

# VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

## CHAPTER 464

*An Act to amend and reenact §§ 24.2-613, 24.2-614, 24.2-615, 24.2-641, and 24.2-644 of the Code of Virginia and to repeal § 24.2-113 of the Code of Virginia, relating to obsolete statutes and provisions in Title 24.2.*

[S 130]

Approved March 23, 2018

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

**1. That §§ 24.2-613, 24.2-614, 24.2-615, 24.2-641, and 24.2-644 of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-613. Form of ballot.**

A. The ballots shall comply with the requirements of this title and the standards prescribed by the State Board.

B. For elections for federal, statewide, and General Assembly offices only, each candidate who has been nominated by a political party or in a primary election shall be identified by the name of his political party. Independent candidates shall be identified by the term "Independent." For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties. For the purpose of this section, a "recognized political party" is defined as an organization that, for at least six months preceding the filing of its nominee for the office, has had in continual existence a state central committee composed of registered voters residing in each congressional district of the Commonwealth, a party plan and bylaws, and a duly elected state chairman and secretary. A letter from the state chairman of a recognized political party certifying that a candidate is the nominee of that party and also signed by such candidate accepting that nomination shall constitute sufficient and appropriate evidence of nomination by a recognized political party. The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.

C. Except as provided for primary elections, the State Board shall determine by lot the order of the political parties, and the names of all candidates for a particular office shall appear together in the order determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section, except as provided for presidential elections in § 24.2-614, "recognized political parties" shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board; and the class shall follow the political parties as defined by § 24.2-101 and precede the independent class. Independent candidates shall be treated as a class under "Independent", and their names shall be placed on the ballot after the political parties and recognized political parties. Where there is more than one independent candidate for an office, their names shall appear on the ballot in an order determined by the priority of time of filing all required paperwork for the office. In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board as in the case of a tie vote for the office.

No individual's name shall appear on the ballot more than once for the same office.

D. In preparing the printed ballots for general, special, and primary elections, the State Board and ~~electoral boards~~ *general registrars* shall cause to be printed in not less than 10-point type, immediately below the title of any office, a statement of the number of candidates for whom votes may be cast for that office. For any office to which only one candidate can be elected, the following language shall be used: "Vote for only one." For any office to which more than one candidate can be elected, the following language shall be used: "Vote for not more than."

E. Any locality that uses machine-readable ballots at one or more precincts, including any central absentee precinct, may, with the approval of the State Board, use a printed reproduction of the machine-readable ballot in lieu of the official machine-readable ballot. Such reproductions shall be printed and otherwise handled in accordance with all laws and procedures that apply to official paper ballots.

~~In every county and city using voting systems requiring printed ballots, the electoral board shall furnish a sufficient number of ballots printed on plain white paper, of such form and size as will fit in the ballot frames.~~

**§ 24.2-614. Preparation and form of presidential election ballots.**

As soon as practicable after the seventy-fourth day before the presidential election, the State Board

shall certify to the general registrar of each county and city the form of official ballot for the presidential election which shall be uniform throughout the Commonwealth. Each general registrar shall have the official ballot printed at least 45 days preceding the election.

The ballot shall contain the name of each political party and the party group name, if any, specified by the persons naming electors by petition pursuant to § 24.2-543. Below the party name in parentheses, the ballot shall contain the words "Electors for \_\_\_\_\_, President and \_\_\_\_\_, Vice President" with the blanks filled in with the names of the candidates for President and Vice President for whom the candidates for electors are expected to vote in the Electoral College. ~~A printed square shall precede the name of each political party or party designation.~~

Groups of petitioners qualifying for a party name under § 24.2-543 shall be treated as a class; the order of the groups shall be determined by lot by the State Board; and the groups shall immediately precede the independent class on the ballot. The names of the candidates within the independent class shall be listed alphabetically.

**§ 24.2-615. Separate questions for proposed constitutional amendments, etc.; uniform ballots.**

A separate ~~ballot~~ *question* shall be ~~printed~~ *presented* for each of the following: proposed amendments to the Constitution submitted to the qualified voters at one election; proposals submitted to the qualified voters after a constitutional convention pursuant to Article XII, Section 2 of the Constitution; candidates for President, Vice President, and presidential electors; and candidates for the Congress of the United States.

The form of the ballot shall be the same throughout the election district in which the same candidates are running to fill the same offices and throughout the district in which a question is submitted to the voters.

**§ 24.2-641. Sample ballot.**

The electoral board or general registrar shall provide for each precinct in which any voting or counting machines are used two sample ballots, ~~which shall be arranged as a diagram of the front of the voting or counting machine as it will appear with the official ballot for voting on election day for each ballot style in use at that precinct.~~ Such sample ballots shall be posted for public inspection at each polling place during the day of election.

**§ 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 the ballot in accordance with the instructions for the type of ballot, for each candidate for whom he wishes to vote a check (✓) or a cross (✕ 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~~ *the ballot in accordance with the instructions for the type of ballot,* for his choice of candidates for President and Vice President. His ballot so marked shall be counted as if he had marked ~~squares~~ *the ballot in accordance with the instructions for the type of ballot* 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.

C. At all elections except primary elections it ~~shall be~~ *is* 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 Commissioner of Elections not less than 10 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.

**2. That § 24.2-113 of the Code of Virginia is repealed.**