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**SENATE BILL NO. 39**

Offered January 12, 2022

Prefiled December 27, 2021

*A BILL to amend and reenact § 24.2-613 of the Code of Virginia, relating to elections; form of ballot; party identification of candidates on ballots; constitutional officers.*

Patrons—Spruill and Chase; Delegate: Hayes

Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:****1. That § 24.2-613 of the Code of Virginia is 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. The names of all candidates to appear on the ballots shall be in the same font, size, and style.

B. For elections for federal, statewide, ~~and~~ General Assembly, *and constitutional* 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"~~, *"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 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.

For the purposes of this subsection, "time of filing for the office" means the time at which an independent candidate has filed his petition signature pages with a number of signatures at least equal to the number required for the office pursuant to § 24.2-506. In the case of an office for which no petition is required, "time of filing for the office" means the time at which the candidate has filed his completed statement of qualification pursuant to § 24.2-501.

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

D. On any ballot, all offices to be elected shall appear before any questions presented to the voters.

E. In preparing the printed ballots for general, special, and primary elections, the State Board and 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 \_\_\_\_."

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