CODE OF VIRGINIA

Title 24.2

Elections

Title 24.2 - ELECTIONS

Chapter 1 - GENERAL PROVISIONS AND ADMINISTRATION

Article 1 - APPLICABILITY; DEFINITIONS

§ 24.2-100. Applicability of title

The provisions of this title shall apply to all elections held in this Commonwealth except as is otherwise provided by general law.

Code 1950, § 24-176; 1970, c. 462, § 24.1-95; 1980, c. 639; 1993, c. 641 .

§ 24.2-101. Definitions

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

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

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

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

"Department of Elections" or "Department" means the state agency headed by the Commissioner of Elections.

"Direct recording electronic machine" or "DRE" means the electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically.

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

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

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

"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

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

"General registrar" means the person appointed by the electoral board of a county or city pursuant to § 24.2-110 to be responsible for all aspects of voter registration, in addition to other duties prescribed by this title. When performing duties related to the administration of elections, the general registrar is acting in his capacity as the director of elections for the locality in which he serves.

"Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device operated by a voter and then fed into and scanned by a counting machine capable of reading ballots and tabulating results.

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

"Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

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

"Person with a disability" means a person with a disability as defined by the Virginians with Disabilities Act (§ 51.5-1 et seq.).

"Polling place" means the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

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

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

"Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable ballots and paper ballots.

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority. No person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as provided by law. Whether a signature should be counted towards satisfying the signature requirement of any petition shall be determined based on the signer of the petition's qualification to vote. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "qualified voter" shall include only persons maintained on the Virginia voter registration system (a) with active status and (b) with inactive status who are qualified to vote for the office for which the petition was circulated.

"Qualified voter in a town" means a person who is a resident within the corporate boundaries of the 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.). 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, mailing notices of local election district, precinct or polling place changes as required by subdivision 13 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. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "registered voter" shall include only persons maintained on the Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to vote for the office for which the petition was circulated.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, applications, 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. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election 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 that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections. This term includes direct recording electronic machines (DRE) and ballot scanner machines.

Code 1950, §§ 24-17, 24-18, 24-18.2, 24-22, 24-23, 24-44, 24-136, 24-137, 24-172, 24-346; 1956, c. 378; 1963, Ex. Sess., c. 2; 1964, c. 592; 1970, c. 462, §§ 24.1-1, 24.1-41, 24.1-42, 24.1-93; 1971, Ex. Sess., cc. 119, 205, 265; 1972, c. 620; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1977, cc. 30, 490; 1978, c. 778; 1982, c. 650; 1983, c. 461; 1989, c. 322; 1991, 1st Sp. Sess., c. 12; 1993, c. 641; 1996, cc. 72, 73; 1997, c. 801; 1998, c. 866; 2001, c. 719; 2002, c. 487; 2003, c. 1015; 2005, c. 384; 2006, cc. 205, 787, 892; 2007, c. 311; 2008, c. 880; 2009, cc. 865, 870, 874; 2010, c. 707; 2013, cc. 542, 684; 2014, cc. 540, 576; 2015, c. 740; 2016, cc. 18, 492.

§ 24.2-101.01. Certified mail; subsequent mail or notices may be sent by regular mail

Whenever in this title the State Board is required to send any mail or notice by certified mail and such mail or notice is sent certified mail, return receipt requested, then any subsequent, identical mail or notice that is sent by the State Board may be sent by regular mail.

2011, c. 566.

§ 24.2-101.1. Implementation of certain laws; special elections

All laws enacted at a regular session of the General Assembly shall take effect as provided in § 1-214 except that the implementation of any change to this title shall not become effective for a special election held at a time other than a general election if the writ for the special election was issued prior to the effective date of the law.

2008, c. 366.

Article 2 - STATE BOARD OF ELECTIONS

§ 24.2-102. Appointment; terms; Commissioner of Elections; prohibited activities

The State Board of Elections is continued and shall consist of three members appointed by the Governor from the qualified voters of the Commonwealth, subject to confirmation by the General Assembly. In the appointment of the Board, representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. Two Board members shall be of the political party which 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 Board members shall be of the political party having the highest number of members in the General Assembly. Each political party entitled to an appointment may make and file recommendations with the Governor for the appointment. Its recommendations shall contain the names of at least three qualified voters of the Commonwealth.

Board members shall serve four-year terms beginning February 1, 1995, and each fourth year thereafter. Vacancies shall be filled for the unexpired terms. No member shall be eligible for more than two successive four-year terms. A member appointed for an unexpired term may be appointed for the two succeeding four-year terms.

The Governor shall appoint a Commissioner of Elections, who shall receive the salary fixed by law. The Commissioner of Elections may employ the personnel required to carry out the duties imposed by the State Board of Elections.

No member of the Board shall be eligible to offer for or hold an office to be filled in whole or in part by qualified voters in the Commonwealth. If a member resigns to offer for or hold such office, the vacancy shall be filled as provided in this section.

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

Code 1950, §§ 24-24, 24-345.10; 1952, c. 509; 1956, c. 392; 1970, c. 462, § 24.1-18; 1973, c. 30; 1975, c. 515; 1977, c. 576; 1980, c. 728; 1984, c. 444; 1993, c. 641; 2007, c. 350; 2013, c. 542.

