

2003 SESSION

REENGROSSED

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SB1107E2

SENATE BILL NO. 1107

Senate Amendments in [] — January 27, 2003

A *BILL to amend and reenact §§ 15.2-408, 15.2-3604, 15.2-3831, 24.2-101, 24.2-106, 24.2-107, 24.2-111, 24.2-114, 24.2-115, 24.2-116, 24.2-216, 24.2-226, 24.2-228.1, 24.2-306, 24.2-310, 24.2-404, 24.2-405, 24.2-406, 24.2-415, 24.2-416.1, 24.2-423, 24.2-424, 24.2-444, 24.2-501, 24.2-522, 24.2-531, 24.2-533, 24.2-545, 24.2-604, 24.2-612, 24.2-622, 24.2-623, 24.2-624, 24.2-629, 24.2-635, 24.2-639, 24.2-642, 24.2-643, 24.2-646, 24.2-649, 24.2-653, 24.2-659, 24.2-662, 24.2-668, 24.2-669, 24.2-671, 24.2-675, 24.2-707, 24.2-711, 24.2-712, 24.2-1002, 24.2-1003, 24.2-1004, and 24.2-1009 of the Code of Virginia, relating to clarifications and revisions in the election laws, including changes in the process for filling vacancies, financing local electoral boards and staffs, registering voters, nominating candidates, conducting elections, and voting absentee; penalties.*

Patrons Prior to Engrossment—Senators Whipple, Lambert, Miller, K.G. and O'Brien; Delegates: Brink, Dillard, Rollison and Van Landingham

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-408, 15.2-3604, 15.2-3831, 24.2-101, 24.2-106, 24.2-107, 24.2-111, 24.2-114, 24.2-115, 24.2-116, 24.2-216, 24.2-226, 24.2-228.1, 24.2-306, 24.2-310, 24.2-404, 24.2-405, 24.2-406, 24.2-415, 24.2-416.1, 24.2-423, 24.2-424, 24.2-444, 24.2-501, 24.2-522, 24.2-531, 24.2-533, 24.2-545, 24.2-604, 24.2-612, 24.2-622, 24.2-623, 24.2-624, 24.2-629, 24.2-635, 24.2-639, 24.2-642, 24.2-643, 24.2-646, 24.2-649, 24.2-653, 24.2-659, 24.2-662, 24.2-668, 24.2-669, 24.2-671, 24.2-675, 24.2-707, 24.2-711, 24.2-712, 24.2-1002, 24.2-1003, 24.2-1004, and 24.2-1009 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-408. Attorney for the Commonwealth, county clerk, sheriff, commissioner of the revenue and treasurer of the county.

A. The attorney for the Commonwealth, the county clerk, the sheriff, the commissioner of the revenue and the treasurer of the county in office immediately prior to the day upon which the county board form becomes effective in the county shall continue, unless sooner removed, as attorney for the Commonwealth, county clerk, sheriff, commissioner of the revenue and treasurer, respectively, of the county until the expiration of their respective terms of office and until their successors have qualified. Thereafter, such officers shall be elected in such manner and for such terms as provided by general law.

B. When any vacancy occurs in any office named in subsection A, the circuit court for the county shall issue a writ of election to fill such vacancy shall be filled as provided by general law. The election shall be held in the next succeeding November election or, if the vacancy occurs within 120 days prior to such election, the second ensuing general election. The person so elected shall hold office for the unexpired term of the officer. The circuit court for the county may make a temporary appointment to fill such vacancy until the election.

C. Each officer named in subsection A of this section may appoint such deputies, assistants and employees as he may require in the exercise of the powers conferred and in the performance of the duties imposed upon him by law.

D. Each officer, except the attorney for the Commonwealth, named in subsection A shall, except as otherwise provided in this chapter, exercise all the powers conferred and perform all the duties imposed upon such officer by general law. He shall be accountable to the board in all matters affecting the county and shall perform such duties, not inconsistent with his office, as the board directs.

§ 15.2-3604. How first election ordered and held.

An order incorporating a town under this chapter shall order the first election of town officers and shall designate the time and place where the election shall be held in the town. The election shall be at least ~~ninety~~90 days from the date of the order and not within 120 days of a general election. The electoral board of the county within which the town, or the greater part thereof, is situated shall, not less than ~~ninety~~90 days before the election, determine the qualified voters within the town, and the general registrar for the county shall provide the appropriate notice, in accordance with § 24.2-114. At any time the books are not closed pursuant to § 24.2-416, any person residing in the town who has not registered shall be entitled to register and vote in the town if he would have been entitled to register and vote in the county. Five members of council shall be elected and shall serve until their successors, elected pursuant to charter provisions, qualify and take office. The officers of election shall comply with the requirements of Title 24.2. If, for any cause no election is held on the day fixed in the order, the court may, by an order entered in its common-law order book, fix another day for the election, which shall be held as required by this section.

59 § 15.2-3831. Registrars and their duties.

60 Upon its appointment, the electoral board for a city created under this chapter shall appoint a *general*
61 registrar for each voting precinct and cause such registrars to transfer from the county registration books
62 to the city registration books of their proper precinct the names of all registered voters of the county
63 who are residents of the city and to open the registration books of the city for the registration of voters.
64 Such registered voters of the county or town so transferred shall become registered voters of the city
65 and qualified as to residence to vote therein. All persons may register in the city at the same time they
66 could have registered in the town had no city government been created pursuant to § 24.2-110. The
67 registration records of voters residing in the city shall be transferred, and the appropriate notice given,
68 in accordance with § 24.2-114. At any time the books are not closed pursuant to § 24.2-416, any person
69 residing in the city who has not registered shall be entitled to register and vote in the city if he would
70 have been entitled to register and vote in the county.

71 Such registrars shall receive from the city four cents for each name so transferred.

72 § 24.2-101. Definitions.

73 As used in this title, unless the context requires a different meaning:

74 "Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of
75 its governmental units in a general, primary, or special election and who is qualified to have his name
76 placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a
77 political party or who, by reason of receiving the nomination of a political party for election to an
78 office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9 (§ 24.2-900 et
79 seq.), and 9.2 (§ 24.2-941 et seq.) of this title, "candidate" shall include any write-in candidate.
80 However, no write-in candidate who has received less than fifteen 15 percent of the votes cast for the
81 office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter
82 8 of this title.

83 "Central absentee voter precinct" means a precinct established by a county or city pursuant to
84 § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts
85 within the county or city.

86 "Constitutional office" or "constitutional officer" means a county or city office or officer referred to
87 in Article VII, Section 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the
88 Commonwealth, sheriff, commissioner of the revenue, and treasurer.

89 "Election" means a general, primary, or special election.

90 "Election district" means the territory designated by proper authority or by law which is represented
91 by an official elected by the people, including the Commonwealth, a congressional district, a General
92 Assembly district, or a district for the election of an official of a county, city, town, or other
93 governmental unit.

94 "Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to
95 administer elections for a county or city. The electoral board of the county in which a town or the
96 greater part of a town is located shall administer the town's elections.

97 "General election" means an election held in the Commonwealth on the Tuesday after the first
98 Monday in November or on the first Tuesday in May for the purpose of filling offices regularly
99 scheduled by law to be filled at those times.

100 "Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve
101 at a polling place for any election.

102 "Party" or "political party" means an organization of citizens of the Commonwealth which, at either
103 of the two 2 preceding statewide general elections, received at least ten 10 percent of the total vote cast
104 for any statewide office filled in that election. The organization shall have a state central committee and
105 an office of elected state chairman which have been continually in existence for the six 6 months
106 preceding the filing of a nominee for any office.

107 "Polling place" means the one 1 place provided for each precinct at which the qualified voters who
108 are residents of the precinct may vote.

109 "Precinct" means the territory designated by the governing body of a county, city, or town to be
110 served by one 1 polling place.

111 "Primary" or "primary election" means an election held for the purpose of selecting a candidate to be
112 the nominee of a political party for election to office.

113 "Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and
114 who is (i) eighteen 18 years of age, (ii) a resident of the Commonwealth and of the precinct in which he
115 offers to vote, and (iii) registered to vote. No person who has been convicted of a felony shall be a
116 qualified voter unless his civil rights have been restored by the Governor or other appropriate authority.
117 No person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished
118 as provided by law.

119 "Qualified voter in a town" means a person who is a resident within the corporate boundaries of the
120 town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified

voter.

"Referendum" means any election held pursuant to law to submit a question to the voters for approval or rejection.

"Registered voter" means any person who is maintained on the Virginia voter registration system. All registered voters shall be maintained on the Virginia voter registration system with active status unless assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.) of this title. For purposes of applying the precinct size requirements of § 24.2-307, calculating election machine requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6 of this title, mailing notices of local election district, precinct or polling place changes as required by subdivision ~~4413~~ of § 24.2-114 and § 24.2-306, and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.

"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. In determining domicile, consideration may be given to a person's expressed intent, conduct, and all attendant circumstances including, but not limited to, financial independence, business pursuits, employment, income sources, residence for income tax purposes, marital status, residence of parents, spouse and children, if any, leasehold, sites of personal and real property owned by the person, motor vehicle and other personal property registration, and other factors reasonably necessary to determine the qualification of a person to register or vote.

"Special election" means any election ~~which~~*that* is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth ~~which~~*that* is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4 of this title.

§ 24.2-106. Appointment and terms; vacancies; chairman and secretary; certain prohibitions.

There shall be in each county and city an electoral board composed of ~~three~~³ members who shall be appointed by a majority of the circuit judges of the judicial circuit for the county or city. If a majority of the judges cannot agree, the senior judge shall make the appointment. Any vacancy occurring on a board shall be filled by the same authority for the unexpired term. The clerk of the circuit court shall send to the State Board a copy of each order making an appointment to an electoral board.

In the appointment of the electoral board, representation shall be given to each of the ~~two~~² political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. Two electoral board members shall be of the political party ~~which~~*that* cast the highest number of votes for Governor at that election. When the Governor was not elected as the candidate of a political party, representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of the appointment and ~~two~~² board members shall be of the political party having the highest number of members in the General Assembly. The political party entitled to the appointment shall make and file recommendations with the judges for the appointment not later than January 15 of the year of an appointment to a full term or, in the case of an appointment to fill a vacancy, within ~~thirty~~³⁰ days of the date of death or notice of resignation of the member being replaced. Its recommendations shall contain the names of at least ~~three~~³ qualified voters of the county or city for each appointment. The judges shall promptly make such appointment (i) after receipt of the political party's recommendation or (ii) after January 15 for a full term or after the ~~thirty~~³⁰-day period expires for a vacancy appointment, whichever of the events described in clause (i) or (ii) first occurs.

The circuit judges of the judicial circuit for the county or city shall not appoint to the electoral board (i) any person who is the spouse of an electoral board member or the general registrar for the county or city or (ii) any person, or the spouse of any person, who is the parent, grandparent, sibling, child, or grandchild of an electoral board member or the general registrar of the county or city.

