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1   **SENATE BILL NO. 1062**
2   Offered January 14, 2015
3   Prefiled January 13, 2015
4 *A BILL to amend and reenact §§ 24.2-115 and 24.2-627 of the Code of Virginia, relating to presidential*
5   *elections; number of officers of election and ballot scanner machines.*
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                    Patron—Obenshain

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8   Referred to Committee on Privileges and Elections
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10   **Be it enacted by the General Assembly of Virginia:**
11 **1. That §§ 24.2-115 and 24.2-627 of the Code of Virginia are amended and reenacted as follows:**
12   **§ 24.2-115. Appointment, qualifications, and terms of officers of election.**
13   Each electoral board at its regular meeting in the first week of February of the year in which the
14 terms of officers of election are scheduled to expire shall appoint officers of election. Their terms of
15 office shall begin on March 1 following their appointment and continue, at the discretion of the electoral
16 board, for a term not to exceed three years or until their successors are appointed.
17   Not less than three competent citizens shall be appointed for each precinct ~~and, insofar~~. *However, a*
18 *precinct having more than 4,000 registered voters shall have not less than five officers of election*
19 *serving for a presidential election, and the electoral board shall appoint additional officers as needed to*
20 *satisfy this requirement. Insofar* as practicable, each officer shall be a qualified voter of the precinct he
21 is appointed to serve, but in any case a qualified voter of the Commonwealth. In appointing the officers
22 of election, representation shall be given to each of the two political parties having the highest and next
23 highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election.
24 The representation of the two parties shall be equal at each precinct having an even number of officers
25 and shall vary by no more than one at each precinct having an odd number of officers. If practicable,
26 officers shall be appointed from lists of nominations filed by the political parties entitled to
27 appointments. The party shall file its nominations with the secretary of the electoral board at least 10
28 days before February 1 each year. The electoral board may appoint additional citizens who do not
29 represent any political party to serve as officers. If practicable, no more than one-third of the total
30 number of officers appointed for each precinct may be citizens who do not represent any political party.
31   Officers of election shall serve for all elections held in their respective precincts during their terms of
32 office unless a substitute is required to be appointed pursuant to § 24.2-117 or the electoral board
33 decides that fewer officers are needed for a particular election, in which case party representation shall
34 be maintained as provided above. For a primary election involving only one political party, persons
35 representing the political party holding the primary shall serve as the officers of election if possible.
36   The electoral board shall designate one officer as the chief officer of election and one officer as the
37 assistant for each precinct. The officer designated as the assistant for a precinct, whenever practicable,
38 shall not represent the same political party as the chief officer for the precinct. Notwithstanding any
39 other provision of this section, where representatives for one or both of the two political parties having
40 the largest number of votes for Governor in the last preceding gubernatorial election are unavailable, the
41 electoral board may designate as the chief officer and the assistant chief officer citizens who do not
42 represent any political party. In such case, the electoral board shall provide notice to representatives of
43 both parties at least 10 days prior to the election that it intends to use nonaffiliated officers so that each
44 party shall have the opportunity to provide additional nominations. The electoral board may also appoint
45 at least one officer of election who reports to the precinct at least one hour prior to the closing of the
46 precinct and whose primary responsibility is to assist with closing the precinct and reporting the results
47 of the votes at the precinct.
48   The electoral board shall instruct each chief officer and assistant in his duties not less than three nor
49 more than 30 days before each election. Each electoral board may instruct each officer of election in his
50 duties at an appropriate time or times before each November general election, and shall conduct training
51 of the officers of election consistent with the standards set by the State Board pursuant to subsection B
52 of § 24.2-103. Each electoral board shall certify to the State Board that such training has been conducted
53 every four years.
54   Notwithstanding the provisions of § 24.2-117, if an officer of election is unable to serve at any
55 election during his term of office, the electoral board may at any time appoint a substitute who shall
56 hold office and serve for the unexpired term.
57   Additional officers shall be appointed in accordance with this section at any time that the electoral
58 board determines that they are needed *or as required by law*.

59 If practicable, substitute officers or additional officers appointed after the electoral board's regular
60 meeting in the first week of February shall be appointed from lists of nominations filed by the political
61 parties entitled to appointments. The electoral board shall inform the political parties of its decision to
62 make such appointments and the party shall file its nominations with the secretary of the electoral board
63 within five business days.
64 The secretary of the electoral board shall prepare a list of the officers of election that shall be
65 available for inspection and posted in the general registrar's office prior to March 1 each year. Whenever
66 substitute or additional officers are appointed, the secretary shall promptly add the names of the
67 appointees to the public list. Upon request and at a reasonable charge not to exceed the actual cost
68 incurred, the secretary shall provide a copy of the list of the officers of election, including their party
69 designation and precinct to which they are assigned, to any requesting political party or candidate.
70 **§ 24.2-627. Electronic voting or counting machines; number required.**
71 A. The governing body of any county or city that adopts for use at elections direct recording
72 electronic machines shall provide for each precinct at least the following number of voting machines:
73 In each precinct having not more than 750 registered voters, 1;
74 In each precinct having more than 750 but not more than 1,500 registered voters, 2;
75 In each precinct having more than 1,500 but not more than 2,250 registered voters, 3;
76 In each precinct having more than 2,250 but not more than 3,000 registered voters, 4;
77 In each precinct having more than 3,000 but not more than 3,750 registered voters, 5;
78 In each precinct having more than 3,750 but not more than 4,500 registered voters, 6;
79 In each precinct having more than 4,500 but not more than 5,000 registered voters, 7.
80 B. The governing body of any county or city that adopts for use at elections ballot scanner machines
81 shall provide for each precinct at least one voting booth with a marking device for each 425 registered
82 voters or portion thereof and shall provide for each precinct at least one scanner. *However, each*
83 *precinct having more than 4,000 registered voters shall be provided with not less than two scanners at*
84 *a presidential election.*
85 C. The local electoral board of any county or city shall be authorized to conduct any May general
86 election, primary election, or special election held on a date other than a November general election
87 with the number of voting or counting machines it determines is appropriate for each precinct,
88 notwithstanding the provisions of subsections A and B.
89 D. For purposes of applying this section, an electoral board may exclude persons voting absentee in
90 its calculations, and if it does so, the electoral board shall send to the State Board a statement of the
91 number of voting systems to be used in each precinct. If the State Board finds that the number of voting
92 systems is not sufficient, it may direct the local board to use more voting systems.