

18100351D

SENATE BILL NO. 589

Offered January 10, 2018

Prefiled January 9, 2018

A BILL to amend and reenact § 24.2-604 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-604.3, relating to election day page program.

Patron—Ebbin

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-604 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-604.3 as follows:

§ 24.2-604. Prohibited activities at polls; notice of prohibited area; electioneering; presence of representatives of parties or candidates; simulated elections; observers; news media; penalties.

A. During the times the polls are open and ballots are being counted, it shall be unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of any polling place; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign material to any person or to solicit or in any manner attempt to influence any person in casting his vote; or (iii) to hinder or delay a qualified voter in entering or leaving a polling place.

B. Prior to opening the polls, the officers of election shall post, in the area within 40 feet of any entrance to the polling place, sufficient notices which state "Prohibited Area" in two-inch type. The notices shall also state the provisions of this section in not less than 24-point type. The officers of election shall post the notices within the prohibited area to be visible to voters and the public.

C. The officers of election shall permit one authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, to remain in the room in which the election is being conducted at all times. A representative may serve part of the day and be replaced by successive representatives. The officers of election shall have discretion to permit up to three authorized representatives of each political party or independent candidate in a general or special election, or up to three authorized representatives of each candidate in a primary election, to remain in the room in which the election is being conducted. The officers shall permit one such representative for each pollbook station. However, no more than one such representative for each pollbook station or three representatives of any political party or independent candidate, whichever number is larger, shall be permitted in the room at any one time. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative shall present to the officers of election a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied, and such photocopy shall be as valid as if the copy had been signed. No candidate whose name is printed on the ballot shall serve as a representative of a party or candidate for purposes of this section. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to be close enough to the voter check-in table to be able to hear and see what is occurring; however, such observation shall not violate the secret vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with the orderly process of the election. Any representative who complains to the chief officer of election that he is unable to hear or see the process may accept the chief officer's decision or, if dissatisfied, he may immediately appeal the decision to the local electoral board or general registrar. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to use a handheld wireless communications device, but shall not be allowed to use such a device to capture a digital image inside the polling place or central absentee voter precinct. The officers of election may prohibit the use of cellular telephones or other handheld wireless communications devices if such use will result in a violation of subsection A or D or § 24.2-607. Authorized representatives shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

D. It shall be unlawful for any authorized representative, voter, or any other person in the room to (i)

INTRODUCED

SB589

59 hinder or delay a qualified voter; (ii) give, tender, or exhibit any ballot, ticket, or other campaign
60 material to any person; (iii) solicit or in any manner attempt to influence any person in casting his vote;
61 (iv) hinder or delay any officer of election; (v) be in a position to see the marked ballot of any other
62 voter; or (vi) otherwise impede the orderly conduct of the election.

63 E. The officers of election may require any person who is found by a majority of the officers present
64 to be in violation of this section to remain outside of the prohibited area. Any person violating
65 subsection A or D shall be is guilty of a Class 1 misdemeanor.

66 F. This section shall not be construed to prohibit a candidate from entering any polling place on the
67 day of the election to vote, or to visit a polling place for no longer than 10 minutes per polling place
68 per election day, provided that he complies with the restrictions stated in subsections A, D, and K J.

69 G. This section shall not be construed to prohibit a minor from entering a polling place on the day
70 of the election to vote in a simulated election at that polling place, provided that the local electoral
71 board or general registrar has determined that such polling place can accommodate simulated election
72 activities without interference or substantial delay in the orderly conduct of the official voting process.
73 Persons supervising or working in a simulated election in which minors vote may remain within such
74 polling place. The local electoral board or general registrar and the chief officer for the polling place
75 shall exercise authority over, but shall have no responsibility for the administration of, simulated election
76 related activities at the polling place.

