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SENATE BILL NO. 1340

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections
on February 18, 2011)

(Patron Prior to Substitute—Senator Puller)

A BILL to amend and reenact § 24.2-626 of the Code of Virginia, relating to elections; electronic voting equipment and systems.

Be it enacted by the General Assembly of Virginia:**1. That § 24.2-626 of the Code of Virginia is amended and reenacted as follows:**

§ 24.2-626. Governing bodies shall acquire electronic voting or counting systems.

The governing body of each county and city shall provide for the use of electronic voting or counting systems, of a kind approved by the State Board, at every precinct and for all elections held in the county, the city, or any part of the county or city.

Each county and city governing body shall purchase, lease, lease purchase, or otherwise acquire such systems and may provide for the payment therefor in the manner it deems proper. Systems of different kinds may be adopted for use and be used in different precincts of the same county or city, or within a precinct or precincts in a county or city, subject to the approval of the State Board.

On and after July 1, 2007, no county or city shall acquire any direct recording electronic machine (DRE) for use in elections in the county or city except as provided herein:

1. DREs acquired prior to July 1, 2007, may be used in elections in the county or city for the remainder of their useful life.

2. Any locality that acquired DREs prior to July 1, 2007, may acquire DREs on a temporary basis to conduct an election when the existing DRE inventory is insufficient to conduct the election because all or part of its inventory is under lock or seal as required by § 24.2-659.

3. Any locality may acquire DREs from another locality within the Commonwealth, from among their existing inventories, for the expressed express purpose of providing accessible voting equipment as required by § 24.2-626.1. The local electoral board shall notify the State Board when at least 30 days prior to acquiring any DRE under this provision and shall certify to the State Board that the DRE acquired under this provision is necessary to meet accessible voting requirements. The Secretary of the State Board shall have authority to reject DRE acquisitions beyond those necessary to satisfy the accessible voting requirements specified by § 24.2-626.1.

2. That the amendment to subdivision 3 of § 24.2-626 of the Code of Virginia enacted in 2011 shall expire June 30, 2012, and the authorization provided in that subdivision thereafter shall be applicable only for acquisitions of DREs from other localities within the Commonwealth, from among their existing inventories.