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SENATE BILL NO. 326

Offered January 25, 1994

A BILL to amend and reenact § 24.2-712 of the Code of Virginia, relating to central absentee voter precincts; counting ballots.

Patrons—Gartlan; Delegate: Van Landingham

Referred to the Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-712 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-712. Central absentee voter precincts; counting ballots.

A. Notwithstanding any other provision of law, the governing body of each county or city may establish one or more central absentee voter precincts in the courthouse or other public buildings for the purpose of receiving, counting, and recording absentee ballots cast in the county or city. The decision to establish any absentee voter precinct shall be made by the governing body by ordinance; the ordinance shall state for which elections the precinct shall be used. The decision to abolish any absentee voter precinct shall be made by the governing body by ordinance. Immediate notification of either decision shall be sent to the State Board and the electoral board.

B. Each central absentee voter precinct shall have at least three officers of election as provided for other precincts. The number of officers shall be determined by the electoral board.

C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day of the election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the electoral board on or before the day of the election, he shall be allowed to vote it, and his ballot shall be delivered to the absentee voter precinct before the closing of the polls.

The officers at the absentee voter precinct shall determine any appeal by any other voter whose name appears on the absentee voter applicant list and who offers to vote in person. If the officers at the absentee voter precinct produce records showing the receipt of his application and the certificate of mailing for the ballot, they shall deny his appeal. If the officers cannot produce such records, the voter shall be allowed to vote in person at the absentee voter precinct and have his vote counted with other absentee votes. If the voter's appeal is denied, the provisions of § 24.2-708 shall be applicable, and the officers shall advise the voter that he may vote on presentation of a statement signed by him that he has not received an absentee ballot and subject to felony penalties for making false statements pursuant to § 24.2-1016.

D. Absentee ballots may be processed as required by § 24.2-711 by the officers of election at the central absentee voter precinct prior to the closing of the polls but the ballot box shall not be opened and the counting of ballots shall not begin prior to that time. In the case of punch card ballots to be inserted in electronic counting equipment, the ballot box may be opened and the absentee ballots may be inserted in the counting equipment prior to the closing of the polls in accordance with procedures prescribed by the State Board, including procedures to preserve ballot secrecy, but no ballot count totals shall be initiated prior to that time.

As soon as the polls are closed in the county or city the officers of election at the central absentee voter precinct shall proceed to ascertain and record the vote given by absentee ballot and report the results in the manner provided for counting and reporting ballots generally in Article 4 (§ 24.2-643 et seq.) of Chapter 6 of this title.

E. Notwithstanding the provisions of subsection D of this section, the officers of election of a central absentee voter precinct may begin to count ballots before the closing of the polls pursuant to instructions by the State Board and subject to the following conditions:

1. More than 1,000 paper absentee ballots have been cast prior to the day of the election in the locality;

2. Only the chief officer of election shall designate when and which ballot box shall be opened;

3. The ballot box shall be opened only in the presence of two officers of election representing different political parties;

4. Once opened, the ballot box and its contents shall remain under the supervision of the same two officers of election until all ballots are counted;

5. The same two officers of election shall determine the total count of ballots contained in the ballot box, sign and attest to ballot box form, and record the vote results on a vote tally form which they shall sign and attest;

6. The same two officers shall seal the counted ballots and attest to the sealing of the ballots by

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60 *signing the seal;*

61 *7. The results of the vote count from the ballot box shall be secured with the counted ballots from*
62 *the same box until the close of the polls and not announced prior to the closing of the polls;*

63 *8. No ballot box containing fewer than 25 ballots shall be opened until the polls are closed; and*

64 *9. The contents of any ballot box opened before the closing of the polls shall be either kept under*
65 *secure and locked conditions by the chief officer of election or subject to security provided by an officer*
66 *of the law except as provided herein for the counting of the ballots.*

67 *As soon as the polls are closed in the county or city the officers of election at the central absentee*
68 *voter precinct shall proceed to complete the ascertaining and recording of the vote given by absentee*
69 *ballot and report the results in the manner provided for counting and reporting ballots generally in*
70 *Article 4 (§ 24.2-643 et seq.) of Chapter 6 of this title.*

71 *F. A locality may provide that the officers of election for a central absentee voters precinct shall*
72 *work for all or a portion of the hours that the precinct is open on the election day.*