77 H. The local electoral board, or its general registrar, may conduct a special election day program for
78 high school students in one or more polling places designated by the electoral board or the general
79 registrar, other than a central absentee voter precinct. Such students shall be selected by the electoral
80 board or the general registrar in cooperation with high school authorities. The program shall be designed
81 to stimulate the students' interest in elections and registering to vote, provide assistance to the officers of
82 election, and ensure the safe entry and exit of elderly and disabled voters from the polling place. Each
83 student shall receive, from a person designated by the electoral board, training on the duties,
84 responsibilities, and prohibited conduct of election pages. Each student shall take and sign an oath as an
85 election page, serve under the direct supervision of the chief officer of election of his assigned polling
86 place, and observe strict impartiality at all times. Election pages may observe the electoral process and
87 seek information from the chief officer of election and may assist in the arrangement of the voting
88 equipment, furniture, and other materials for the conduct of the election, but shall not enter any voting
89 booth. Election pages may, at the direction and under the direct supervision of the chief officer of
90 election, assist in the counting of unmarked ballots prior to the opening of the polls, but shall not handle
91 or touch ballots in any other circumstance.

92 I. A local electoral board or general registrar may authorize in writing the presence of additional
93 neutral observers as may be deemed appropriate, except as otherwise prohibited or limited by this
94 section. Such observers shall comply with the restrictions in subsections A and D and shall not be
95 allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any
96 indication that they are authorized to assist voters either inside the polling place or within 40 feet of any
97 entrance to the polling place.

98 J. I. The officers of election shall permit representatives of the news media to visit and film or
99 photograph inside the polling place for a reasonable and limited period of time while the polls are open.
100 However, the media (i) shall comply with the restrictions in subsections A and D; (ii) shall not film or
101 photograph any person who specifically asks the media representative at that time that he not be filmed
102 or photographed; (iii) shall not film or photograph the voter or the ballot in such a way that divulges
103 how any individual voter is voting; and (iv) shall not film or photograph the voter list or any other voter
104 record or material at the precinct in such a way that it divulges the name or other information
105 concerning any individual voter. Any interviews with voters, candidates or other persons, live
106 broadcasts, or taping of reporters' remarks, shall be conducted outside of the polling place and the
107 prohibited area. The officers of election may require any person who is found by a majority of the
108 officers present to be in violation of this subsection to leave the polling place and the prohibited area.

109 K. J. The provisions of subsections A and D shall not be construed to prohibit a person who
110 approaches or enters the polling place for the purpose of voting from wearing a shirt, hat, or other
111 apparel on which a candidate's name or a political slogan appears or from having a sticker or button
112 attached to his apparel on which a candidate's name or a political slogan appears. This exemption shall
113 not apply to candidates, representatives of candidates, or any other person who approaches or enters the
114 polling place for any purpose other than voting.

115 **§ 24.2-604.3. Election day page program; high school students; adult volunteers.**

116 A. The local electoral board, or its general registrar, may conduct a special election day page
117 program for high school students or adult volunteers in one or more polling places designated by the
118 electoral board or the general registrar, other than a central absentee voter precinct. Students shall be
119 selected for the election day page program by the electoral board or the general registrar in
120 cooperation with high school authorities. Adult volunteers shall be selected for the election day page

program by the electoral board or the general registrar. The program shall be designed to stimulate the pages' interest in elections and registering to vote, provide assistance to the officers of election, and ensure the safe entry and exit of elderly and disabled voters from the polling place.

B. Each page shall receive, from a person designated by the electoral board, training on the duties, responsibilities, and prohibited conduct of election pages. Each page shall take and sign an oath as an election page, serve under the direct supervision of the chief officer of election of his assigned polling place, and observe strict impartiality at all times.

C. Election pages may observe the electoral process and seek information from the chief officer of election and may assist in the arrangement of the voting equipment, furniture, and other materials for the conduct of the election but shall not enter any voting booth. Election pages may, at the direction and under the direct supervision of the chief officer of election, assist in the counting of unmarked ballots but shall not handle or touch ballots in any other circumstance.