Electoral board members shall serve ~~three~~³-year terms and be appointed to staggered terms, ~~one~~¹ term to expire at midnight on the last day of February each year. No ~~three~~³-year term shall be shortened to comply with the political party representation requirements of this section.

The board shall elect ~~one~~¹ of its members as chairman and another as secretary. The chairman and the secretary shall represent different political parties, unless the representative of the second-ranked political party declines in writing to accept the unfilled office. *At any time that the secretary is incapacitated in such a way that makes it impossible for the secretary to carry out the duties of the position, the board may designate 1 of its other members as acting secretary. Any such designation shall*

182 *be made in an open meeting and recorded in the minutes of the board.*

183 The secretary of the electoral board shall immediately notify the State Board of any change in the
184 membership or officers of the electoral board and shall keep the Board informed of the name, residence
185 and mailing addresses, and home and business telephone numbers of each electoral board member.

186 No member of an electoral board shall be eligible to offer for or hold an office to be filled in whole
187 or in part by qualified voters of his jurisdiction. If a member resigns to offer for or hold such office, the
188 vacancy shall be filled as provided in this section.

189 No member of an electoral board shall serve as the chairman of a state, local or district level
190 political party committee or as a paid worker in the campaign of a candidate for nomination or election
191 to an office filled by election in whole or in part by the qualified voters of the jurisdiction of the
192 electoral board.

193 § 24.2-107. Meetings; quorum; notice; account of proceedings; seal; records open to inspection.

194 The electoral board of each city and county shall meet during the first week in February and during
195 the month of March each year at the time set by the board and at any other time on the call of any
196 board member. Two members shall constitute a quorum. Notice of each meeting shall be given to all
197 board members either by the secretary or the member calling the meeting at least ~~one day~~ ^{3 business}
198 *days* prior to the meeting *except in the case of an emergency as defined in § 2.2-3701. Notice may be*
199 *waived only by agreement of all board members.* Notice shall be given to the public as required by
200 § 2.2-3707. All meetings shall be conducted in accordance with the requirements of the Virginia
201 Freedom of Information Act (§ 2.2-3700 et seq.) unless otherwise provided by this section.
202 Notwithstanding the public notice requirements of § 2.2-3707, 2 or more members of an electoral board
203 may meet on election day to discuss a matter concerning that day's election, where such matter requires
204 resolution on that day, and an effort has been made by all available means to give notice of the meeting
205 to all board members. The presence of 2 or more board members while the ballots, election materials,
206 or voting equipment are being prepared, current or potential polling places are being inspected, or
207 election officials are being trained, shall not constitute a meeting provided that no discussion or
208 deliberation takes place which would otherwise constitute a meeting.

209 The secretary shall keep an accurate account of all board proceedings in a minute book, including all
210 appointments and removals of general registrars and officers of election. The secretary shall keep in his
211 custody the duly adopted seal of the board.

212 Books, papers, and records of the board shall be open to inspection by any registered voter whenever
213 the general registrar's office is open for business either at the office of the board or the office of the
214 general registrar.

215 No election record containing an individual's social security number shall be made available for
216 inspection or copying by anyone. The State Board of Elections shall prescribe procedures for local
217 electoral boards and general registrars to make the information in certificates of candidate qualification
218 available in a manner that does not reveal social security numbers.

219 § 24.2-111. Compensation and expenses of general registrars.

220 The General Assembly shall establish a compensation plan in the general appropriation act for the
221 general registrars. The governing body for the county or city of each general registrar shall pay
222 compensation in accordance with the plan and be reimbursed annually as authorized in the act. The
223 governing body shall be *required to provide benefits to the general and assistant registrars and staff as*
224 *provided to other employees of the locality, and shall be* authorized to supplement the salary of the
225 general registrar to the extent provided in the act.

226 Each locality shall pay the reasonable expenses of the general registrar, including reimbursement for
227 mileage at the rate payable to members of the General Assembly. In case of a dispute, the State Board
228 shall approve or disapprove the reimbursement. *Reasonable expenses include, but are not limited to,*
229 *costs for: (i) an appropriate office, including adequate technology such as phones, phone lines, data*
230 *lines, Internet access and [use of] facsimile, copying and computer equipment, and necessary postage*
231 *and office supplies; (ii) an adequately trained registrar's staff, including training in the use of computers*
232 *and other technology [; as necessary to the extent provided to other local employees with similar job*
233 *responsibilities] , and reasonable costs for the general registrar or at least 1 member of the registrar's*
234 *staff to attend the annual training offered by the State Board; (iii) adequate training for officers of*
235 *election; (iv) conducting elections as required by this title; and (v) voter education.*

236 § 24.2-114. Duties and powers of general registrar.

237 In addition to the other duties required by this title, the general registrar, and the assistant registrars
238 acting under his supervision, shall:

239 1. Maintain the office of the general registrar, *and* establish and maintain additional public places for
240 voter registration in accordance with the provisions of § 24.2-412 ~~and participate.~~

241 2. *Participate* in programs to educate the general public concerning registration and encourage
242 registration by the general public. No registrar shall actively solicit, in a selective manner, any
243 application for registration or for a ballot or offer anything of value for any such application.

23. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in multijurisdictional staffing for voter registration offices, approved by the State Board, that are located at facilities of the Department of Motor Vehicles.

34. Provide the appropriate forms for applications to register and to obtain the information necessary to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.

3a5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records, lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and precinct registered voter lists used for the conduct of elections.

46. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board and shall forward the completed application or request to the registrar of the applicant's residence. Notwithstanding the provisions of § 24.2-416, the registrar of the applicant's residence shall recognize as timely any application or request for transfer or change of address submitted to any person authorized to receive voter registration applications pursuant to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of registration. The registrar of the applicant's residence shall determine the qualification of the applicant and promptly notify the applicant at the address shown on the application or request of the acceptance or denial of his registration or transfer. *However, notification shall not be required when the registrar does not have an address for the applicant.*

57. Preserve order at and in the vicinity of the place of registration. For this purpose, the registrar shall be vested with the powers of a conservator of the peace while engaged in the duties imposed by law. He may exclude from the place of registration persons whose presence disturbs the registration process. He may appoint special officers, not exceeding ~~three~~3 in number, for a place of registration and may summon persons in the vicinity to assist whenever, in his judgment, it is necessary to preserve order. The general registrar and any assistant registrar shall be authorized to administer oaths for purposes of this title.

68. Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board; preserve the written applications of all persons who are registered; and preserve for a period of ~~four~~4 years the written applications of all persons who are denied registration or whose registration is cancelled.

79. If a person is denied registration, promptly notify such person in writing of the denial and the reason for denial in accordance with § 24.2-422.

810. Verify the accuracy of the separate precinct registered voter lists provided for each election by the State Board, make the lists available to the precincts, and return the lists to the State Board after each election for voting credit purposes.

911. After the return of the precinct registered voter lists by the State Board, retain the lists in his principal office for ~~two~~2 years for any federal election and for ~~one~~1 year for any other election.

1012. Maintain accurate and current registration records and comply with the requirements of this title for the transfer, inactivation, and cancellation of voter registrations.

1113. Whenever election districts, precincts, or polling places are altered, provide for entry into the voter registration system of the proper district and precinct designations for each registered voter whose districts or precinct have changed and notify each affected voter of changes affecting his districts or polling place by mail.

1214. Whenever any part of his county or city becomes part of another jurisdiction by annexation, merger, or other means, transfer to the appropriate general registrar the registration records of the affected registered voters. The general registrar for their new county or city shall notify them by mail of the transfer and their new election districts and polling places.

1315. When he registers any person who was previously registered in another state, notify the appropriate authority in that state of the person's registration in Virginia.

16. *Whenever any person is believed to be registered or voting in more than 1 state or territory of the United States at the same time, inquire about, or provide information from the voter's registration and voting records to any appropriate voter registration or other authority of another state or territory who inquires about, that person's registration and voting history.*

1417. At the request of the county or city chairman of any political party nominating a candidate for

305 the General Assembly, constitutional office, or local office by a method other than a primary, review
306 any petition required by the party in its nomination process to determine whether those signing the
307 petition are registered voters with active status.

308 15/8. Carry out such other duties as prescribed by the electoral board.

309 § 24.2-115. Appointment, qualifications, and term of officers of election.

310 Each electoral board at its regular meeting in the first week of February shall appoint officers of
311 election. Their terms of office shall begin on March 1 following their appointment and continue for
312 ~~one~~ year or until their successors are appointed.

313 Not less than ~~three~~3 competent citizens shall be appointed for each precinct and, insofar as
314 practicable, each officer shall be a qualified voter of the precinct he is appointed to serve, but in any
315 case a qualified voter of the city or county. In appointing the officers of election, representation shall be
316 given to each of the ~~two~~2 political parties having the highest and next highest number of votes in the
317 Commonwealth for Governor at the last preceding gubernatorial election. The representation of the ~~two~~2
318 parties shall be equal at each precinct having an equal number of officers and shall vary by no more
319 than ~~one~~1 at each precinct having an odd number of officers. If possible, officers shall be appointed
320 from lists of nominations filed by the political parties entitled to appointments. The party shall file its
321 nominations with the secretary of the electoral board at least ~~ten~~10 days before February 1 each year.

322 Officers of election shall serve for all elections held in their respective precincts during their terms of
323 office *unless the electoral board decides that fewer officers are needed for a particular election, in*
324 *which case party representation shall be maintained as provided above. However, for*For a primary
325 election involving only ~~one~~1 political party, persons representing the political party holding the primary
326 shall serve as the officers of election in any county or city in which the political party has submitted a
327 list of nominations as provided above if possible.

328 The electoral board shall designate ~~one~~1 officer as the chief officer of election and ~~one~~1 officer as
329 the assistant for each precinct. The officer designated as the assistant for a precinct, whenever
330 practicable, shall not represent the same political party as the chief officer for the precinct.

331 The electoral board shall instruct each chief officer and assistant in his duties not less than ~~three~~ 3
332 nor more than ~~thirty~~ 30 days before each election. Each electoral board may instruct each officer of
333 election in his duties at an appropriate time or times before each November general election.

334 If an officer of election is unable to serve at any election during his term of office, the electoral
335 board may at any time appoint a substitute who shall hold office and serve for the unexpired term.

336 *Additional officers may be appointed in accordance with this section at any time that the electoral*
337 *board determines that they are needed.*

338 The secretary of the electoral board shall prepare a list of the officers of election ~~which~~that shall be
339 available for inspection and posted in the general registrar's office prior to March 1 each year. *Whenever*
340 *substitute or additional officers are appointed, the secretary shall promptly add the names of the*
341 *appointees to the public list.*

342 § 24.2-116. Compensation of officers.

