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SENATE BILL NO. 130

Offered January 10, 2018

Prefiled December 19, 2017

A BILL to amend and reenact §§ 24.2-613, 24.2-614, 24.2-615, 24.2-641, and 24.2-644 of the Code of Virginia and to repeal § 24.2-113 of the Code of Virginia, relating to obsolete statutes and provisions in Title 24.2.

 Patron—Edwards

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-613, 24.2-614, 24.2-615, 24.2-641, and 24.2-644 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-613. Form of ballot.

A. The ballots shall comply with the requirements of this title and the standards prescribed by the State Board.

B. For elections for federal, statewide, and General Assembly offices only, each candidate who has been nominated by a political party or in a primary election shall be identified by the name of his political party. Independent candidates shall be identified by the term "Independent." For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties. For the purpose of this section, a "recognized political party" is defined as an organization that, for at least six months preceding the filing of its nominee for the office, has had in continual existence a state central committee composed of registered voters residing in each congressional district of the Commonwealth, a party plan and bylaws, and a duly elected state chairman and secretary. A letter from the state chairman of a recognized political party certifying that a candidate is the nominee of that party and also signed by such candidate accepting that nomination shall constitute sufficient and appropriate evidence of nomination by a recognized political party. The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.

C. Except as provided for primary elections, the State Board shall determine by lot the order of the political parties, and the names of all candidates for a particular office shall appear together in the order determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section, except as provided for presidential elections in § 24.2-614, "recognized political parties" shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board; and the class shall follow the political parties as defined by § 24.2-101 and precede the independent class. Independent candidates shall be treated as a class under "Independent", and their names shall be placed on the ballot after the political parties and recognized political parties. Where there is more than one independent candidate for an office, their names shall appear on the ballot in an order determined by the priority of time of filing all required paperwork for the office. In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board as in the case of a tie vote for the office.

No individual's name shall appear on the ballot more than once for the same office.

D. In preparing the printed ballots for general, special, and primary elections, the State Board and electoral boards general registrars shall cause to be printed in not less than 10-point type, immediately below the title of any office, a statement of the number of candidates for whom votes may be cast for that office. For any office to which only one candidate can be elected, the following language shall be used: "Vote for only one." For any office to which more than one candidate can be elected, the following language shall be used: "Vote for not more than."

E. Any locality that uses machine-readable ballots at one or more precincts, including any central absentee precinct, may, with the approval of the State Board, use a printed reproduction of the machine-readable ballot in lieu of the official machine-readable ballot. Such reproductions shall be printed and otherwise handled in accordance with all laws and procedures that apply to official paper ballots.

In every county and city using voting systems requiring printed ballots, the electoral board shall

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59 furnish a sufficient number of ballots printed on plain white paper, of such form and size as will fit in
60 the ballot frames.

61 **§ 24.2-614. Preparation and form of presidential election ballots.**

62 As soon as practicable after the seventy-fourth day before the presidential election, the State Board
63 shall certify to the general registrar of each county and city the form of official ballot for the
64 presidential election which shall be uniform throughout the Commonwealth. Each general registrar shall
65 have the official ballot printed at least 45 days preceding the election.

66 The ballot shall contain the name of each political party and the party group name, if any, specified
67 by the persons naming electors by petition pursuant to § 24.2-543. Below the party name in parentheses,
68 the ballot shall contain the words "Electors for _____, President and _____,
69 Vice President" with the blanks filled in with the names of the candidates for President and Vice
70 President for whom the candidates for electors are expected to vote in the Electoral College. A printed
71 square shall precede the name of each political party or party designation.

72 Groups of petitioners qualifying for a party name under § 24.2-543 shall be treated as a class; the
73 order of the groups shall be determined by lot by the State Board; and the groups shall immediately
74 precede the independent class on the ballot. The names of the candidates within the independent class
75 shall be listed alphabetically.

76 **§ 24.2-615. Separate questions for proposed constitutional amendments, etc.; uniform ballots.**

77 A separate ballot question shall be printed presented for each of the following: proposed amendments
78 to the Constitution submitted to the qualified voters at one election; proposals submitted to the qualified
79 voters after a constitutional convention pursuant to Article XII, Section 2 of the Constitution; candidates
80 for President, Vice President, and presidential electors; and candidates for the Congress of the United
81 States.

82 The form of the ballot shall be the same throughout the election district in which the same
83 candidates are running to fill the same offices and throughout the district in which a question is
84 submitted to the voters.

85 **§ 24.2-641. Sample ballot.**

86 The electoral board or general registrar shall provide for each precinct in which any voting or
87 counting machines are used two sample ballots, which shall be arranged as a diagram of the front of the
88 voting or counting machine as it will appear with the official ballot for voting on election day for each
89 ballot style in use at that precinct. Such sample ballots shall be posted for public inspection at each
90 polling place during the day of election.

91 **§ 24.2-644. Voting by paper ballot; voting for presidential electors; write-in votes.**

92 A. The qualified voter shall take the official paper ballot and enter the voting booth. After entering
93 the voting booth, the qualified voter shall mark immediately preceding the name of the ballot in
94 accordance with the instructions for the type of ballot, for each candidate for whom he wishes to vote a
95 check (✓) or a cross (✕ or ✚) or a line (—) in the square provided for such purpose, leaving unmarked the
96 square preceding the name of each candidate for whom he does not wish to vote. Any ballot marked so
97 that the intent of the voter is clear shall be counted.

98 B. The qualified voter at a presidential election shall mark the square preceding the names and party
99 designation the ballot in accordance with the instructions for the type of ballot, for his choice of
100 candidates for President and Vice President. His ballot so marked shall be counted as if he had marked
101 squares the ballot in accordance with the instructions for the type of ballot preceding the names of the
102 individual electors affiliated with his choice for President and Vice President. The qualified voter at a
103 presidential election may cast a write-in vote for President and Vice President as provided in subsections
104 C and D.

105 C. At all elections except primary elections it shall be lawful for any voter to vote for any person
106 other than the listed candidates for the office by writing or hand printing the person's name on the
107 official ballot. No check or other mark shall be required to cast a valid write-in vote. Write-in votes for
108 President and Vice President shall be counted only for candidates who have filed a joint declaration of
109 intent to be write-in candidates for the offices with the Commissioner of Elections not less than 10 days
110 before the date of the presidential election. The declaration of intent shall be on a form prescribed by
111 the State Board and shall include a list of presidential electors pledged to those candidates which equals
112 the whole number of senators and representatives to which the Commonwealth at that time is entitled in
113 the Congress of the United States. A write-in vote cast for candidates for President and Vice President,
114 or for a candidate for President only, shall be counted for the individual electors listed on the
115 declaration of intent as pledged to those candidates.

116 D. No write-in vote shall be counted unless the name is entered on the ballot in conformance with
117 this section. No write-in vote shall be counted when it is apparent to the officers of election that a voter
118 has voted for the same person for the same office more than one time. No write-in vote shall be counted
119 for an office for any person whose name appears on the ballot as a candidate for that office. If two or
120 more persons are to be elected to the same office, a voter may vote for one or more persons whose

121 names do appear on the ballot and one or more persons whose names do not appear on the ballot,
122 provided that the total number of votes cast by him for that office does not exceed the number of
123 persons to be elected to that office.
124 2. That § 24.2-113 of the Code of Virginia is repealed.

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