§ 24.2-103. Powers and duties in general

A. The State Board, through the Department of Elections, shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections. It shall make rules and regulations and issue instructions and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws. Electoral boards and registrars shall provide information requested by the State Board and shall follow (i) the elections laws and (ii) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law. The State Board shall post on the Internet within three business days any rules or regulations made by the State Board. Upon request and at a reasonable charge not to

exceed the actual cost incurred, the State Board shall provide to any requesting political party or candidate, within three days of the receipt of the request, copies of any instructions or information provided by the State Board to the local electoral boards and registrars.

B. The State Board, through the Department of Elections, shall ensure that the members of the electoral boards and general registrars are properly trained to carry out their duties by offering training annually, or more often, as it deems appropriate, and without charging any fees to the electoral boards and general registrars for the training. The State Board shall set the training standards for the officers of election and shall develop standardized training programs for the officers of election to be conducted by the local electoral boards and the general registrars. Training of the officers of election shall be conducted and certified as provided by § 24.2-115.2. The State Board shall provide standardized training materials for such training and shall also offer on the Department of Elections website a training course for officers of election. The content of the online training course shall be consistent with the standardized training programs developed pursuant to this section. The State Board shall review the standardized training materials and the content of the online training course every two years in the year immediately following a general election for federal office.

C. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of any member of an electoral board who fails to discharge the duties of his office in accordance with law. The State Board may petition the local electoral board to remove from office any general registrar who fails to discharge the duties of his office according to law. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of a general registrar if the local electoral board refuses to remove the general registrar and the State Board finds that the failure to remove the general registrar has a material adverse effect upon the conduct of either the registrar's office or any election. Any action taken by the State Board pursuant to this subsection shall require a recorded majority vote of the Board.

D. The State Board may petition a circuit court or the Supreme Court, whichever is appropriate, for a writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that elections are conducted as provided by law.

E. The Department of Elections shall supervise its own staff to assure that no member of its staff shall serve (i) as the chairman of a political party or other officer of a state-, local-, or district-level political party committee or (ii) as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the Commonwealth.

F. The State Board shall adopt a seal for its use and bylaws for its own proceedings.

G. A telephone call between two members of the Board preparing for a meeting shall not constitute a meeting under the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et

seq.), provided that no discussion or deliberation takes place that would otherwise constitute a meeting.

Code 1950, §§ 24-24, 24-25, 24-345.10, 24-345.11; 1952, c. 509; 1956, c. 392; 1970, c. 462, §§ 24.1-18, 24.1-19; 1973, c. 30; 1975, c. 515; 1977, c. 576; 1980, c. 728; 1984, c. 444; 1993, c. 641; 1999, c. 861; 2004, cc. 27, 391; 2006, c. 760; 2009, c. 407; 2010, cc. 347, 769; 2013, cc. 525, 542; 2016, cc. 752, 766.

§ 24.2-104. Requesting assistance for attorney for the Commonwealth; investigative committees

A. The Attorney General shall have full authority to do whatever is necessary or appropriate to enforce the election laws or prosecute violations thereof. The Attorney General shall exercise the authority granted by this section to conduct an investigation, prosecute a violation, assure the enforcement of the elections laws, and report the results of the investigation to the State Board.

B. When the State Board is of the opinion that the public interest will be served, it may request the Attorney General, or other attorney designated by the Governor for such purpose, to assist the attorney for the Commonwealth of any jurisdiction in which election laws have been violated. When the State Board makes its request pursuant to a unanimous vote of all members, the Attorney General, or other attorney designated by the Governor, shall exercise the authority granted by this section to conduct an investigation, prosecute a violation, assure the enforcement of the election laws, and report the results of the investigation to the State Board. The Attorney General, or the other attorney designated by the Governor, shall have full authority to do whatever is necessary or appropriate to enforce the election laws or prosecute violations thereof.

C. The attorney for the Commonwealth or a member of the electoral board of any county or city may make a request, in writing, that the Attorney General appoint a committee to make an immediate investigation of the election practices in that city or county, accompanied by a statement under oath that substantial violations of this title have allegedly occurred which may alter or have altered the outcome of an election. On receipt of the request and statement, the Attorney General shall forthwith appoint a committee of two or more persons qualified to make the investigation. Members, officers, and employees of the Board, local electoral boards, and registrars' offices shall not serve on the committee but may provide assistance to the committee.

The Attorney General shall direct the committee to observe, investigate or supervise the election if supervision appears necessary. The committee shall make a preliminary report to the Attorney General within five days of its appointment. If its report shows that violations of this title have occurred, the Attorney General may, notwithstanding any other provision of law, authorize the prosecution of those responsible for the violations.

Code 1950, § 24-27; 1970, c. 462, § 24.1-21; 1989, c. 111; 1993, c. 641; 2002, cc. 785, 819; 2013, c. 768.

§ 24.2-105. Prescribing various forms

The State Board shall prescribe appropriate forms and records for the registration of voters, conduct of elections, and implementation of this title, which shall be used throughout the Commonwealth.

