means and requires  
75 both domicile and a place of abode. To establish domicile, a person must live in a particular locality  
76 with the intention to remain. A place of abode is the physical place where a person dwells.

77 "Special election" means any election that is held pursuant to law to fill a vacancy in office or to  
78 hold a referendum.

79 "State Board" or "Board" means the State Board of Elections.

80 "Virginia voter registration system" or "voter registration system" means the automated central  
81 record-keeping system for all voters registered within the Commonwealth that is maintained as provided  
82 in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

83 "Registered voter" means any person who is maintained on the Virginia voter registration system. All  
84 registered voters shall be maintained on the Virginia voter registration system with active status unless  
85 assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For  
86 purposes of applying the precinct size requirements of § 24.2-307, ~~calculating election machine~~  
87 ~~requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6~~, mailing notices of local election  
88 district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306,  
89 and determining the number of signatures required for candidate and voter petitions, "registered voter"  
90 shall include only persons maintained on the Virginia voter registration system with active status.

91 § 24.2-627. Mechanical and electronic voting or counting devices; number required.

92 A. The governing body of any county or city which adopts for use at elections mechanical or direct  
93 electronic voting systems shall provide for each precinct at least the following number of voting devices:

94 In each precinct having not more than 750 registered voters, 1;

95 In each precinct having more than 750 but not more than 1,500 registered voters, 2;

96 In each precinct having more than 1,500 but not more than 2,250 registered voters, 3;

97 In each precinct having more than 2,250 but not more than 3,000 registered voters, 4;

98 In each precinct having more than 3,000 but not more than 3,750 registered voters, 5;

99 In each precinct having more than 3,750 but not more than 4,500 registered voters, 6;

100 In each precinct having more than 4,500 but not more than 5,000 registered voters, 7.

101 B. The governing body of any county or city, which adopts for use at elections any electronic system  
102 which requires the voter to vote a ballot which is inserted in an electronic counter, shall provide for  
103 each precinct at least one voting booth with a marking device for each 425 registered voters or portion  
104 thereof and shall provide for each precinct at least one counting device.

105 C. The local electoral board of any county or city shall be authorized to conduct any May general  
106 election, primary election, or special election held on a date other than a November general election  
107 with the number of voting or marking devices it determines is appropriate for each precinct,  
108 notwithstanding the provisions of subsections A and B of this section.

109 D. *For purposes of applying this section, "registered voter" shall not include persons voting*  
110 *absentee under Chapter 7 of this Title or persons maintained on the Virginia voter registration system*  
111 *with inactive status. #*