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SENATE BILL NO. 190

Offered January 13, 2016

Prefiled January 4, 2016

A *BILL to amend and reenact §§ 24.2-626 and 24.2-627 of the Code of Virginia, relating to voting systems; use of direct recording electronic machines.*

Patrons—Miller; Delegate: Rasoul

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-626 and 24.2-627 of the Code of Virginia are amended and reenacted as follows:

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

A. The governing body of each county and city shall provide for the use of *an* electronic voting or counting machines system, 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 machines 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 purpose of providing accessible voting equipment as required by § 24.2-626.1. The local electoral board shall notify the State Board when 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.

4. Any locality may modify its existing DREs to comply with federal or state law requirements to provide accessible voting equipment. Any modifications made to existing DREs must be authorized by the State Board of Elections prior to modification.

B. On and after July 1, 2017, no county or city shall use any direct recording electronic machine (DRE) in elections in the county or city.

§ 24.2-627. Electronic voting systems; number required.

A. The governing body of any county or city that adopts for use at elections direct recording electronic machines shall provide for each precinct at least the following number of voting machines:

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

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

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

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

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

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

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

B. The governing body of any county or city that adopts for use at elections ballot scanner machines shall provide for each precinct at least one voting booth with a marking device for each 425 registered voters or portion thereof and shall provide for each precinct at least one scanner. However, each precinct having more than 4,000 registered voters shall be provided with not less than two scanners at a presidential election, unless the governing body, in consultation with the general registrar and the electoral board, determines that a second scanner is not necessary at any such precinct on the basis of voter turnout and the average wait time for voters in previous presidential elections.

C. B. The local electoral board of any county or city shall be authorized to conduct any May general election, primary election, or special election held on a date other than a November general election with the number of voting or counting machines systems it determines is appropriate for each precinct, notwithstanding the provisions of subsections subsection A and B.

D. C. For purposes of applying this section, an electoral board may exclude persons voting absentee

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59 in its calculations, and if it does so, the electoral board shall send to the Department a statement of the
60 number of voting systems to be used in each precinct. If the State Board finds that the number of voting
61 systems is not sufficient, it may direct the local board to use more voting systems.
62 **2. That the provisions of this act amending § 24.2-627 shall become effective on July 1, 2017.**