Code 1950, § 24-28; 1968, c. 97; 1970, c. 462, § 24.1-22; 1971, Ex. Sess., c. 247; 1975, c. 515; 1977, c. 490; 1993, c. 641 .

§ 24.2-105.1. Election and voter participation information on the Internet

Beginning with the general election in November 1998, the State Board shall implement a system by which it shall furnish lists of candidates for all elections in the Commonwealth, and information on proposed constitutional amendments and statewide referenda prepared pursuant to §§ 30-19.9 and 30-19.10, electronically through the Internet. The Board may list other referenda issues on the Internet. The lists and information shall be made available on the Internet as far in advance of the election as practicable and remain available on the Internet at least until the day after the election.

The State Board shall provide election results and statistical information on its website. The information shall include voter turnout information which shall be calculated as the percentage of active voters who voted excluding voters assigned to inactive status pursuant to Chapter 4 (§ 24.2-400 et seq.). The information shall also include the total number of registered voters and the number assigned to inactive status.

1998, c. 478; 2006, c. 474; 2007, c. 340.

§ 24.2-105.2. Acceptance of payments

Any credit or debit card used to pay for any voter list must be in the name of a person or organization authorized to receive such list pursuant to § 24.2-405.

2000, cc. 510, 554; 2002, c. 719.

Article 3 - LOCAL ELECTORAL BOARDS

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

There shall be in each county and city an electoral board composed of three 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. In the event of the temporary absence, or disability that precludes the performance of duties, of one or more members that prevents attaining a quorum, the senior judge, for good cause, may appoint, on a meeting to meeting basis, a temporary member to the electoral board. The temporary appointee must be eligible for appointment and to the extent practicable maintain representation of political parties under § 24.2-106. 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 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 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 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 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 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 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, (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, or (iii) any person who is ineligible to serve under the provisions of this section.

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

The board shall elect one 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 one of its other members as acting secretary. Any such designation shall be made in an open meeting and recorded in the minutes of the board.

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

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

No member of an electoral board shall be the spouse, grandparent, parent, sibling, child, or grandchild, or the spouse of a grandparent, parent, sibling, child, or grandchild, of a candidate for or holder of an elective office filled in whole or in part by any voters within the jurisdiction of the electoral board.

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

Each member of the electoral board shall attend an annual training program provided by the State Board during the first year of his appointment and the first year of any subsequent reappointment.

Code 1950, §§ 24-29, 24-32, 24-33, 24-42; 1970, c. 462, § 24.1-29; 1971, Ex. Sess., c. 204; 1973, c. 30; 1975, c. 515; 1978, c. 778; 1980, c. 639; 1984, c. 480; 1986, c. 558, § 24.1-33.1; 1993, cc. 480, 641; 1995, cc. 835, 848; 2003, c. 1015; 2005, c. 380; 2011, c. 764; 2013, c. 409; 2016, c. 13.

§ 24.2-106.1. Prohibiting the solicitation in public buildings of signatures for nominating petitions by electoral board members and employees

No member of an electoral board or their office staff shall solicit or assist in the solicitation of signatures for nominating petitions for candidates for public office in any public building owned or leased by the county or city served by the electoral board.

2003, c. 271.

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

The electoral board of each city and county shall meet during the first week in February of the year in which it is to appoint officers of election pursuant to § 24.2-115 and during the month of March each year at the time set by the board and at any other time on the call of any board member. Two members shall constitute a quorum. Notice of each meeting shall be given to all board members either by the secretary or the member calling the meeting at least three business days prior to the meeting except in the case of an emergency as defined in § 2.2-3701. Notice shall be given to the public as required by § 2.2-3707. All meetings shall be conducted in accordance with the requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) unless otherwise provided by this section. Notwithstanding the public notice requirements of § 2.2-3707, two or more members of an electoral board may meet on election day to discuss a matter concerning that day's election, where such matter requires resolution on that day, and an effort has been made by all available means to give notice of the meeting to all board members. The presence of two or more board members while the ballots, election materials, or voting equipment are being prepared, current or potential polling places are being inspected, or election officials are being trained, or a telephone call between two board members preparing for a meeting, shall not con-

stitute a meeting provided that no discussion or deliberation takes place that would otherwise constitute a meeting.

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

Minutes of meetings that are required to be recorded pursuant to § 2.2-3707 shall be posted on the website of the electoral board or the official website for the county or city, when such means are available. Minutes of meetings shall be posted as soon as possible but no later than one week prior to the following meeting of the electoral board.

Books, papers, and records of the board shall be open to public inspection and copying whenever the general registrar's office is open for business either at the office of the board or the office of the general registrar. The general registrar shall determine a reasonable charge, not to exceed the fee authorized pursuant to subdivision A 8 of § 17.1-275, to be paid for copies made from the books, papers, and records of the board.

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

Code 1950, §§ 24-34, 24-43; 1970, c. 462, § 24.1-30; 1978, c. 778; 1979, c. 27; 1982, c. 290; 1993, c. 641; 1994, c. 656; 2003, c. 1015; 2007, cc. 311, 318; 2013, cc. 461, 525; 2014, c. 395; 2016, c. 403.

