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HOUSE BILL NO. 1214

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Grayson
on February 12, 1996)

(Patron Prior to Substitute—Delegate Katzen)

A BILL to amend and reenact § 24.2-684 of the Code of Virginia and to amend the Code of Virginia by adding in Article 5 of Chapter 6 of Title 24.2 a section numbered 24.2-687 and by adding in Chapter 1 of Title 30 a section numbered 30-19.10, relating to the holding of referendum elections and distribution of information on referendum elections.

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-684 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 5 of Chapter 6 of Title 24.2 a section numbered 24.2-687 and by adding in Chapter 1 of Title 30 a section numbered 30-19.10 as follows:

§ 24.2-684. How referendum elections called and held, and the results ascertained and certified.

Notwithstanding any other provision of any law or charter to the contrary, the provisions of this section shall govern all referenda.

No referendum shall be placed on the ballot unless specifically authorized by statute or by charter.

Whenever any question is to be submitted to the voters of any county, city, town, or other local subdivision, the referendum shall in every case be held pursuant to a court order as provided in this section. The court order calling a referendum shall state the question to appear on the ballot ~~and in plain English as that term is defined in § 24.2-687.~~ The order shall be entered and the election held within a reasonable period of time subsequent to the receipt of the request for the referendum if the request is found to be in proper order. The court order shall set the date for the referendum in conformity with the requirements of § 24.2-682.

A copy of the court order calling a referendum shall be sent immediately to the State Board by the clerk of the court in which the order was issued.

The ballot shall be prepared by the appropriate electoral board and distributed to the appropriate precincts. On the day fixed for the referendum, the regular election officers shall open the polls and take the sense of the qualified voters of the county, city, town, or other local subdivision, as the case may be, on the question so submitted. The ballots for use at any such election shall be printed to state the question as follows:

"(Here state briefly the question submitted)

☐ Yes

☐ No"

The ballots shall be printed, marked, and counted and returns made and canvassed as in other elections. The results shall be certified by the secretary of the appropriate electoral board to the State Board, to the court ordering the election, and to such other authority as may be proper to accomplish the purpose of the election.

§ 24.2-687. Authorization for distribution of information on referendum elections.

The governing body of any county or city may provide for the preparation and printing of an explanation for each referendum question to be submitted to the voters of the county or city. The explanation shall be made available at registration sites prior to the referendum, if practicable, and be posted at the polling places on the day of the election. The governing body may have the explanation published by paid advertisement in a newspaper with general circulation in the county or city once preceding the final day for registration, if practicable, and once during the week preceding the referendum.

The explanation shall contain the ballot question and a statement of not more than 500 words on the proposed question. The explanation shall be presented in plain English, shall be limited to a neutral explanation, and shall not present arguments by either proponents or opponents of the proposal. The attorney for the county or city or, if there is no county or city attorney, the attorney for the Commonwealth shall prepare the explanation. "Plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession.

This section shall not be applicable to statewide referenda.

Any failure to comply with the provisions of this section shall not affect the validity of the referendum.

§ 30-19.10. Distribution of information on proposed questions to be submitted to voters.

Whenever a statewide referendum on a matter other than a constitutional amendment is submitted to

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60 the voters by the General Assembly, the State Board of Elections shall cause to be printed and
61 distributed to the general registrar of each county and city, not less than ninety days prior to the
62 election, copies of an explanation of the referendum to be placed at each registration site in sufficient
63 number to provide a copy to any interested person, and to election officials to be posted at the polling
64 places on the day of the election. The State Board of Elections also shall cause the explanation to be
65 published by paid advertisement in each daily newspaper with an average daily circulation of more than
66 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week
67 preceding the final day for registration and once during the week preceding the referendum.

68 The explanation shall contain the ballot question and a statement of not more than 500 words on the
69 proposed question. The explanation shall be presented in plain English, shall be limited to a neutral
70 explanation, and shall not present arguments by either proponents or opponents of the proposal. The
71 Division of Legislative Services, in consultation with such agencies of state government as may be
72 appropriate, including the Office of Attorney General, shall prepare the explanation. The explanation
73 shall be approved for distribution as to form and content by the Committee on Privileges and Elections
74 of the house of introduction of the legislation authorizing the referendum. For purposes of this section
75 and § 30-19.9, "plain English" means written in nontechnical, readily understandable language using
76 words of common everyday usage and avoiding legal terms and phrases or other terms and words of art
77 whose usage or special meaning primarily is limited to a particular field or profession.

78 Any failure to comply with the provisions of this section shall not affect the validity of the statewide
79 referendum.