343 The governing body of each county, city, or town shall pay its officers of election at least ~~thirty~~
344 ~~dollars~~ \$75 for each full day's service rendered on each election day. In addition, the governing body
345 shall pay each officer ~~ten dollars~~ \$10 and mileage at the rate payable to members of the General
346 Assembly for each time he delivers pollbooks and ballots to the polling place and each time he delivers
347 returns and ballots to the appropriate official after the polls close. *Jurisdictions may increase the salary*
348 *of the officers collecting and delivering materials by at least \$10 and the equivalent of mileage expenses*
349 *from the furthest polling place in the locality in lieu of calculating the mileage and extra pay required*
350 *by this section.*

351 § 24.2-216. Filling vacancies in the General Assembly.

352 When a vacancy occurs in the membership of the General Assembly during the recess of the General
353 Assembly or when a member-elect to the next General Assembly dies, resigns, or becomes legally
354 incapacitated to hold office prior to its meeting, the Governor shall issue a writ of election to fill the
355 vacancy. If the vacancy occurs during the session of the General Assembly, the Speaker of the House of
356 Delegates or the President pro tempore of the Senate, as the case may be, shall issue the writ unless the
357 respective house by rule or resolution shall provide otherwise. Upon receipt of written notification by a
358 member or member-elect of his resignation as of a stated date, the Governor, Speaker, or President Pro
359 Tempore, as the case may be, may immediately issue the writ to call the election. [*The member's*
360 *resignation shall not be revocable after the date stated by the member for his resignation or after the*
361 *thirtieth day before the date set for the special election.*]

362 The writ shall be directed to the secretaries of the electoral boards of the respective counties and
363 cities composing the district for which the election is to be held.

364 *Notwithstanding any provision of law to the contrary, no election to fill a vacancy shall be ordered*
365 *or held if the general or special election at which it is to be called is scheduled within 75 days of the*
366 *end of the term of the office to be filled.*

§ 24.2-226. Election to fill vacancy.

A. A vacancy in any elected local office, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled by special election except as provided for certain towns by § 24.2-228 or for constitutional officers as provided in § 24.2-228.1, or unless provided otherwise by statute or charter. The governing body or, in the case of an elected school board, the school board of the county, city, or town in which the vacancy occurs shall, within ~~fifteen~~ 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election for the next ensuing general election to be held in November in the case of county, city, or town officers regularly elected in November, or in May in the case of other city and town officers. If the vacancy occurs within 120 days prior to that election, however, the writ shall order the election to be held at the second ensuing such general election. *Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the governing body or school board, as the case may be, may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election.* [*The officer's or officer-elect's resignation shall not be revocable after the date stated by the officer or officer-elect for his resignation or after the thirtieth day before the date set for the special election.*] The person so elected shall hold the office for the remaining portion of the regular term of the office for which the vacancy is being filled.

B. Notwithstanding any provision of law or charter to the contrary, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within ~~sixty~~ 60 days of the end of the term of the office to be filled.

C. Notwithstanding any provision of law or charter to the contrary, when an interim appointment to a vacancy in any governing body or elected school board has been made by the remaining members thereof, no election to fill the vacancy shall be ordered or held if the general election at which it is to be called is scheduled in the year in which the term expires.

§ 24.2-228.1. Election to fill vacancy in constitutional office.

A. A vacancy in any elected constitutional office, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled by special election. The governing body of the county or city in which the vacancy occurs shall, within ~~fifteen~~ 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6 of this title. Either upon receipt of the petition or on its own motion, the court shall promptly issue the writ ordering the election for a date determined pursuant to § 24.2-682. *Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the governing body may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election.*

B. The highest ranking deputy officer, or, in the case of the office of attorney for the Commonwealth, the highest ranking full-time assistant attorney for the Commonwealth, if there is such a deputy or assistant in the office, shall be vested with the powers and shall perform all of the duties of the office, and shall be entitled to all the privileges and protections afforded by law to elected or appointed constitutional officers, until the qualified voters fill the vacancy by election and the person so elected has qualified and taken the oath of office. In the event that (i) there is no deputy officer or full-time assistant attorney for the Commonwealth in the office or (ii) the highest-ranking deputy officer or assistant attorney for the Commonwealth declines to serve, the court shall make an interim appointment to fill the vacancy pursuant to § 24.2-227 until the qualified voters fill the vacancy by election and the person so elected has qualified and taken the oath of office.

C. Notwithstanding any provision of law to the contrary, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within ~~sixty~~ 60 days of the end of the term of the office to be filled.

§ 24.2-306. Changes not to be enacted within 60 days of general election; notice requirements.

A. No change in any local election district, precinct, or polling place shall be enacted within ~~sixty~~ 60 days next preceding any general election. Notice shall be published prior to enactment in a newspaper having general circulation in the election district or precinct once a week for ~~two~~ 2 successive weeks. The published notice shall state where descriptions and maps of proposed boundary and polling place changes may be inspected.

[*B. Notice of any adopted change in any legislative district, election district, town, precinct, or polling place shall be mailed to all registered voters whose who will be affected by the change in the legislative district, election district, town, precinct, or polling place is changed at least fifteen 15 days prior to the next general, special, or primary election.*

B. Notice of any adopted change in any election district, town, precinct, or polling place shall be mailed to all registered voters whose election district, town, precinct, or polling place is changed at least

~~fifteen~~ 15 days prior to the next general, special, or primary election *in which the voters will be voting in the changed election district, town, precinct, or polling place.*]

C. Each county, city, and town shall comply with the applicable requirements of law, including §§ 24.2-301 and 24.2-304.3, and send copies of enacted changes to the local electoral board, the State Board, and the Division of Legislative Services.

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within ~~1,500 yards~~ 1 mile of the precinct boundary. The polling place for a county precinct may be located within a city if the city is wholly contained within the county election district served by the precinct. The polling place for a town precinct may be located within ~~1,000 yards~~ 1 mile of the precinct and town boundary.

B. The governing body of each county, city, and town shall provide funds to enable the electoral board to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than ~~one~~ 1 polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board shall provide an alternative polling place and give notice of the change in polling place, subject to the prior approval of the State Board. *The electoral board shall provide notice to the voters appropriate to the circumstances of the emergency.*

§ 24.2-404. Duties of State Board.

A. The State Board shall provide for the continuing operation and maintenance of a central record-keeping system, the Virginia Voter Registration System, for all voters registered in the Commonwealth.

In order to operate and maintain the system, the Board shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.
2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.

3. Provide to each general registrar, voter registration cards for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places.

4. Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, or (v) is otherwise no longer qualified to vote as may be provided by law.

5. Retain on the system for ~~four~~ 4 years a separate record for registered voters whose names have been deleted, with the reason for deletion.

6. *Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.*

~~[7. Provide to each general registrar, at least ten 10 days prior to a general or primary election and three 3 days prior to a special election, a list of all registered voters in the county or city, together with an alphabetical list of all registered voters in each precinct of the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the precinct registered voter lists.~~

7. Provide to each general registrar, at least ~~ten~~ 10 days prior to a general or primary election and ~~three~~ 3 days prior to a special election, a list of all registered voters in the county or city, together with an alphabetical list of all registered voters in each precinct *or portion of a precinct in which the election is being held* in of the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the precinct registered voter lists. *Prior to any general, primary or special election, the State Board shall provide any general registrar, upon his request and at his cost, with a separate list of all registered voters in the registrar's county or city.*]

78. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Board.

89. Use any source of information that may assist in carrying out the purposes of this section. All agencies of the Commonwealth shall cooperate with the State Board in procuring and exchanging identification information for the purpose of maintaining the voter registration system.

910. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts and polling places, statements of election results by precinct, and any other items required of the State

Board by law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.

B. The State Board shall be authorized to provide for the production, distribution, and receipt of information and lists through the Virginia Voter Registration System by any appropriate means including, but not limited to, paper and electronic means.

§ 24.2-405. Persons who may obtain lists of registered voters.

A. The State Board shall furnish, at a reasonable price, lists of registered voters for their districts to (i) courts of the Commonwealth and the United States for jury selection purposes, (ii) candidates for election or political party nomination to further their candidacy, (iii) political party committees or officials thereof for political purposes only, (iv) *political action committees that have filed a current statement of organization with the State Board pursuant to § 24.2-908, or with the Federal Elections Commission pursuant to federal law, for political purposes only*, (v) incumbent officeholders to report to their constituents, and (vi) nonprofit organizations ~~which~~*that* promote voter participation and registration for that purpose only. The lists shall be furnished to no one else and used for no other purpose. However, the State Board is authorized to furnish information from the voter registration system to general registrars for their official use and to the Department of Motor Vehicles and other appropriate state agencies for maintenance of the voter registration system.

B. The State Board shall furnish, at a reasonable price, lists of the addresses of registered voters for their localities to local government census liaisons and their staffs for the sole purpose of providing address information to the United States Bureau of the Census. The State Board shall also furnish, at a reasonable price, such lists to the Clerk of the Senate and the Clerk of the House of Delegates for the sole purpose of maintaining a database of constituent addresses for the General Assembly. The information authorized under this subsection shall be furnished to no other person and used for no other purpose. No list furnished under this subsection shall contain the name of any registered voter. For the purpose of this subsection, the term "census liaison" shall have the meaning provided in 13 U.S.C. § 16.

C. In no event shall any list furnished under this section contain the social security number of any registered voter except a list furnished to a court of the Commonwealth or of the United States for jury selection purposes.

D. Any list furnished under subsection A of this section shall contain the post office box address in lieu of the residence street address for any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C.A. § 8331 (20) but excluding officers whose duties relate to detention as defined in paragraphs (A) through (D) of § 8331 (20), who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address located in the Commonwealth for use on such lists.

E. Any printed precinct list furnished under subsection A of this section shall contain the post office box address in lieu of the residence street address for any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia, who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address located in the Commonwealth for use on such lists.

§ 24.2-406. Persons who may obtain lists of persons voting at primaries and elections.

The State Board shall furnish to candidates, elected officials, or political party chairmen and to no one else, on request and at a reasonable price, lists for their districts of persons who voted at any primary, *special*, or general election held in the ~~two~~*four* preceding years. Such lists shall be used only for campaign and political purposes and for reporting to constituents.

In no event shall any list furnished under this section contain the social security number of any registered voter.

Any list furnished under this section shall contain the post office box address in lieu of the residence street address for any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C.A. § 8331 (20) but excluding officers whose duties relate to detention as defined in paragraphs (A) through (D) of § 8331 (20), who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address located in the Commonwealth for use on such lists.

Any printed precinct list furnished under this section shall contain the post office box address in lieu of the residence street address for any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia, who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address located in the Commonwealth for use on such lists.

§ 24.2-415. Notice of terms and locations for registration.

In January each year, each general registrar shall give notice for that year of all scheduled dates, hours, and ~~localities~~*locations* for voter registration. In addition, he shall give a separate notice of the date, hours, and locations for registration on the final day of registration at least ten days before each

final day. The annual notice and the notice for the final day shall each be posted at the courthouse and published at least once in a newspaper of general circulation in the county or city.