§ 24.2-108. Compensation and expenses of members

The General Assembly shall establish a compensation and expense plan in the general appropriation act for the secretaries and members of the electoral boards. The governing body for the county or city of each electoral board shall pay compensation, expenses, and mileage in accordance with the plan and be reimbursed annually as authorized by the act. The reasonable costs of electoral board members attending annual training programs provided by the State Board shall be included in the expense plan for electoral boards.

Each electoral board member shall submit a written claim for mileage and expenses authorized by the plan. The claim, when filed and found to be correct, shall be paid by the county or city. The county or city shall pay claims for mileage at the rate payable to members of the General Assembly.

The governing body of any county or city may pay to the secretary of the electoral board any additional allowance for expenses it deems appropriate and may pay to a full-time secretary any additional compensation it deems appropriate.

Each county and city shall furnish necessary postage and office supplies for the electoral board.

Code 1950, §§ 24-37, 24-38, 24-40, 24-41; 1952, c. 540; 1956, c. 658; 1958, c. 42; 1964, c. 515; 1966, c. 714; 1970, c. 462, § 24.1-31; 1972, c. 620; 1974, c. 428; 1978, c. 778; 1981, c. 425; 1982, c. 650; 1993, c. 641; 2005, c. 380.

§ 24.2-109. Appointment and removal of general registrar and officers of election; powers and duties in general

A. Each electoral board shall appoint the general registrar for its city or county and officers of election for each precinct who shall serve in all elections, including town elections, as provided in this chapter. The secretary of the electoral board shall promptly notify each appointee of his appointment.

The electoral board by a recorded majority vote may remove from office, on notice, any general registrar or officer of election who fails to discharge the duties of his office according to law.

B. The electoral board shall perform the duties assigned by this title including, but not limited to, the preparation of ballots, the administration of absentee ballot provisions, the conduct of the election, and the ascertaining of the results of the election.

Code 1950, §§ 24-30, 24-35, 24-36, 24-52, 24-52.1, 24-55, 24-61, 24-65, 24-66, 24-118.1, 24-199; 1954, c. 691; 1962, c. 475; 1964, c. 608; 1968, cc. 97, 141; 1970, c. 462, §§ 24.1-32, 24.1-34, 24.1-43; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1976, c. 12; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1982, cc. 290, 650; 1983, c. 511; 1984, c. 480; 1985, c. 197; 1986, c. 558; 1988, c. 528; 1989, c. 227; 1993, c. 641; 2004, cc. 27, 391.

§ 24.2-109.1. Performance review of general registrars

The electoral board shall conduct an annual performance review of the general registrar for years ending June 30, 2006, and thereafter. The electoral board shall complete the review by August 1 of each year, retain a copy of the performance review, and provide a summary of the review to the State Board. The performance review shall be conducted in accordance with the format and forms provided by the State Board.

2004, cc. 27, 391; 2006, c. 235.

Article 4 - REGISTRARS

§ 24.2-110. Appointment, qualifications, and term of general registrar; vacancies; certain prohibitions

Each electoral board shall meet in the month of May or June in 2007, and every four years thereafter, and shall appoint a general registrar, who shall be a qualified voter of the county or city for which he is appointed. However, in the case of a city that is wholly contained within one county, the city electoral board may appoint a qualified voter of that county to serve as city general registrar. General registrars shall serve four-year terms beginning July 1, 2007, and each fourth year thereafter, and continue in office until a successor is appointed and qualifies.

The electoral board shall fill any vacancy in the office of general registrar for the unexpired term. The electoral board shall declare vacant and fill the office of the general registrar if the appointee fails to qualify and deliver a copy of his oath to the secretary of the electoral board within 30 days after he has been notified of his appointment.

No general registrar shall hold any other office, by election or appointment, while serving as general registrar; however, with the consent of the electoral board, he may undertake other duties which do not conflict with his duties as general registrar. General registrars shall not serve as officers of election. The election or appointment of a general registrar to any other office shall vacate the office of the general registrar.

No general registrar shall be eligible to offer for or hold an office to be filled by election in whole or in part by the qualified voters of his jurisdiction at any election held during the time he serves as general registrar or for the six months thereafter.

The electoral board shall not appoint to the office of general registrar any person who is the spouse of an electoral board member or any person, or the spouse of any person, who is the parent, grandparent, sibling, child, or grandchild of an electoral board member.

No general registrar shall serve as the chairman of a political party or other officer of a state, local or district level political party committee. No general registrar shall serve as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of his jurisdiction. The restrictions of this paragraph shall apply to paid assistant registrars but shall not apply to unpaid assistant registrars.

Code 1950, §§ 24-30, 24-35, 24-36, 24-52, 24-52.1, 24-53, 24-55, 24-61, 24-65, 24-66, 24-118.1, 24-199; 1954, c. 691; 1958, c. 576; 1962, c. 475; 1964, c. 608; 1968, cc. 97, 141; 1970, c. 462, §§ 24.1-32, 24.1-34, 24.1-43, 24.1-44; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1976, c. 12; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1982, cc. 290, 650; 1983, c. 511; 1984, c. 480; 1985, c. 197; 1986, c. 558, § 24.1-33.2; 1988, c. 528; 1989, c. 227; 1993, c. 641; 1995, cc. 835, 848; 1996, c. 308; 2004, cc. 27, 391; 2009, c. 403.

