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SENATE BILL NO. 1133

Offered January 20, 1997

A BILL to amend and reenact § 24.2-604 of the Code of Virginia, relating to simulated elections.

Patrons—Walker, Edwards, Miller, Y.B., Schrock, Stolle and Whipple; Delegates: Drake, Heilig, Purkey, Tata and Woodrum

Referred to the 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 as follows:

§ 24.2-604. Prohibited activities at polls; notice of prohibited area; presence of representatives of parties or candidates; simulated elections; 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 forty 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 forty 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 twenty-four-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 election, or one authorized representative of each candidate in a primary or special election, to remain in the room in which the election is being conducted. If the precinct registered voter list is divided into sections, the officers shall permit one such representative for each section, but no more than three representatives of any political party or independent candidate shall be permitted in the room at any one time. Each authorized representative shall be a qualified voter of the county or city within which the polling place is located. 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. No candidate whose name is printed on the ballot shall serve as a representative of a party or candidate for purposes of this section.

D. It shall be unlawful for any authorized representative, voter, or any other person in the room to (i) hinder or delay a qualified voter; (ii) give, tender, or exhibit any ballot, ticket, or other campaign material to any person; (iii) solicit or in any manner attempt to influence any person in casting his vote; (iv) hinder or delay any officer of election; or (v) otherwise impede the orderly conduct of the election.

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

F. This section shall not be construed to prohibit a candidate from entering any polling place on the day of the election to vote or to visit the polling place for no longer than ten minutes provided that he complies with the restrictions stated above which are applicable to party and candidate representatives.

G. This section shall not be construed to prohibit a minor from entering any polling place on the day of the election to vote in a simulated election in which minors vote at that polling place. The local electoral board shall approve the use of a polling place for a simulated election in advance of the election day. The chief officer of election shall exercise authority over all simulated-election-related activities at the polling place. Persons may remain within the prohibited area, polling place, and in the room where the election is conducted for the purpose of supervising or working in an approved simulated election.

INTRODUCED

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