Three days' advance notice shall be given for additional times and locations not listed in the annual schedule. This notice shall be either published at least once in a newspaper of general circulation in the county or city or announced at least twice on a television station serving the county or city.

These provisions shall apply only to locations established by the registrar's office and staffed by a registrar or assistant registrar. They shall not apply to a location at which other persons offer mail applications under Article 3.1 (§ 24.2-416.1 et seq.) of this chapter, even if those other persons offer assistance in completing the form or offer to mail or return the signed voter registration application to the voter registrar or other appropriate person authorized to receive the application.

§ 24.2-416.1. Voter registration by mail.

A. A person may apply to register to vote by mail by completing and returning a mail voter registration application form in the manner and time provided by law.

B. Any person, who registers ~~applies to register~~ to vote by mail pursuant to this article and who has not previously voted in the county or city in which he registers to vote, shall be required to vote in person, *either at the polls on election day or in-person absentee*. However, this requirement to vote in person shall not apply to a person ~~whoso long as he~~ (i) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff-1 et seq.); (ii) is provided the right to vote otherwise than in person under § 3 (b) (2) (B) (ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee-1 (b) (2) (B) (ii)), *including any disabled voter and any voter age 65 or older who is otherwise qualified to vote absentee under § 24.2-700*; (iii) is entitled to vote otherwise than in person under other federal law; ~~or~~ (iv) is a full-time student in an institution of higher learning; *or (v) requests to vote an absentee ballot by mail for presidential and vice-presidential elections only, for any reason, as entitled by federal law.*

§ 24.2-423. Notice of change of name of registered voter.

Whenever a registered voter changes his *legal* name, either by marriage ~~or~~, divorce, order of court, or otherwise, the voter shall *promptly* notify ~~in writing~~ the general registrar of the jurisdiction where he is registered. *Such notice may be made in writing or on a form approved by the State Board of Elections, which may be electronic. The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature. The State Board is authorized to conduct a pilot program, under which electronic notice may be provided by electronic mail or such other electronic means as may be permitted by the State Board and signed by the voter in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.).* The general registrar shall enter the new name on the registration records and issue the voter a new voter registration card.

§ 24.2-424. Change of registered voter's address within the Commonwealth; pilot project.

A. Whenever a registered voter changes his place of residence within the Commonwealth, he shall promptly notify any general registrar of the address of his new residence. Such notice may be made in person, in writing, by return of the voter registration card noting the new address, or on a form approved by the State Board of Elections, which may be electronic. The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature. The State Board is authorized to conduct a pilot program, under which electronic notice may be provided by electronic mail or such other electronic means as may be permitted by the State Board and signed by the voter in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The fact that a voter provides an address on a candidate or referendum petition that differs from the address for the voter on the voter registration system shall not be deemed sufficient notice, in and of itself, to change the voter's registration address. Any statements made by any voter applying for transfer are subject to felony penalties for making a false statement pursuant to § 24.2-1016.

B. If the voter has moved within the same county or city, on receipt of the notification, the general registrar for that county or city shall (i) enter the new address on the registration record; (ii) if satisfied that the registered voter has moved into another precinct within the same county or city, transfer the registration of the voter to that precinct; and (iii) issue the voter a new voter registration card. This transfer may be entered in the registration records at any time the registration records are not closed pursuant to § 24.2-416.

C. Any request for transfer or change of address within the Commonwealth delivered to any registrar shall be forwarded to the general registrar for the city or county in the Commonwealth where the voter now resides. When forwarding said notice, or upon request from the registrar for the county or city where the voter now resides, the registrar for the county or city where the voter formerly resided shall forward the original application for registration to the registrar for the voter's new locality.

D. Upon receipt of the voter's original registration application, and notice as specified in subsection A of this section indicating the voter's current residence, the registrar for the county or city in which the

voter currently resides shall: (i) enter the new address on the registration record; (ii) if satisfied that the registered voter has moved into a precinct within that county or city, transfer the registration of the voter to that precinct; (iii) issue the voter a new voter registration card; and (iv) *through the Virginia voter registration system*, notify the registrar of the locality where the voter formerly resided that the registration has been transferred. This transfer may be entered in the registration records at any time the registration records are not closed pursuant to § 24.2-416.

E. If the original registration application is no longer available to the registrar in the city or county where the voter formerly resided, a copy of the following shall be sent to and accepted by the registrar in the city or county where the voter now resides in lieu of such application: (i) an unsigned voter card (or "conversion card") used as the voter record upon the creation of the statewide voter registration system, (ii) a replacement record provided by the State Board to replace damaged files in the registrar's office, or (iii) if no other record is available, a copy of the voter's record from the Virginia voter registration system. Such documents may be sent by mail, or by computer, fax or other electronic means. Any complete voter registration application on a form previously authorized for use in Virginia shall be valid for the purposes of continuing or transferring a voter's registration within the Commonwealth.

§ 24.2-444. Registration records open to public inspection.

A. Except for records relating to the declinations to register to vote or the identity of a voter registration agency through which a particular voter is registered, registration records shall be kept and preserved by the general registrar and shall be opened to inspection by any registered voter at the office of the general registrar when the office is open for business. ~~The registration records shall be available for inspection by appointment, made by the general registrar for any reasonable time requested.~~ No voter registration record containing an individual's social security number shall be made available for inspection or copying by anyone. No voter registration record containing an individual's residence address ~~or any indicator of the voter's precinct~~ shall be made available for inspection or copying by anyone if the individual has furnished a post office box address in lieu of his residence address as authorized by § 24.2-418.

B. The general registrars shall maintain for at least two years and shall make available for public inspection and copying and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the registration records, except to the extent that the records relate to the declination to register to vote or the identity of a voter registration agency through which any particular voter is registered. The records maintained shall include lists of the names and addresses of all persons to whom notices are sent pursuant to §§ 24.2-428 and 24.2-428.1 and information concerning whether each person has responded to the notice as of the date that inspection of the records is made.

C. The State Board shall provide to each general registrar, for each precinct in his county or city, lists of registered voters for inspection. The lists shall contain the name, addresses, date of birth, gender and all election districts applicable to each registered voter. New lists shall be provided not less than ~~two times~~ *once* each year to all localities *except those in which an updated list is made available electronically for public inspection*, and supplements containing additions, deletions and changes shall be provided not less than (i) weekly during the ~~sixty~~ 60 days preceding any general election and (ii) monthly at other times. Notwithstanding any other provision of law regarding the retention of records, upon receipt of any new complete list, the general registrar shall destroy the obsolete list and its supplements.

§ 24.2-501. Statement of qualification as requirement of candidacy.

It shall be a requirement of candidacy for any office of the Commonwealth, or of its governmental units, that a person must file a written statement under oath, on a form prescribed by the State Board, that he is qualified to vote for and hold the office for which he is a candidate. Every candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall file the statement with the State Board. Every candidate for any other office shall file the statement with the general registrar of the county or city where he resides. Each general registrar shall transmit to the State Board, immediately after the filing deadline, a list of the candidates who have filed statements of qualification.

The candidate may state, as part of his statement of qualification, how he would like his name to appear on the ballot; however, all names printed on the ballot shall meet the criteria established by the State Board.

§ 24.2-522. When and to whom filings to be made.

A. Declarations of candidacy, petitions, and receipts indicating the payment of filing fees shall be filed not earlier than noon of the seventy-seventh day and not later than 5:00 p.m. of the sixtieth day before the primary.

B. Except as provided in subsection C, candidates for nomination shall file their declarations,

674 petitions, and receipts with the chairman or chairmen of the several committees of the respective parties.

675 C. Any candidate for nomination for United States Senator, Governor, Lieutenant Governor, or
676 Attorney General shall file with the State Board (i) his declaration of candidacy, (ii) the petitions for his
677 candidacy, sealed in ~~an envelope~~ *1 or more containers* to which is attached a written statement under
678 oath by the candidate giving his name and the number of signatures on the petitions contained in the
679 ~~envelopes~~ *containers*, and (iii) a receipt indicating the payment of his filing fee.

680 The State Board shall transmit the material so filed to the state chairman of the party of the
681 candidate on the fifty-ninth day before the primary. The sealed ~~envelope~~ *containers* containing the
682 petitions for a candidate may be opened only by the state chairman of the party of the candidate.

683 § 24.2-531. Pollbooks and ballot containers.

684 There shall be pollbooks in the form set forth in § 24.2-611 and a separate ballot ~~box~~ *container*
685 provided for each party taking part in any primary. The ballot ~~box~~ *container* for each party shall have
686 plainly marked upon its top the words "Primary Ballot ~~Box~~ *Container*" and the name of the party. The
687 officers of election shall enter on the cover of the pollbook, if not entered previously, the name of the
688 party whose voters are recorded therein.

689 § 24.2-533. Party chairman entitled to copy pollbook at own expense.

690 ~~The chairman of the~~ *Any political party chairman entitled to receive the certified copies of the*
691 *primary results under § 24.2-532, or the state chairman of a political party under whose auspices a*
692 *statewide primary is held, shall be entitled, at his own expense, to copy the pollbook for that primary*
693 *retained by the clerk of court after it has been returned by the secretary of the electoral board in*
694 *accordance with § 24.2-671. Such copy may be made by any method agreed upon by the chairman and*
695 *the clerk, including photocopying so long as the copying does not include copying any indicator of any*
696 *voter's social security number. The pollbook may not be altered in any way, or removed from the clerk's*
697 *office, for copying. Any chairman entitled by this section to copy the pollbook may designate 1 or more*
698 *representatives to carry out such copying, provided the designation is in writing and bears the*
699 *chairman's original signature.*

700 § 24.2-545. Presidential primary.

701 A. The duly constituted authorities of the state political party shall have the right to determine the
702 method by which the state party will select its delegates to the national convention to choose the party's
703 nominees for President and Vice President of the United States including a presidential primary or
704 another method determined by the party. The state chairman shall notify the State Board of the party's
705 determination at least ~~ninety~~ *90* days before the primary date. If the party has determined that it will
706 hold a presidential primary, each registered voter of the Commonwealth shall be given an opportunity to
707 participate in the presidential primary of the political party, as defined in § 24.2-101, subject to
708 requirements determined by the political party for participation in its presidential primary. The
709 requirements may include, but shall not be limited to, the signing of a pledge by the voter of his
710 intention to support the party's candidate when offering to vote in the primary. The requirements
711 applicable to a party's primary shall be determined at least ~~ninety~~ *90* days prior to the primary date and
712 certified to, and approved by, the State Board.

