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## SENATE BILL NO. 1302

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee on Privileges and Elections  
on January 17, 2017)

(Patron Prior to Substitute—Senator Vogel)

A BILL to amend and reenact §§ 24.2-671 and 24.2-675 of the Code of Virginia, relating to write-in votes; duties of local electoral boards.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-671 and 24.2-675 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-671. Electoral board to meet and ascertain results; conclusiveness of results.

Each electoral board shall meet at the clerk's or general registrar's office of the county or city for which they are appointed at or before 5:00 p.m. on the day after any election. The board may adjourn to another room of sufficient size in a public building to ascertain the results, and may adjourn as needed, not to exceed seven calendar days from the date of the election. Written directions to the location of any room other than the clerk's or general registrar's office where the board will meet shall be posted at the doors of the clerk's and general registrar's offices prior to the beginning of the meeting.

The board shall open the returns delivered by the officers.

If the electoral board has exercised the option provided by § 24.2-668 for delivery of the election materials to the office of the general registrar on the night of the election, the electoral board shall meet at the office of the general registrar at or before 5:00 p.m. on the day after any election.

The board shall ascertain from the returns the total votes in the county or city, or town in a town election, for each candidate and for and against each question and complete the abstract of votes cast at such election, as provided for in § 24.2-675. For any office in which no person was elected by write-in votes, and for which the total number of write-in votes for that office is less than (i) five percent of the total number of votes cast for that office and (ii) the total number of votes cast for the candidate receiving the most votes the difference between the total number of votes cast for the candidate elected or the candidate elected with the fewest number of votes and the total number of write-in votes cast for that office is more than five percent of the total number of write-in votes and the number of votes cast for such candidate elected, the electoral board shall ascertain only the total number of write-in votes for each write-in candidate for the office within one week following the election and not the number of write-in votes for each person receiving write-in votes. For offices for which the electoral board issues the certificate of election, the result so ascertained, signed and attested, shall be conclusive and shall not thereafter be subject to challenge except as specifically provided in Chapter 8 (§ 24.2-800 et seq.) of this title.

Once the result is so ascertained, the secretary of the electoral board shall deliver one copy of each statement of results to the general registrar to be available for inspection when his office is open for business. The secretary shall then return all pollbooks, any printed inspection and return sheets, and one copy of each statement of results to the clerk.

Beginning with the general election in November 2007, a report of any changes made by the local electoral board to the unofficial results ascertained by the officers of election or any subsequent change to the official abstract of votes made by the local electoral board shall be forwarded to the State Board of Elections and the explanation of such change shall be posted on the State Board website.

Each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have representatives present when the local electoral board meets to ascertain the results of the election. Each such party and candidate shall be entitled to have at least as many representatives present as there are teams of officials working to ascertain the results, and the room in which the local electoral board meets shall be of sufficient size and configuration to allow the representatives reasonable access and proximity to view the ballots as the teams of officials work to ascertain the results. The representatives and observers lawfully present shall be prohibited from interfering with the officials in any way.

§ 24.2-675. Abstracts of votes to be made by secretary and forwarded to State Board and to clerks.

As soon as the electoral board determines the persons who have received the highest number of votes for any office, the secretary shall make out an abstract of the votes for each of the following: Governor; Lieutenant Governor; Attorney General; members of the Senate of Virginia; members of the House of Delegates; members of the United States Senate; members of the United States House of Representatives; electors of the President and Vice President of the United States; each county office; each city office; each district office; each town office; and such others as may be required for statewide referenda. The abstracts shall contain the names of all persons receiving any vote for each office and the

60 total number of votes received by each person or for or against each question. However, if no person  
61 was elected *to an office* by write-in votes and ~~the total number of write-in votes for any office is less~~  
62 ~~than (i) five percent of the total number of votes cast for that office and (ii) the total number of votes~~  
63 ~~cast for the candidate receiving the most votes~~ *the difference between the total number of votes cast for*  
64 *the candidate elected or the candidate elected with the fewest number of votes and the total number of*  
65 *write-in votes cast for that office is more than five percent of the total number of write-in votes and the*  
66 *number of votes cast for such candidate elected*, the abstract shall contain only the total number of  
67 write-in votes and not the number of write-in votes for each person receiving write-in votes.

68 The abstracts shall be certified and signed by the electoral board, attested by the secretary, and  
69 retained by the electoral board as part of its records. A copy of each, certified under the official seal of  
70 the electoral board, shall immediately be mailed or delivered by hand to the State Board. The State  
71 Board shall require the electoral board of any county or city to correct any errors found on such  
72 abstracts prior to completing the requirements of § 24.2-679.

73 One certified copy of each abstract of votes shall be forwarded (i) to the clerk of the city council or  
74 board of supervisors and recorded in its record book, (ii) for town elections, to the clerk of the town  
75 council and recorded in its minute book, and (iii) for each local referendum, to the circuit court for the  
76 locality.