§ 24.2-111. Compensation and expenses of general registrars

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

Each locality shall pay the reasonable expenses of the general registrar, including reimbursement for mileage at the rate payable to members of the General Assembly. In case of a dispute, the State Board shall approve or disapprove the reimbursement. Reasonable expenses include, but are not limited to, costs for: (i) an adequately trained registrar's staff, including training in the use of

computers and other technology to the extent provided to other local employees with similar job responsibilities, and reasonable costs for the general registrar to attend the annual training offered by the State Board; (ii) adequate training for officers of election; (iii) conducting elections as required by this title; and (iv) voter education.

Code 1950, §§ 24-52, 24-52.1, 24-55, 24-61, 24-65, 24-66, 24-118.1; 1954, c. 691; 1962, c. 475; 1964, c. 608; 1968, cc. 97, 141; 1970, c. 462, § 24.1-43; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1976, c. 12; 1978, c. 778; 1981, c. 425; 1982, c. 290; 1983, c. 511; 1984, c. 480; 1985, c. 197; 1986, c. 558; 1988, c. 528; 1993, c. 641; 2003, c. 1015; 2016, c. 13.

§ 24.2-112. Assistants to general registrars; employees

The electoral board shall determine the number and set the term for assistant registrars; however, their terms shall not extend beyond the term set by law of the incumbent general registrar. The general registrar shall establish the duties of assistant registrars, appoint assistant registrars, and have authority to remove any assistant registrar who fails to discharge the duties of his office.

In Russell County, there shall be at least one full-time assistant registrar who shall serve in the office of the general registrar.

In any county or city whose population is over 15,500, there shall be at least one assistant registrar who shall serve at least one day each week in the office of the general registrar.

Any county or city whose population is 15,500 or less shall have at least one substitute registrar who is able to take over the duties of the general registrar in an emergency and who shall assist the general registrar when he requests.

All assistant registrars shall have the same limitations and qualifications and fulfill the same requirements as the general registrar except that (i) an assistant registrar may be an officer of election and (ii) an assistant registrar shall be a qualified voter of the Commonwealth but is not required to be a qualified voter of the county or city in which he serves as registrar. Candidates who are residents in the county or city for which they seek appointment may be given preference in hiring. Localities may mutually agree to share an assistant registrar among two or more localities. Assistant registrars who agree to serve without pay shall be supervised and trained by the general registrar.

All other employees shall be employed by the general registrar. The general registrar may hire additional temporary employees on a part-time basis as needed.

The compensation of any assistant registrar, other than those who agree to serve without pay, or any other employee of the general registrar shall be fixed and paid by the local governing body and shall be the equivalent of or exceed the minimum hourly wage established by federal law in 29 U.S.C. § 206 (a) (1), as amended.

The general registrar shall not appoint to the office of paid assistant registrar his spouse or any person, or the spouse of any person, who is his parent, grandparent, sibling, child, or grandchild.

Code 1950, § 24-58; 1970, c. 462, § 24.1-45; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1982, c. 650; 1983, c. 470; 1984, c. 480; 1986, c. 558, § 24.1-45.3; 1993, c. 641; 1999, c. 115; 2001, cc. 637, 638, 642, 643; 2003, c. 232; 2007, c. 813.

§ 24.2-113. Special assistant registrars

The general registrar of any city or county may appoint as a special assistant registrar any person who, although not being a qualified voter of such city or county, has served continuously for more than ten years in the office of the registrar of such city or county as an assistant registrar. The compensation of any such special assistant registrar shall be fixed and paid by the local governing body.

1971, Ex. Sess., c. 119, § 24.1-45.1; 1975, c. 515; 1993, c. 641 .

§ 24.2-114. Duties and powers of general registrar

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

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

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

3. 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.

4. 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.

5. 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 pollbooks used for the conduct of elections.

6. 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, including whether the applicant has ever been convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored, 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.

7. 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 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.

8. 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 years the written applications of all persons who are denied registration or whose registration is cancelled.

9. 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.

10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the pollbooks available to the precincts, and according to the instructions of the State Board provide a copy of the data from the pollbooks to the State Board after each election for voting credit purposes.

11. Retain the pollbooks in his principal office for two years from the date of the election.

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

13. 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.

14. 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.

15. 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 by providing electronically, through the Department of Elections, the information contained in that person's registration application.

16. Whenever any person is believed to be registered or voting in more than one 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.

17. At the request of the county or city chairman of any political party nominating a candidate for the General Assembly, constitutional office, or local office by a method other than a primary, review any petition required by the party in its nomination process to determine whether those signing the petition are registered voters with active status.

18. Carry out such other duties as prescribed by the electoral board in his capacity as the director of elections for the locality in which he serves.

19. Attend an annual training program provided by the State Board. A general registrar may designate one member of his staff to attend such training program if he is unable to attend because of a personal or family emergency.

