

VIRGINIA ACTS OF ASSEMBLY -- 2012 SESSION

CHAPTER 328

An Act to amend and reenact §§ 24.2-120, 24.2-306, 24.2-415, 24.2-517, and 24.2-709.1 of the Code of Virginia, relating to administration of elections and duties of the electoral board and general registrar.

[H 623]

Approved March 22, 2012

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-120, 24.2-306, 24.2-415, 24.2-517, and 24.2-709.1 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-120. Oath of office.

The oath of office for the members of the electoral board, registrars, and officers of election shall be the oath stated in Article II, Section 7, of the Constitution. Each member of the electoral board, registrar, and officer of election shall take and sign the oath before performing the duties of his office.

Each member of an electoral board and general registrar shall file the original signed oath in the clerk's office of the circuit court of his county or city. The general registrar shall file a copy with the secretary of his electoral board.

The oath of office for assistant and substitute registrars ~~and for~~, officers of election, *and voting equipment custodians* may be administered by a *general registrar or a notary* as well as by persons authorized to administer oaths under § 49-3.

The oath of office for officers of election may be administered by a member of the electoral board, the general registrar, an assistant or substitute registrar, as well as by notaries and persons authorized to administer oaths under § 49-3.

§ 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 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 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 election district, town, precinct, or polling place *other than in the location of the office of the general registrar* shall be mailed to all registered voters whose election district, town, precinct, or polling place is changed at least 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. *Notice of a change in the location of the office of the general registrar shall be given by posting on the official website of the county or city, by posting at not less than 10 public places, or by publication once in a newspaper of general circulation in the county or city within not more than 21 days in advance of the change or within seven days following the change.*

C. Each county, city, and town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-264, and send copies of enacted changes to the local electoral board, the State Board, and the Division of Legislative Services.

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

A. The general registrar shall give notice of the date, hours, and locations for registration on the final day of registration at least 10 days before each final day. The notice for the final day shall be posted ~~at the courthouse and on the official website of the county or city, if applicable, and~~ published at least once in a newspaper of general circulation in the county or city.

At least three days' advance notice shall be given for other times and locations for voter registration. This notice shall be ~~either posted on the official website of the county or city, if applicable, and~~ published at least once in a newspaper of general circulation in the county or city, ~~published on an official website for the county or city,~~ or announced at least twice on a television station serving the county or city.

B. Notice shall not be required for (i) the regular office hours for the general registrar's office or any other office normally staffed by one or more registrars, (ii) any office or location offering voter registration services or forms in the normal course of its daily business, or (iii) any other location at which mail applications are offered under Article 3.1 (§ 24.2-416.1 et seq.) of this chapter but no registrar, nor any person authorized to receive voter registration applications pursuant to § 24.2-415.1, is present.

§ 24.2-517. State Board to order election.

The State Board shall order the holding of a primary election in any county, city, or other district of the Commonwealth in which it is notified pursuant to § 24.2-516 that a primary is intended to be held.

The notice ordering the primary shall be sent to the secretary of the electoral board. ~~Each~~ *Within five days of the issuance of the order by the State Board, each* secretary shall ~~forthwith~~ post a copy of the notice ~~at the courthouse on the official website of the county or city, post copies of the notice at not less than 10 public places in the county or city, or publish the~~ have notice of the election published at least once in a newspaper of general circulation in the county or city.

§ 24.2-709.1. Alternative procedures for counting absentee ballots.

The electoral board may authorize a general registrar at his option to take one or more of the following measures as needed to expedite counting absentee ballots ~~capable of being read with optical scan counting devices and~~ returned by mail before election day: (i) examine the ballot envelopes to verify completion of the required voter affirmation; (ii) mark the pollbook, or the absentee voter applicant list if the pollbook is not available, that the voter has voted; or (iii) open the sealed ballot envelopes and insert the ballots in ~~the~~ optical scan counting equipment *or other secure ballot container* without initiating any ballot count totals. If the board authorizes ~~optical scanning the opening of sealed ballot envelopes~~ as provided in clause (iii), at least two officers of election, one representing each political party, shall be present during all hours when a general registrar uses the expedited procedures authorized in this section. No person present while sealed ballot envelopes are opened and ballots are inserted into counting equipment *or other secure ballot container* pursuant to clause (iii) shall disclose any information concerning the ballots.