713 B. Any person seeking the nomination of the national political party for the office of President of the
714 United States, or any group organized in this Commonwealth on behalf of, and with the consent of such
715 person, may file with the State Board petitions signed by at least 10,000 qualified voters, including at
716 least 400 qualified voters from each congressional district in the Commonwealth, who attest that they
717 intend to participate in the primary of the same political party as the candidate for whom the petitions
718 are filed. Such petitions shall be filed with the State Board by the primary filing deadline. The petitions
719 shall be on a form prescribed by the State Board *and shall be sealed in 1 or more containers to which*
720 *is attached a written statement giving the name of the presidential candidate and the number of*
721 *signatures on the petitions contained in the containers.* Such person or group shall ~~file with the~~
722 ~~petitions~~ *also attach* a list of the names of persons who would be elected delegates and alternate
723 delegates to the political party's national convention if the person wins the primary and the party has
724 determined that its delegates will be selected pursuant to the primary. The slate of delegates and
725 alternates shall comply with the rules of the national and state party.

726 *The State Board shall transmit the material so filed to the state chairman of the party of the*
727 *candidate immediately after the primary filing deadline. The sealed containers containing the petitions*
728 *for a candidate may be opened only by the state chairman of the party of the candidate. The state*
729 *chairman of the party shall, by the deadline set by the State Board, furnish to the State Board the*
730 *names of all candidates who have satisfied the requirements of this section. Whenever only 1 candidate*
731 *for a party's nomination for President of the United States has met the requirements to have his name*
732 *on the ballot, his delegates will be declared the winner and no presidential primary for that party will*
733 *be held.*

734 C. The names of all candidates in the presidential primary of each political party shall appear on the
735 ballot in an order determined by lot by the State Board.

D. The State Board shall certify the results of the presidential primary to the state chairman. If the party has determined that its delegates and alternates will be selected pursuant to the primary, the slate of delegates and alternates of the candidate receiving the most votes in the primary shall be deemed elected by the state party. If the party has determined to use another method for selecting delegates and alternates, those delegates and alternates shall be bound to vote on the first ballot at the national convention for the candidate receiving the most votes in the primary unless that candidate releases those delegates and alternates from such vote.

E. The election, or binding of votes, of delegates to a political party's national convention for the nomination of that party's candidates for President and Vice President of the United States through the presidential primary process shall be considered to be equivalent to a primary for the nomination of a party's candidate.

F. The cost of the presidential primary shall be paid by the Commonwealth pursuant to the provisions of the appropriation act.

§ 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~~ 40 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~~ 40 feet of any entrance to the polling place, sufficient notices which state "Prohibited Area" in ~~two~~ 2-inch type. The notices shall also state the provisions of this section in not less than ~~twenty-four~~ 24-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~~ 1 authorized representative of each political party or independent candidate in a general [*or special*] election, or ~~one~~ 1 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~~ 1 such representative for each section, but no more than ~~three~~ 3 representatives of any political party or independent candidate shall be permitted in the room at any ~~one~~ 1 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. *Such statement, bearing the chairman's or candidate's original signature, may be photocopied, and such photocopy shall be as valid as if the copy had been signed.* 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~~ a polling place for no longer than ~~ten~~ 10 minutes *per polling place per election day*, provided that he complies with the restrictions [~~stated above which are applicable to party and candidate representatives in subsections A and D of this section~~].

G. This section shall not be construed to prohibit a minor from entering a polling place on the day of the election to vote in a simulated election at that polling place, provided that the local electoral board has determined that such polling place can accommodate simulated election activities without interference or substantial delay in the orderly conduct of the official voting process. Persons supervising or working in a simulated election in which minors vote may remain within such polling place. The local electoral board and the chief officer for the polling place shall exercise authority over, but shall have no responsibility for the administration of, simulated election related activities at the polling place.

H. A local electoral board, and its general registrar, may conduct a special election day program for high school students, selected by the electoral board in cooperation with high school authorities, in ~~one~~ 1 or more polling places designated by the electoral board, other than a central absentee voter precinct. The program shall be designed to stimulate the students' interest in elections and registering to vote, provide assistance to the officers of election, and ensure the safe entry and exit of elderly and disabled

797 voters from the polling place. Each student shall take and sign an oath as an election page, serve under
798 the direct supervision of the chief officer of election of his assigned polling place, and observe strict
799 impartiality at all times. Election pages may observe the electoral process and seek information from the
800 chief officer of election, but shall not handle or touch ballots, voting machines, or any other official
801 election materials, or enter any voting booth.

802 *I. A local electoral board may authorize in writing any observers it deems appropriate, except as*
803 *otherwise prohibited or limited by this section. Such observers shall comply with the restrictions in*
804 *subsections A and D of this section.*

805 *J. The officers of election shall permit representatives of the news media to visit for a reasonable*
806 *and limited period of time and to film or photograph inside the polling place while the polls are open.*
807 *However, the media (i) shall comply with the restrictions in subsections A and D of this section; (ii)*
808 *shall not film or photograph any person who specifically asks the media representative at that time that*
809 *he not be filmed or photographed; (iii) shall not film or photograph the voter or the ballot in such a*
810 *way that divulges how any individual voter is voting; and (iv) shall not film or photograph the voter list*
811 *or any other voter record or material at the precinct in such a way that it divulges the name or other*
812 *information concerning any individual voter. Any interviews with voters, candidates or other persons,*
813 *live broadcasts, or taping of reporters' remarks, shall be conducted outside of the polling place and the*
814 *prohibited area.*

815 § 24.2-612. List of offices and candidates filed with State Board and checked for accuracy; when
816 ballots printed; number required.

817 Immediately after the expiration of the time provided by law for a candidate for any office to qualify
818 to have his name printed on the official ballot and prior to printing the ballots for an election, each
819 electoral board shall forward to the State Board a list of the county, city, or town offices to be filled at
820 the election and the names of all candidates who have filed for each office. In addition, each electoral
821 board shall forward the name of any candidate who failed to qualify with the reason for his
822 disqualification. The State Board shall promptly advise the electoral board of the accuracy of the list.
823 The failure of any electoral board to send the list to the State Board for verification shall not invalidate
824 any election.

825 Each electoral board shall have printed the number of ballots it determines will be sufficient to
826 conduct the election.

827 *Notwithstanding any other provisions of this title, the State Board may print or otherwise provide (i)*
828 *1 statewide paper ballot style [for each paper ballot style in use] for presidential and*
829 *vice-presidential electors for use only by persons eligible to vote for those offices only under § 24.2-402*
830 *and clause (iii) of subsection B of § 24.2-416.1, (ii) 1 statewide paper ballot style [for each paper*
831 *ballot style in use] for Governor, Lieutenant Governor or Attorney General only for use as the early*
832 *absentee ballot specified in § 24.2-702, and (iii) single paper ballot styles [for each paper ballot style*
833 *in use] for each congressional district for federal offices for use only by overseas voters eligible to vote*
834 *in federal elections only pursuant to Article 7 (§ 24.2-440 et seq.) of Chapter 4 of this title. The State*
835 *Board may apportion or authorize the printer or vendor to apportion the costs for these ballots among*
836 *the localities based on the number of ballots ordered. Any printer employed by the State Board shall*
837 *execute the statement required by § 24.2-616. The State Board shall designate a representative to be*
838 *present at the printing of such ballots and deliver them to the appropriate electoral boards pursuant to*
839 *§ 24.2-617. Upon receipt of such paper ballots, the electoral board shall affix its seal. Thereafter, such*
840 *ballots shall be handled and accounted for, and the votes counted as the State Board shall specifically*
841 *direct.*

842 The electoral board shall make printed ballots available for absentee voting at least (i) ~~forty-five~~ 45
843 days prior to any November general election or special election held at the same time; (ii) ~~thirty~~ 30 days
844 prior to any other general, special, or primary election; or (iii) in the case of a special election, if time is
845 insufficient to meet the applicable deadline established herein, then as soon after the deadline as
846 possible.

847 Only the names of candidates for offices to be voted on in a particular election district shall be
848 printed on the ballots for that election district.

849 The electoral boards shall send to the State Board a statement of the number of paper ballots ordered
850 to be printed, proofs of each paper and voting equipment ballot for verification, and copies of each final
851 ballot. If the State Board finds that, in its opinion, the number of ballots ordered to be printed by any
852 local electoral board is not sufficient, it may direct the local board to order the printing of a reasonable
853 number of additional ballots.

854 § 24.2-622. Sample ballots.

855 Nothing contained in this title shall be construed to prohibit: (i) the printing and circulation of
856 sample paper ballots, which are not printed on white paper and do include thereon the words "sample
857 ballot" in type no smaller than ~~twenty-four~~ 24 point; (ii) the printing and circulation of sample voting
858 equipment ballots, provided such sample ballots include on their face the words "sample ballot"; or (iii)

the publication in newspapers *or on the Internet* of sample ballots of either type. All sample ballots, excepting those official sample ballots authorized by electoral boards, are advertisements for purposes of § 24.2-943. Voters may take sample ballots into the voting booth or enclosure, *but shall not give, tender, or exhibit such sample ballot to any person, other than an assistant designated under § 24.2-649, while inside the polling place or within the prohibited area designated by § 24.2-604.*

§ 24.2-623. Ballot containers to be supplied by governing bodies; construction and custody.

The governing body of each county and city shall provide a ballot ~~box~~ container for each precinct and each part of a split precinct. The ~~box~~ container shall have a lock and key and an opening ~~through the lid~~ of sufficient size to admit a single folded *or unfolded* ballot and no more. The ~~boxes~~ containers shall be kept by the electoral boards for use in the precincts.

§ 24.2-624. Opening and closing ballot containers; opening polls.

Immediately before the opening of the polls, an officer of election shall open the ballot ~~boxes~~ containers in the presence of the political party or candidate representatives authorized to be present for the examination of voting equipment pursuant to § 24.2-639, if such representatives are available. The officers shall ~~turn such boxes upside down so as to empty them~~ *inspect the containers to ensure that they are empty*, lock them, and deliver the key to one of the officers. One of the officers shall forthwith proclaim that the polls are open. The ~~boxes~~ containers shall not be opened until the close of the polls and shall then be opened for the purpose of counting the ballots therein. The ~~boxes~~ containers shall be kept in view of those voting within the polling place during the hours of the election.

§ 24.2-629. Authorized use of electronic systems and ballots.

A. Any person, firm, or corporation hereinafter referred to as the "vendor," manufacturing, owning, or offering for sale any electronic voting or counting system and ballots designed to be used with such equipment may apply to the State Board, in the manner prescribed by the Board, to have examined a production model of such equipment and the ballots used with it. *The Board may require the vendor to pay a reasonable application fee when he files his request for testing or certification of new or upgraded voting equipment. Receipts from such fees shall be credited to the Board for reimbursement of testing and certification expenses.* In addition to any other materials which may be required, a current statement of the financial status of the vendor, including any assets and liabilities, shall be filed with the Board; if the vendor is not the manufacturer of the equipment for which application is made, such a statement shall also be filed for the manufacturer. These statements shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The Board shall also require, at a site of its choosing, a demonstration of such system and ballots and may require that a production model of the system and a supply of ballots be provided to the Board for testing purposes.