Code 1950, §§ 24-59, 24-60, 24-60.1, 24-71 through 24-73, 24-90, 24-93, 24-94, 24-101, 24-111, 24-115, 24-118; 1950, p. 381; 1958, c. 576; 1962, cc. 422, 536; 1968, c. 143; 1970, c. 462, §§ 24.1-46, 24.1-54, 24.1-68; 1972, c. 620; 1973, c. 30; 1974, c. 428; 1976, c. 616; 1979, c. 329; 1980, c. 639; 1982, c. 650; 1983, c. 398; 1984, c. 480; 1986, c. 558; 1990, c. 193; 1993, c. 641; 1996, cc. 72, 73; 1998, c. 354; 2000, cc. 512, 556, 857; 2003, c. 1015; 2005, c. 380; 2010, c. 812; 2013, c. 491; 2015, cc. 644, 645; 2016, cc. 13, 633.

Article 5 - OFFICERS OF ELECTION

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

Each electoral board at its regular meeting in the first week of February of the year in which the terms of officers of election are scheduled to expire shall appoint officers of election. Their terms of office shall begin on March 1 following their appointment and continue, at the discretion of the electoral board, for a term not to exceed three years or until their successors are appointed. The general registrar shall prepare and submit to the electoral board a plan to ensure that adequate numbers of trained officers of election are available to serve in each election.

Not less than three competent citizens shall be appointed for each precinct. However, a precinct having more than 4,000 registered voters shall have not less than five officers of election serving for a presidential election, and the electoral board shall appoint additional officers as needed to satisfy this requirement. Insofar as practicable, each officer shall be a qualified voter of the precinct he is appointed to serve, but in any case a qualified voter of the Commonwealth. In appointing the officers of election, representation shall be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. The representation of the two parties shall be equal at each precinct having an even number of officers and shall vary by no more than one at each precinct having an odd number of officers. If practicable, officers shall be appointed from lists of nominations filed by the political parties entitled to appointments. The party shall file its nominations with the secretary of the electoral board at least 10 days before February 1 each year. The electoral board may appoint additional citizens who do not represent any political party to serve as officers. If practicable, no more than one-third of the total number of officers appointed for each precinct may be citizens who do not represent any political party.

Officers of election shall serve for all elections held in their respective precincts during their terms of office unless a substitute is required to be appointed pursuant to § 24.2-117 or the electoral board decides that fewer officers are needed for a particular election, in which case party representation shall be maintained as provided above. For a primary election involving only one political party, persons representing the political party holding the primary shall serve as the officers of election if possible.

The electoral board shall ensure that one officer is designated as the chief officer of election and one officer is designated as the assistant for each precinct. The officer designated as the assistant for a precinct, whenever practicable, shall not represent the same political party as the chief officer for the precinct. Notwithstanding any other provision of this section, where representatives for one or both of the two political parties having the largest number of votes for Governor in the last preceding gubernatorial election are unavailable, citizens who do not represent either of those two political parties may be designated as the chief officer and the assistant chief officer. In such case, the general registrar shall provide notice to representatives of both parties at least 10 days prior to the election that he intends to use nonaffiliated officers so that each party shall have the opportunity to provide additional nominations. The electoral board may also appoint at least one officer of election who reports to the precinct at least one hour prior to the closing of the precinct and whose primary responsibility is to assist with closing the precinct and reporting the results of the votes at the precinct.

The electoral board shall ensure that each chief officer and assistant is instructed in his duties not less than three nor more than 30 days before each election. Each officer of election may be instructed in his duties at an appropriate time or times before each November general election, and training of the officers of election shall be conducted as provided by § 24.2-115.2.

Notwithstanding the provisions of § 24.2-117, if an officer of election is unable to serve at any election during his term of office, the electoral board may at any time appoint a substitute who shall hold office and serve for the unexpired term.

Additional officers shall be appointed in accordance with this section at any time that the electoral board determines that they are needed or as required by law.

If practicable, substitute officers or additional officers appointed after the electoral board's regular meeting in the first week of February shall be appointed from lists of nominations filed by the political parties entitled to appointments. The electoral board or the general registrar shall inform the political parties of the decision of the electoral board to make such appointments and the party shall file its nominations with the secretary of the electoral board or the general registrar within five business days.

The secretary of the electoral board or general registrar shall prepare a list of the officers of election that shall be available for inspection and posted in the general registrar's office prior to March 1 each year. Whenever substitute or additional officers are appointed, the secretary of the electoral board or the general registrar shall promptly add the names of the appointees to the public list. Upon request and at a reasonable charge not to exceed the actual cost incurred, the secretary of the electoral board or the general registrar shall provide a copy of the list of the officers of election, including their party designation and precinct to which they are assigned, to any requesting political party or candidate.

Code 1950, §§ 24-30, 24-193, 24-195, 24-199; 1950, p. 164; 1970, c. 462, §§ 24.1-32, 24.1-105, 24.1-106; 1972, c. 620; 1975, c. 515; 1976, c. 616; 1978, cc. 330, 778; 1980, c. 639; 1982, c. 650; 1984, c. 480; 1986, c. 558; 1989, c. 227; 1993, c. 641; 1997, c. 459; 1998, c. 187; 2002, cc. 66, 216; 2003, cc. 232, 1015; 2005, c. 820; 2009, cc. 639, 865, 870, 874; 2010, cc. 190, 347, 769; 2013, c. 461; 2014, cc. 410, 777; 2015, c. 667; 2016, cc. 18, 492, 752, 766.

