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HOUSE BILL NO. 2015

Offered January 9, 2013

Prefiled January 9, 2013

A BILL to amend and reenact §§ 24.2-644 and 24.2-646.1 of the Code of Virginia, relating to voting by paper ballot.

Patrons—Torian, Anderson, Marshall, R.G. and Ramadan; Senators: Herring and Puller

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-644 and 24.2-646.1 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-644. Voting by paper ballot; voting for presidential electors; write-in votes.

A. The qualified voter shall take the official paper ballot and enter the voting booth. After entering the voting booth, the qualified voter shall mark immediately preceding the name of each candidate for whom he wishes to vote a check () or a cross (X or +) or a line (-) in the square provided for such purpose, leaving unmarked the square preceding the name of each candidate for whom he does not wish to vote. Any ballot marked so that the intent of the voter is clear shall be counted.

B. The qualified voter at a presidential election shall mark the square preceding the names and party designation for his choice of candidates for President and Vice President. His ballot so marked shall be counted as if he had marked squares preceding the names of the individual electors affiliated with his choice for President and Vice President. The qualified voter at a presidential election may cast a write-in vote for President and Vice President as provided in subsections C and D of this section.

C. At all elections except primary elections it shall be lawful for any voter to vote for any person other than the listed candidates for the office by writing or hand printing the person's name on the official ballot. No check or other mark shall be required to cast a valid write-in vote. Write-in votes for President and Vice President shall be counted only for candidates who have filed a joint declaration of intent to be write-in candidates for the offices with the Secretary of the State Board not less than ten days before the date of the presidential election. The declaration of intent shall be on a form prescribed by the State Board and shall include a list of presidential electors pledged to those candidates which equals the whole number of senators and representatives to which the Commonwealth at that time is entitled in the Congress of the United States. A write-in vote cast for candidates for President and Vice President, or for a candidate for President only, shall be counted for the individual electors listed on the declaration of intent as pledged to those candidates.

D. No write-in vote shall be counted unless the name is entered on the ballot in conformance with this section. No write-in vote shall be counted when it is apparent to the officers of election that a voter has voted for the same person for the same office more than one time. No write-in vote shall be counted for an office for any person whose name appears on the ballot as a candidate for that office. If two or more persons are to be elected to the same office, a voter may vote for one or more persons whose names do appear on the ballot and one or more persons whose names do not appear on the ballot, provided that the total number of votes cast by him for that office does not exceed the number of persons to be elected to that office.

E. Notwithstanding the use in any county or city of mechanical or direct electronic voting systems that do not require a paper ballot, a qualified voter shall be entitled to cast his vote using a paper ballot.

§ 24.2-646.1. Permitted use of paper ballots.

The official paper ballot shall be used by a voter to cast his vote only in one of the following circumstances:

1. ~~The~~ Except as provided in § 24.2-644, the official paper ballot is the only ballot in use in the precinct.

2. The official paper ballot is used by voters voting outside the polling place pursuant to § 24.2-649.

3. The voter is casting a provisional ballot.

4. The voter is provided an official paper ballot or copy thereof pursuant to § 24.2-642 when voting equipment is inoperable or otherwise unavailable.

5. The official absentee paper ballot voted in accordance with (§ 24.2-700 et seq.).

6. The voter is provided an official paper ballot for a presidential election pursuant to § 24.2-402.

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