B. The provisions of this title pertaining to mechanical voting devices and ballots shall be deemed applicable to such equipment and ballots provided that (i) the counting equipment used with punchcard or mark sense ballots shall not be required to prevent a voter from voting for a greater number of candidates than he is lawfully entitled to; (ii) the provisions of this title pertaining to ballot squares shall not be applicable to punchcard or mark sense ballots; and (iii) any system approved pursuant to this title shall segregate ballots containing write-in votes from all others. Every electronic voting system shall ensure voting in absolute secrecy, and systems requiring the voter to vote a ballot which is inserted in an electronic counting device shall provide for secrecy of the ballot and a method to conceal the voted ballot. Systems requiring the voter to vote a ballot that is inserted in an electronic counting device shall report, if possible, the number of ballots on which a voter voted for a lesser number of candidates for an office than the number he was lawfully entitled to vote and the number of ballots on which a voter voted for a greater number of candidates than the number he was lawfully entitled to vote. Electronic voting devices shall be programmable, if possible, to allow such undervoted and overvoted ballots to be separated when necessary.

C. After its examination of the equipment, ballots, and other materials submitted by the vendors, the Board shall prepare and file in its office a report of its finding as to (i) the apparent capability of such equipment to accurately count, register, and report votes; (ii) whether the system can be conveniently used without undue confusion to the voter; (iii) its accessibility to voters with disabilities; (iv) whether the system can be safely used without undue potential for fraud; (v) the ease of its operation and transportation by voting equipment custodians and officers of election; (vi) the financial stability of the vendor and manufacturer; (vii) whether the system meets the requirements of this title; and (viii) whether, in the opinion of the Board, the potential for approval of such system is such as to justify further examination and testing.

D. If the Board determines that there is such potential and prior to its final determination as to approval or disapproval of such system, the Board shall obtain a report by an independent electronics or engineering consultant as to (i) whether the system accurately counts, registers, and reports votes; (ii) whether it is capable of storing and retaining existing votes in a permanent memory in the event of power failure during and after the election; (iii) the number of separate memory capabilities for the

920 storage of recorded votes; (iv) its mechanical and electronic perfections and imperfections; (v) the audit
921 trail provided by the system; (vi) the anticipated frequency of repair; (vii) the ease of repair; (viii) the
922 anticipated life of the equipment; (ix) its potential for fraudulent use; (x) its accessibility to voters with
923 disabilities; (xi) the ease of its programming, transportation, and operation by voting equipment
924 custodians and officers of election; and (xii) any other matters deemed necessary by the Board. Failure
925 by an applicant to cooperate with the consultant by furnishing information and production equipment
926 and ballots requested shall be deemed a withdrawal of the application, but nothing in this section shall
927 require the disclosure of trade secrets by the applicant. If such trade secrets are essential to the proper
928 analysis of the system and are provided for that reason, the consultant shall subscribe to an oath subject
929 to the penalty for perjury that he will neither disclose nor make use of such information except as
930 necessary for the system analysis. The report of the consultant shall be filed in the office of the Board.

931 E. If the Board determines that there is potential for approval of the system and prior to its final
932 determination, the Board shall also require that the system be tested in an actual election in one or more
933 counties or cities. Its use at such election shall be as valid for all purposes as if it had been legally
934 approved by the Board and adopted by the counties or cities.

935 F. If, following testing, the Board approves any electronic system and its ballots for use, the Board
936 shall so notify the electoral boards of each county and city. Systems so approved may be adopted for
937 use at elections as herein provided. No form of electronic system and ballots not so approved shall be
938 adopted by any county or city. Any electronic system and ballots approved for use by the Board shall
939 be deemed to meet the requirements of this title, and their use in any election shall be valid.

940 § 24.2-635. Demonstration of equipment.

941 In each county, city, or town in which voting or counting equipment is to be used, the electoral
942 board may designate times and places for the exhibition of equipment containing sample ballots,
943 showing the title of offices to be filled, and, so far as practicable, the names of the candidates to be
944 voted for at the next election for the purpose of informing voters who request instruction on the use of
945 the equipment. No equipment shall be used for such instruction after being prepared and sealed for use
946 in any election. During exhibitions, the counting mechanism, if any, of the equipment shall ~~may~~ be
947 concealed from view.

948 § 24.2-639. Duties of officers of election.

949 The officers of election of each precinct at which voting or counting equipment is used shall meet at
950 the polling place by 5:15 a.m. on the day of the election and arrange the equipment, furniture, and other
951 materials for the conduct of the election. The officers of election shall verify that all required equipment,
952 ballots, and other materials have been delivered to them for the election. The officers shall post at least
953 ~~two~~ 2 instruction cards for mechanical or direct electronic voting devices conspicuously within the
954 polling place.

955 The keys to the equipment shall be delivered, prior to the opening of the polls, to the officer of
956 election designated by the electoral board in a sealed envelope on which has been written or printed the
957 number of each device, the number of the seal, if any, and the number registered on the protective
958 counter, if one. The envelope containing the keys shall not be opened until all of the officers of election
959 for the precinct are present at the polling place and have examined the envelope to see that it has not
960 been opened. The equipment shall remain locked against voting until the polls are formally opened and
961 shall not be operated except by voters in voting.

962 Before opening the polls, each officer shall examine the equipment and see that no vote has been
963 cast and that the counters register zero. The officers shall conduct their examination in the presence of
964 the following party and candidate representatives: ~~[The officers shall conduct their examination in the~~
965 ~~presence of the following party and candidate representatives:]~~ (i) in a general election, a representative
966 of each political party, or (ii) in a primary election, a representative of each party holding a primary, or
967 (iii) in a city or town council election in which no candidate is a party nominee and which is held when
968 no other election having party nominees is being conducted, a representative of each candidate *I*
969 *authorized representative of each political party or independent candidate in a general or special*
970 *election, or I authorized representative of each candidate in a primary election, if such representatives*
971 *are available. Each authorized representative shall be a qualified voter of the county or city within*
972 *which the polling place is located. Each representative, who is not himself a candidate or party*
973 *chairman, shall present to the officers of election a written statement designating him to be a*
974 *representative of the party or candidate and signed by the county or city chairman of his political party,*
975 *the independent candidate, or the primary candidate, as appropriate. Such statement, bearing the*
976 *chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid*
977 *as if the copy had been signed.*

978 If any counter is found not to register zero, the officers shall make a written statement identifying the
979 counter, together with the number registered on it, and shall sign and post the statement on the wall of
980 the polling room, where it shall remain during the day of election. The officers shall enter a similar
981 statement on the statement of results. In determining the results, they shall subtract such number from

the final total registered on that counter.

§ 24.2-642. Inoperative equipment.

A. When any voting or counting device becomes inoperative in whole or in part while the polls are open, the officers of election shall immediately notify the electoral board. If possible, the electoral board shall substitute a device in good order for the inoperative device, and at the close of the polls the record of both devices shall be taken, and the votes shown on their counters shall be added together in ascertaining the results of the election.

B. In any precinct that uses a ballot that can be marked without the use of the counting device, if the counting device becomes inoperative and there is no other available counting device, the uncounted ballots shall be placed in a ballot ~~box~~ container or compartment which is used exclusively for uncounted ballots. If an operative counting device is available in the polling place after the polls have closed, such uncounted ballots shall be removed from the container and fed into the counting device, one at a time, by an officer of election in the presence of all persons who may be lawfully present at that time but before the votes are determined pursuant to § 24.2-657. If such device is not available, the ballots may be counted manually or as directed by the electoral board.

C. If (i) the inoperative device cannot be repaired in time to continue using it at the election, (ii) a substitute device is needed to conduct the election but is not available for use, (iii) the supply of official paper ballots, or other official ballots that can be cast without use of the inoperative device, is not adequate, and (iv) the local electoral board approves, an officer of election may have copies of the official paper ballot reprinted or reproduced by photographic, electronic, or mechanical processes for use at the election. The voted ballot copies may be received by the officers of election and placed in the ballot ~~box~~ container and counted with the votes registered on the voting or counting devices; and the result shall be declared the same as though no device has been inoperative. The voted ballot copies shall be deemed official ballots for the purpose of § 24.2-665 and preserved and returned with the statement of results and with a certificate setting forth how and why the same were voted. The officer of election who had the ballot copies made shall provide a written statement of the number of copies made, signed by him and subject to felony penalties for making false statements pursuant to § 24.2-1016, to be preserved with the unused ballot copies.

§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and repeat, in a voice audible to party and candidate representatives present, the full name and address stated by the voter. The officer shall ask the voter to present any ~~one~~ 1 of the following forms of identification: his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

If the voter's name is found on the registered voter list, if he presents ~~one~~ 1 of the forms of identification listed above, if he is qualified to vote in the election, and if no objection is made, an officer shall mark the voter's name on the registered voter list; an officer shall enter, opposite the voter's preprinted name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth.

If a voter is entitled to vote except that he is unable to present ~~one~~ 1 of the forms of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter who he claims to be. *A voter who requires assistance in voting by reason of physical disability or inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement.*

A voter may be accompanied into the voting booth by his child age ~~fifteen~~ 15 or younger.

C. If the current residence address stated by the voter is different from the address shown on the registered voter list, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.) of this title.

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D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom an identification number other than a social security number is recorded on the registered voter list if he presently has a social security number and note that number on the list if the voter is able to provide it. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

§ 24.2-646. Voter folds paper ballot and hands same to officer who deposits it unopened in ballot container.

The qualified voter shall fold each ballot with the names of the candidates and questions on the inside and hand the folded ballot to the appropriate officer of election. The officer shall place the ballot in the ballot ~~box~~ container without any inspection except to assure himself that only a single ballot has been tendered and that the ballot is a genuine ballot. Without looking at the printed inside of the ballot, the officer may inspect the official seal on the back of the ballot to determine if it is genuine.

§ 24.2-649. Assistance for certain voters.

A. Any voter age 65 or older or physically disabled may request and then shall be handed a paper ballot by an officer of election outside the polling place but within 150 feet of the entrance to the polling place. The voter shall mark the ballot in the officer's presence but in a secret manner and fold and return the ballot to the officer. The officer shall immediately return to the polling place and deposit the ballot in the ballot ~~box~~ container in accordance with § 24.2-646.

B. Any qualified voter, who requires assistance to vote by reason of physical disability or inability to read or write, may, if he so requests, be assisted in voting. If he is blind, he may designate an officer of election or any other person to assist him. If he is unable to read and write or disabled for any cause other than blindness, he may designate an officer of election or some other person to assist him other than the voter's employer or agent of that employer, or officer or agent of the voter's union.