§ 24.2-115.1. Officers of election; hours of service

The electoral board or general registrar may provide that the officers of election for one or more precincts may be assigned to work all or a portion of the time that the precinct is open on election day or reassigned to another precinct for the remaining portion of election day, as needed. Any officer of election assisting with the closing of the precinct and reporting the results of the votes at the precinct shall be required to report to the precinct at least one hour prior to the closing of the precinct. However, the chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to represent the two political parties, shall be on duty at all times. The electoral board or general registrar may provide for the administration of the oath of office provided for in § 24.2-120 and the oath required in § 24.2-611 to be kept with the pollbook at times convenient for officers of election assigned to work only a portion of the time that the precinct is open on election day.

1998, cc. 549, 572; 2001, c. 623; 2009, cc. 396, 865, 870, 874; 2013, cc. 444, 462; 2016, cc. 18, 492.

§ 24.2-115.2. Officers of election; required training

A. Each officer of election shall receive training consistent with the standards set by the State Board pursuant to § 24.2-103. This training shall be conducted by the electoral boards and general registrars, using the standardized training programs and materials developed by the State Board for this purpose. However, any electoral board and general registrar may instead require that the officers of election complete the online training course provided by the State Board pursuant to subsection B of § 24.2-103. Each officer of election shall receive such training, or complete the online training course, before the first election in which he will be serving as an officer of election. Such requirement shall apply to each term for which the officer of election is appointed.

B. Notwithstanding the provisions of subsection A, each officer of election shall receive additional training or instruction whenever a change to election procedures is made to this title or to regulations that alters the duties or conduct of the officers of election. Such changes shall include changes to voting systems, electronic pollbook equipment or programming, voter identification requirements, and provisional ballot requirements. Such additional training shall be conducted or instruction given promptly after the law or regulation has taken effect, but not less than three days prior to the November general election.

C. Following any training conducted pursuant to this section, the electoral boards shall certify to the State Board that the officers of election in its jurisdiction have received the required training. Such certification shall include the dates of each completed training.

2016, cc. 752, 766.

§ 24.2-116. Compensation of officers; volunteer officers

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

An officer of election may waive compensation and serve as an unpaid volunteer officer. Unpaid volunteer officers shall possess the qualifications and fulfill the requirements that apply to paid officers of election.

Code 1950, §§ 24-207 through 24-209; 1950, p. 245; 1956, c. 235; 1968, c. 141; 1970, c. 462, § 24.1-107; 1972, c. 620; 1974, c. 428; 1993, c. 641; 2003, c. 1015; 2012, c. 489.

§ 24.2-117. Request for removal of officer of election

A candidate may require the removal of an officer of election for the election in which he is a candidate by a request in writing, filed at least seven days before the election with the electoral board appointing the officer, on the grounds that the officer is the spouse, parent, grandparent, sibling, child, or grandchild of an opposing candidate. A member of the electoral board may also request the removal of an officer of election whom he knows to be the spouse, parent, grandparent, sibling, child, or grandchild of a candidate in the election by a request in writing, filed at least seven days before the election with the electoral board. Upon receipt of a timely written request pursuant to this section, the electoral board shall ensure that a substitute is appointed to serve for that election.

1982, c. 650, § 24.1-105.1; 1993, c. 641; 2014, c. 410; 2016, cc. 18, 492.

§ 24.2-118. Appointments when officers fail to serve

If an officer of election is absent or unable to serve and the polls have been open for one hour, the remaining officers of election shall appoint a substitute officer of election for the precinct. The substitute officer shall possess the same qualifications and, after taking the requisite oath, have the same powers as officers appointed by an electoral board.

Code 1950, § 24-197; 1970, c. 462, § 24.1-108; 1993, c. 641 .

§ 24.2-118.1. Prohibition on discrimination in employment; penalty

Any person who serves as an officer of election as defined in § 24.2-101 shall neither be discharged from employment, nor have any adverse personnel action taken against him, nor shall he be required to use sick leave or vacation time, as a result of his absence from employment due to such service, provided he gave reasonable notice to his employer of such service. No person who serves for four or more hours, including travel time, on his day of service shall be required to start any work shift that begins on or after 5:00 p.m. on the day of his service or begins before 3:00 a.m. on the day following the day of his service. Any employer violating the provisions of this section shall be guilty of a Class 3 misdemeanor.

2005, c. 790.

Article 6 - MISCELLANEOUS PROVISIONS

§ 24.2-119. Restrictions on persons holding other offices serving as member of electoral board, registrar, or officer of election

No person, nor the deputy of any person, who is employed by or holds any office or post of profit or emolument, or who holds any elective office of profit or trust, under the governments of the United States, the Commonwealth, or any county, city, or town, shall be appointed a member of the electoral board or general registrar. No person, nor the deputy or the employee of any person, who holds any elective office of profit or trust under the government of the United States, the Commonwealth, or any county, city, or town of the Commonwealth, shall be appointed an assistant registrar or officer of election.

