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## SENATE BILL NO. 153

Offered January 10, 2018

Prefiled December 28, 2017

*A BILL to amend and reenact § 24.2-613 of the Code of Virginia, relating to elections; form of ballot; order of independent candidates.*

\_\_\_\_\_  
Patron—Edwards

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Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:****1. That § 24.2-613 of the Code of Virginia is 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.

*For the purposes of this subsection, "time of filing for the office" means the time at which an independent candidate has filed all of the following documents: (i) a completed statement of qualification pursuant to § 24.2-501, (ii) a completed declaration of candidacy pursuant to § 24.2-505, (iii) petition signature pages with a number of signatures at least equal to the number required for the office pursuant to § 24.2-506, and (iv) a completed statement of economic interest if required pursuant to § 24.2-502. Any office responsible for receiving any of the above documents shall record the date and time of each filing and produce a receipt for the candidate. The time of filing for the office is indicated by the last date and time recorded for the above documents once they have all been filed. The candidate is responsible for providing proof of the dates and times at which all the above documents have been filed. When the candidate has provided proof that he has filed all the documents required for the time of filing for office to be determined, the general registrar or Department of Elections shall give the candidate or his designee a written receipt with the time and date of the completed filing. A copy of such receipt shall be maintained by the general registrar or Department of Elections until the election has been certified and there are no contests pending.*

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

INTRODUCED

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

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

70 In every county and city using voting systems requiring printed ballots, the electoral board shall  
71 furnish a sufficient number of ballots printed on plain white paper, of such form and size as will fit in  
72 the ballot frames.