The officer of election or other person so designated shall not enter the booth with the voter unless (i) the voter signs a request stating that he requires assistance by reason of physical disability or inability to read or write and (ii) the officer of election or other person signs a statement that he is not the voter's employer or an agent of that employer, or an officer or agent of the voter's union, and that he will act in accordance with the requirements of this section. The request and statement shall be on a single form furnished by the State Board. If the voter is unable to sign the request, his own mark acknowledged by him before an officer of election shall be sufficient signature. If the voter being assisted is blind, neither the request nor the statement shall be required to be signed and an officer of election shall advise the voter and person assisting the voter of the requirements of this section and record the name of the voter and the name and address of the person assisting him.

The officer of election or other person so designated shall assist the qualified voter in the preparation of his ballot in accordance with his instructions and without soliciting his vote or in any manner attempting to influence his vote and shall not in any manner divulge or indicate, by signs or otherwise, how the voter voted on any office or question.

A person who willfully violates this subsection shall be guilty of a Class 1 misdemeanor. In addition, the provisions of § 24.2-1016 and its felony penalties for false statements shall be applicable to any request or statement signed pursuant to this section.

§ 24.2-653. Voter whose name does not appear on precinct registered voter list.

A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available or cannot state that the person is registered to vote, then such person shall be allowed to vote by paper ballot in the manner provided in this section.

Such person shall be given a paper ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the State Board, the identifying information required in § 24.2-652. The officers of election shall enter the appropriate information for the person on the precinct registered voter list but not mark his name as having voted nor enter it on the precinct pollbook.

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then be placed in the ballot ~~box~~ container by an officer of election.

An officer of election shall inform the voter that a determination of his right to vote shall be made by the electoral board on the following day and advise the voter of the beginning time and place for the board's meeting *and of the voter's right to be present at that meeting*.

B. The conditional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Conditional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All conditional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

The electoral board shall meet on the day following the election and determine whether each person

having submitted such a conditional vote was entitled to do so as a qualified voter in the precinct in which he offered the conditional vote. One authorized representative of each political party or independent candidate in a general or special election or ~~one~~ 1 authorized representative of each candidate in a primary or special election, who is a qualified voter of the city or county, shall be permitted to remain in the room in which the determination is being made so long as he does not impede the orderly conduct of the determination. *Each authorized representative shall be a qualified voter of the county or city. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board 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. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.*

If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct in which he offered the conditional vote, or is unable to determine his right to vote, the envelope containing his ballot shall not be opened and his vote shall not be counted. However, the conditional vote shall be counted if such person is entitled to vote in the precinct pursuant to § 24.2-401. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered.

If the electoral board determines that such person was entitled to vote, the precinct registered voter list shall be so marked, the name of the voter shall be entered in a conditional votes pollbook, the envelope shall be opened, and the ballot placed in a ballot ~~box~~ container without any inspection further than that provided for in § 24.2-646.

On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote.

The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

§ 24.2-659. Locking voting and counting devices after election and delivering keys to clerk; printed returns as evidence.

A. ~~After~~ *If the voting or counting device is secured by the use of equipment keys, after the officers of election lock and seal each voting and counting device, the equipment keys shall be enclosed in an envelope which shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each device, the number on the seal, and the number of the protective counter, if one, on the device. The sealed envelope shall be delivered by one of the officers of the election to the clerk of the circuit court where the election was held. The custodians of the voting equipment shall enclose and seal in an envelope, properly endorsed, all other keys to all voting equipment in their jurisdictions and deliver the envelope to the clerk of the circuit court by noon on the day following the election.*

If the voting or counting device is secured by removal of the memory card or cartridge used in that election, the officers shall remove the memory card or cartridge and proceed to lock and seal each voting and counting device. The memory card or cartridge shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each device, the number on the seal, and the number of the protective counter, if one, on the device. The sealed envelope shall be delivered by 1 of the officers of the election to the clerk of the circuit court where the election was held or to the electoral board as specified in § 24.2-660. The equipment keys used at the polls shall be sealed in a different envelope and delivered to the clerk who shall release them to the electoral board upon request or at the expiration of the time specified by this section.

The voting and counting devices shall remain locked and sealed for the period of ~~fifteen~~ 15 days after the results of the election have been ascertained and, if any contest or recount is pending thereafter, until it has been concluded. The devices shall be opened and all data examined only (i) on the order of a court of competent jurisdiction or (ii) on the request of an authorized representative of the State Board or the electoral board at the direction of the State Board in order to ensure the accuracy of the returns.

When recounts occur in precincts using mechanical or direct electronic voting devices with printed return sheets, the printed return sheets delivered to the clerk may be used as the official evidence of the results.

When the required time has expired, the clerk of the circuit court shall return all voting equipment keys to the electoral board.

B. The local electoral board may direct that the officers of election and custodians, in lieu of conveying the sealed equipment keys to the clerk of the circuit court as provided in subsection A of this section, shall convey them to the principal office of the general registrar on the night of the election.

1166 The general registrar shall secure and retain the sealed equipment keys in his office and shall convey
 1167 them to the clerk of the court by noon of the day following the election.

1168 § 24.2-662. Procedure when paper ballots exceed names on pollbooks.

1169 If the ballots in the ~~box~~ container exceed the number of names on the pollbooks of persons who
 1170 voted on paper ballots, all ballots shall be replaced in the ballot ~~box~~ container. Then, after the ~~box~~
 1171 container is well shaken, an officer of election, being blindfolded, shall withdraw a sufficient number of
 1172 ballots to reduce the number of ballots left in the ~~box~~ container to the number of such names on the
 1173 pollbooks. The drawn ballots shall be set aside and not counted.

1174 § 24.2-668. Pollbooks, statements of results, and ballots to be sealed and delivered to clerk or general
 1175 registrar.

1176 A. After ascertaining the results and before adjourning, the officers shall put the pollbooks, the
 1177 duplicate statements of results, and any printed inspection and return sheets in the envelopes provided by
 1178 the State Board. The officers shall seal the envelopes and direct them to the clerk of the circuit court for
 1179 the county or city. The pollbooks, statements, and sheets thus sealed and directed, the sealed counted
 1180 ballots envelope or container, and the unused, defaced, spoiled and set aside ballots properly accounted
 1181 for, packaged and sealed, shall be conveyed by one of the officers to be determined by lot, if they
 1182 cannot otherwise agree, to the clerk of court by noon on the day following the election.

1183 The clerk shall retain custody of the pollbooks until the time has expired for initiating a recount,
 1184 contest, or other proceeding in which the pollbooks may be needed as evidence and there is no
 1185 proceeding pending. After that time the clerk shall deliver the pollbooks to the general registrar who
 1186 shall preserve them for two years from the date of the election. The clerk shall retain the statement of
 1187 results and any printed inspection and return sheets for two years and may then destroy them.

1188 B. The local electoral board may direct that the officers of election, in lieu of conveying the
 1189 materials to the clerk of the circuit court as provided in subsection A of this section, shall convey the
 1190 materials to the principal office of the general registrar on the night of the election *or the morning*
 1191 *following the [elections election] as the board directs.* The general registrar shall secure and retain
 1192 the materials in his office and shall convey to the clerk of the court by noon of the day following the
 1193 election all of the election materials, except the envelopes containing the "Conditional Votes," and the
 1194 envelopes containing the pollbooks, the statements of results and, if mechanical voting machines are
 1195 used, one copy of the printed return sheet from each machine. Following the ascertainment of the results
 1196 of the election by the electoral board, the general registrar shall retain for public inspection one copy of
 1197 the statement of results and shall immediately convey to the clerk sealed envelopes containing all
 1198 remaining election materials.

1199 § 24.2-669. Clerk to keep ballots; inspection; destruction.

1200 The clerk to whom the counted and uncounted ballots are delivered shall, without breaking the seal,
 1201 deposit them in a secure place in his office, where they shall be kept for the time required by this
 1202 section. He shall not allow the ballots to be inspected except (i) by an authorized representative of the
 1203 State Board or by the electoral board at the direction of the State Board to ensure the accuracy of the
 1204 returns or the purity of the election, (ii) by the officers of election, and then only at the direction of the
 1205 electoral board in accordance with § 24.2-672 when the provisions of § 24.2-662 have not been
 1206 followed, or (iii) on the order of a court before which there is pending a proceeding for a contest or
 1207 recount under Chapter 8 (§ 24.2-800 et seq.) of this title or before whom there is then pending a
 1208 proceeding in which the ballots are necessary for use in evidence.

1209 After the counted ballots for a federal election have remained in the clerk's office for two years, if
 1210 no election contest or other proceeding is pending in which such ballots may be needed as evidence, the
 1211 clerk shall destroy such ballots. After the counted ballots for any other election have remained in the
 1212 clerk's office for one year, if no election contest or other proceeding is pending in which such ballots
 1213 may be needed as evidence, the clerk shall destroy such ballots. After the unused ballots have remained
 1214 in the clerk's office and the time has expired for initiating a recount, contest, or other proceeding in
 1215 which such ballots may be needed as evidence and no such contest or proceeding is pending, the clerk
 1216 may then destroy the unused ballots *other than punchcard ballots which shall be returned to the*
 1217 *electoral board.*

1218 § 24.2-671. Electoral board to meet and ascertain results; conclusiveness of results.

1219 Each electoral board shall meet at the clerk's *or general registrar's* office of the county or city for
 1220 which they are appointed at or before 5:00 p.m. on the day after any election. The board may adjourn to
 1221 ~~the principal office of the general registrar~~ *another room of sufficient size to ascertain the results. Written*
 1222 *directions to the location of any room other than the clerk's or general registrar's office where the*
 1223 *board will meet shall be posted at the doors of the clerk's and general registrar's offices prior to the*
 1224 *beginning of the meeting.*

1225 ~~¶~~*The board shall open the returns delivered to the clerk's office by the officers.*

1226 If the electoral board has exercised the option provided by § 24.2-668 for delivery of the election
 1227 materials to the office of the general registrar on the night of the election, the electoral board shall meet

at the office of the general registrar at or before 5:00 p.m. on the day after any election.

The board shall ascertain from the returns the total votes in the county or city, or town in a town election, for each candidate and for and against each question and complete the abstract of votes cast at such election, as provided for in § 24.2-675. For any office *for which the electoral board issues the certificate of election, in which no person was elected by write-in votes, and* for which the total number of write-in votes for that office is less than (i) ~~five~~ 5 percent of the total number of votes cast for that office and (ii) the total number of votes cast for the candidate receiving the most votes, the electoral board shall ascertain the total votes for each write-in candidate for the office within ~~one~~ 1 week following the election. For offices for which the electoral board issues the certificate of election, the result so ascertained, signed and attested, shall be conclusive and shall not thereafter be subject to challenge except as specifically provided in Chapter 8 (§ 24.2-800 et seq.) of this title.

