

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 24.2-669 of the Code of Virginia, relating to the keeping of ballots by*
3 *clerk.*

4 [H 1411]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 24.2-669 of the Code of Virginia is amended and reenacted as follows:**

8 § 24.2-669. Clerk to keep ballots for two years; inspection; destruction.

9 The clerk to whom the counted and uncounted ballots are delivered shall, without breaking the seal,
10 deposit them in a secure place in his office, where they shall be kept for the time required by this
11 section. He shall not allow the ballots to be inspected except (i) by an authorized representative of the
12 State Board or by the electoral board at the direction of the State Board to ensure the accuracy of the
13 returns or the purity of the election, (ii) by the officers of election, and then only at the direction of the
14 electoral board in accordance with § 24.2-672 when the provisions of § 24.2-662 have not been
15 followed, or (iii) on the order of a court before which there is pending a proceeding for a contest or
16 recount under Chapter 8 (§ 24.2-800 et seq.) of this title or before whom there is then pending a
17 proceeding in which the ballots are necessary for use in evidence.

18 After the counted ballots *for a federal election* have remained in the clerk's office for two years, if
19 no election contest or other proceeding is pending in which such ballots may be needed as evidence, the
20 clerk shall destroy such ballots. *After the counted ballots for any other election have remained in the*
21 *clerk's office for one year, if no election contest or other proceeding is pending in which such ballots*
22 *may be needed as evidence, the clerk shall destroy such ballots.* After the unused ballots have remained
23 in the clerk's office and the time has expired for initiating a recount, contest, or other proceeding in
24 which such ballots may be needed as evidence and no such contest or proceeding is pending, the clerk
25 may then destroy the unused ballots.

ENROLLED

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