Once the result is so ascertained, the secretary of the electoral board shall deliver ~~one~~ 1 copy of each statement of results to the general registrar to be available for inspection when his office is open for business. The secretary shall then return all pollbooks, any printed inspection and return sheets, and ~~one~~ 1 copy of each statement of results to the clerk.

§ 24.2-675. Abstracts of votes to be made by secretary and forwarded to State Board and to clerks.

As soon as the electoral board determines the persons who have received the highest number of votes for any office, the secretary shall make out an abstract of the votes for each of the following: Governor; Lieutenant Governor; Attorney General; members of the Senate of Virginia; members of the House of Delegates; members of the United States Senate; members of the United States House of Representatives; electors of the President and Vice-President of the United States; each county office; each city office; each district office; each town office; and such others as may be required for statewide referenda. The abstracts shall contain the names of all persons receiving any vote for each office and the total number of votes received by each person or for or against each question. However, if *no person was elected by write-in votes and* the total number of write-in votes for any office *for which the electoral board issues the certificate of election* is less than (i) ~~five~~ 5 percent of the total number of votes cast for that office and (ii) the total number of votes cast for the candidate receiving the most votes, the abstract shall contain only the total number of write-in votes and not the number of write-in votes for each person receiving write-in votes.

The abstracts shall be certified and signed by the electoral board, attested by the secretary, and retained by the electoral board as part of its records. A copy of each, certified under the official seal of the electoral board, shall immediately be mailed or delivered by hand to the State Board. The State Board shall require the electoral board of any county or city to correct any errors found on such abstracts prior to completing the requirements of § 24.2-679.

One certified copy of each abstract of votes shall be forwarded (i) to the clerk of the city council or board of supervisors and recorded in its record book, (ii) for town elections, to the clerk of the town council and recorded in its minute book, and (iii) for each local referendum, to the circuit court for the locality.

§ 24.2-707. How ballots marked and returned by mail; cast in person; cast on voting equipment.

On receipt of a mailed absentee ballot, the voter shall, in the presence of a witness, (i) open the sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644 and 24.2-646 without assistance and without making known how he marked the ballot, except as provided by § 24.2-704.

After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the back of the envelope in the presence of a witness, who shall sign the same envelope, (d) enclose the ballot envelope and any required assistance form within the envelope directed to the electoral board, and (e) seal that envelope and mail it to the office of the electoral board or deliver it personally to the electoral board or the general registrar. *For purposes of this chapter, "mail" shall include delivery by a commercial delivery service, but shall not include delivery by a personal courier service or another individual except as provided by §§ 24.2-703.2 and 24.2-705.*

An applicant who makes his application to vote in person at a time when the printed ballots for the election are available shall follow the same procedure set forth above except that he shall complete the procedure in person in the office of the general registrar or secretary of the electoral board, or at another location or locations in the county or city approved by the electoral board, before a registrar or a member of the electoral board, or, if a ballot is cast at that time, before the officers of election appointed by the electoral board. Any such location shall be in a public building owned or leased by the city, the county, or a town within the county, with adequate facilities for the protection of all records concerning the absentee voters, the absentee ballots, both voted and unvoted, and any voting equipment in use at the location. Such location may be in a facility owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities and for an office of the general registrar.

1289 Such location shall be deemed the equivalent of the office of the general registrar or secretary of the
1290 electoral board for the purpose of completing the application for an absentee ballot in person pursuant to
1291 §§ 24.2-701 and 24.2-706.

1292 Failure to follow the procedures set forth above shall render the applicant's ballot void.

1293 The electoral board of any county or city using a central absentee voting precinct may provide for
1294 the casting of absentee ballots on voting equipment prior to election day by applicants who are voting in
1295 person. The State Board shall prescribe procedures for the use of voting equipment. The procedures shall
1296 provide for the casting of absentee ballots prior to election day by in-person applicants on voting
1297 equipment which has been certified, and is currently approved, by the State Board. The procedures shall
1298 be applicable and uniformly applied by the State Board to all jurisdictions using comparable voting
1299 equipment. At least two officers of election, one representing each political party, shall be present during
1300 all hours that absentee voting is available at any location at which absentee ballots are cast prior to
1301 election day.

1302 The requirement that officers of election shall be present if ballots are cast on voting equipment prior
1303 to election day shall not be applicable when the voting equipment is located in the office of the general
1304 registrar or secretary of the electoral board and the general registrar, an assistant registrar, or the
1305 secretary of the electoral board is present.

1306 § 24.2-711. Duties of officers of election.

1307 Before the polls open, the officers of election at each precinct shall mark, for each person on the
1308 absentee voter applicant list, the letters "AB" (meaning absentee ballot) in the voting record column on
1309 the precinct registered voter list. The list may be so marked prior to election day by the general
1310 registrar, the secretary of the electoral board, or staff under the direction of the general registrar or the
1311 secretary, or when the list is produced by the State Board pursuant to § 24.2-404. If the list has been
1312 marked prior to election day, before the polls open the officers of election at each precinct shall check
1313 the marks for accuracy and make any additions or corrections required.

1314 The chief officer of election shall keep the copy of the absentee voter applicant list in the polling
1315 place as a public record open for inspection upon request at all times while the polls are open.

1316 If a voter, whose name appears on the absentee voter applicant list, has not returned an unused ballot
1317 and offers to vote in his precinct, the officers of election in the precinct shall determine the matter
1318 pursuant to § 24.2-708 or, if the locality has a central absentee voter precinct, shall refuse to give him a
1319 ballot and shall refer him to the officers of the absentee precinct for an appeal pursuant to § 24.2-712.

1320 After the close of the polls, the container of absentee ballots shall be opened by the officers of
1321 election. As each ballot envelope is removed from the container, the name of the voter shall be called
1322 and checked as if the voter were voting in person. If the voter is found entitled to vote, his name shall
1323 be entered in the pollbook. The ballot envelope shall then be opened, and the ballot deposited in the
1324 ballot box container without being unfolded or examined. If the voter is found not entitled to vote, the
1325 unopened envelope shall be rejected. A majority of the officers shall write and sign a statement of the
1326 cause for rejection on the envelope or on an attachment to the envelope.

1327 When all ballots have been accounted for and either voted or rejected, the officers shall place the
1328 empty ballot envelopes, the return envelopes, and any rejected ballot envelopes, in one envelope
1329 provided for the purpose and seal and deliver it with the ballots cast at the election as provided in this
1330 title.

1331 § 24.2-712. Central absentee voter precincts; counting ballots.

1332 A. Notwithstanding any other provision of law, the governing body of each county or city may
1333 establish one or more central absentee voter precincts in the courthouse or other public buildings for
1334 the purpose of receiving, counting, and recording absentee ballots cast in the county or city. The
1335 decision to establish any absentee voter precinct shall be made by the governing body by ordinance; the
1336 ordinance shall state for which elections the precinct shall be used. The decision to abolish any absentee
1337 voter precinct shall be made by the governing body by ordinance. Immediate notification of either
1338 decision shall be sent to the State Board and the electoral board.

1339 B. Each central absentee voter precinct shall have at least three officers of election as provided for
1340 other precincts. The number of officers shall be determined by the electoral board.

1341 C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day of the
1342 election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the electoral board on
1343 or before the day of the election, he shall be allowed to vote it, and his ballot shall be delivered to the
1344 absentee voter precinct before the closing of the polls.

1345 The officers at the absentee voter precinct shall determine any appeal by any other voter whose name
1346 appears on the absentee voter applicant list and who offers to vote in person. If the officers at the
1347 absentee voter precinct produce records showing the receipt of his application and the certificate of
1348 mailing for the ballot, they shall deny his appeal. If the officers cannot produce such records, the voter
1349 shall be allowed to vote in person at the absentee voter precinct and have his vote counted with other
1350 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~~ container shall not be opened and the counting of ballots shall not begin prior to that time. In the case of punch card or mark sense ballots to be inserted in electronic counting equipment, the ballot ~~box~~ container 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. The electoral board may provide that the officers of election for a central absentee voter precinct may be assigned to work all or a portion of the time that the precinct is open on election day subject to the following conditions:

1. The chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to represent the two 2 political parties, are on duty at all times; and

2. No officer, political party representative, or other candidate representative shall leave the precinct after any ballots have been counted until the polls are closed and the count for the precinct is completed and reported.

§ 24.2-1002. Interference with registration.

Any person who, by threats or force, interferes with or attempts to interfere with (i) any registrar in the discharge of his duty, (ii) any person applying to register *or declining to apply to register*, or (iii) any person going to or leaving a registration location *as defined in Article 3 (§ 24.2-411 et seq.) of Chapter 4 of this title or a polling place*, or (iv) *any person going to or leaving any other location at which persons offer mail applications under Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 of this title* shall be guilty of a Class 1 misdemeanor.

§ 24.2-1003. Campaigning at registration locations.

Any person who gives or tenders any campaign materials to, or solicits or attempts to influence the vote of, any person while he is at any registration location *as defined in Article 3 (§ 24.2-411 et seq.) of Chapter 4 of this title* knowing that such person is there for the purpose of registration, shall be guilty of a Class 3 misdemeanor. Nothing in this section shall prohibit the distribution of campaign materials outside any building in which a registration activity is being conducted.

§ 24.2-1004. Illegal voting and registrations.

A. Any person who (i) votes knowing that he is not qualified to vote where and when the vote is to be given, (ii) procures, assists, or induces another to vote, knowing that such person is not qualified to vote where and when the vote is to be given, or (iii) wrongfully deposits a ballot in the ballot ~~box~~ container or casts a vote on any voting equipment, is guilty of a Class 1 misdemeanor.

B. Any person who intentionally (i) votes more than once in the same election, whether those votes are cast in Virginia or in Virginia and any other state or territory of the United States, or (ii) procures, assists, or induces another to vote more than once in the same election, whether those votes are cast in Virginia or in Virginia and any other state or territory of the United States, is guilty of a Class 6 felony.

C. Any person who intentionally (i) registers to vote at more than ~~one~~ residence address at the same time, whether such registrations are in Virginia or in Virginia and any other state or territory of the United States, or (ii) procures, assists, or induces another to register to vote at more than one address at the same time, whether such registrations are in Virginia or in Virginia and any other state or territory of the United States, is guilty of a Class 6 felony. This subsection shall not apply to any person who, when registering to vote, changing the address at which he is registered, transferring his registration, or assisting another in registering, changing his address, or transferring his registration, provides the information required by § 24.2-418 on the applicant's place of last previous registration to vote.

§ 24.2-1009. Stealing or tampering with ballot containers, voting or registration equipment, records or documents.

Any person who (i) steals or willfully, fraudulently, and wrongfully tampers with any part of any ballot ~~box~~ container, voting or registration equipment, records, or documents, which are used in any way within the registration or election process, (ii) fraudulently makes any entry, deletion, or alteration to any item listed in (i), or (iii) aids, abets, or permits any other person to violate the provisions of clause (i) or (ii), shall be guilty of a Class 5 felony.