Code 1950, §§ 24-31, 24-198; 1970, c. 462, § 24.1-33; 1971, Ex. Sess., c. 204; 1986, c. 248; 1993, c. 641 .

§ 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, 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.

Code 1950, §§ 24-29, 24-30, 24-32, 24-33, 24-42, 24-52, 24-52.1, 24-55, 24-61, 24-65, 24-66, 24-118.1, 24-199; 1954, c. 691; 1962, c. 475; 1964, c. 608; 1968, cc. 97, 141; 1970, c. 462, §§ 24.1-29, 24.1-32, 24.1-43; 1971, Ex. Sess., c. 204; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1976, c. 12; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1982, cc. 290, 650; 1983, c. 511; 1984, c. 480; 1985, c. 197; 1986, c. 558; 1988, c. 528; 1989, c. 227; 1993, c. 641; 2005, c. 820; 2012, cc. 328, 486.

§ 24.2-121. Defense of the electoral board, its members, and the general registrar staff; appointment of counsel

If any electoral board, any of its members, any general registrar, or any employee of or paid assistant to a registrar is made defendant in any civil action arising out of the performance of his official duties, and does not have legal defense provided under applicable insurance coverage, the officer, employee, or assistant may apply to the Virginia Division of Risk Management to assign counsel for his defense in the action. In such case, and regardless of whether or not the civil action seeks monetary damages, the Division shall obtain one or more attorneys to defend such action, which attorney may be the Attorney General, the attorney for the Commonwealth of the particular locality served by the defendant, or one or more private attorneys as may be appropriate. In the case of any private attorney, the Division shall determine the appropriate rate of compensation. All private attorneys' fees and any expenses incurred in the defense of the action shall be paid from the treasury of the Commonwealth of Virginia.

1986, c. 558, § 24.1-31.1; 1990, c. 201; 1993, c. 641; 2005, cc. 492, 548.

§ 24.2-122. Status of members of electoral boards, registrars, and officers of election

Members of electoral boards, registrars, and officers of election shall serve the Commonwealth and its localities in administering the election laws. They shall be deemed to be employees of the county or city in which they serve except as otherwise specifically provided by state law.

Assistant registrars who agree to serve without pay are not state or local employees for any purpose.

Code 1950, §§ 24-30, 24-199; 1970, c. 462, § 24.1-32; 1975, c. 515; 1978, c. 778; 1980, c. 639; 1982, c. 650; 1986, c. 558; 1989, c. 227; 1993, c. 641 .

§ 24.2-123. Requirements for registration and voting; prohibition on use of power of attorney

No action undertaken to fulfill any requirement of this title to register or vote shall be valid or complete when the action is based on the exercise of a power of attorney, or other writing, in which any principal shall have vested any power or authority in an attorney-in-fact or other agent.

1995, cc. 192, 234.

Chapter 2 - FEDERAL, COMMONWEALTH, AND LOCAL OFFICERS

Article 1 - GENERAL PROVISIONS

§ 24.2-200. When terms to begin

The terms of all officers chosen at a November general election shall begin on the January 1 succeeding their election unless otherwise provided in this chapter. Notwithstanding any other provision of law, the terms of all officers elected at a May general election shall begin on the July 1 succeeding their election. They shall continue to discharge the duties of their respective offices until their successors qualify.

Code 1950, §§ 24-142, 24-169; 1970, c. 462, § 24.1-73; 1993, c. 641 .

§ 24.2-201. When term of officer elected to fill vacancy commences and expires

The term of office of any person chosen at a special election to fill a vacancy in any public office shall commence as soon as he shall qualify and give bond, if bond is required, and shall continue for the unexpired term of such office. Any person so elected shall qualify and give bond, if bond is required, no later than thirty days following the date on which the special election was held.

Code 1950, § 24-144; 1970, c. 462, § 24.1-75; 1982, c. 146; 1993, c. 641 .

Article 2 - FEDERAL OFFICES

§ 24.2-202. Electors for President and Vice President

The qualified voters of the Commonwealth shall choose the Commonwealth's electors for President and Vice President of the United States at the general election in November 1996, and every fourth year thereafter. Each voter shall vote for a number of electors which equals the whole num-

ber of senators and representatives to which the Commonwealth at that time is entitled in the Congress of the United States.

Code 1950, § 24-7; 1970, c. 462, § 24.1-8; 1993, c. 641 .

§ 24.2-203. Convening of electors; filling vacancies; how electors required to vote

The electors shall convene at the capitol building in the capital city of the Commonwealth at 12:00 noon on the first Monday after the second Wednesday in December following their election. Those electors present shall immediately fill, by ballot and by a plurality of votes, any vacancy due to death, failure or inability to attend, refusal to act, or other cause. When all electors are present, or the vacancies have been filled, they shall proceed to perform the duties required of such electors by the Constitution and laws of the United States.

Electors selected by the state convention of any political party as defined in § 24.2-101 shall be required to vote for the nominees of the national convention to which the state convention elects delegates. Electors named in any petition of qualified voters as provided in § 24.2-543 shall be required to vote for the persons named for President and for Vice President in the petition.

Code 1950, §§ 24-8, 24-9, 24-290.6; 1962, c. 536; 1970, c. 462, §§ 24.1-9, 24.1-162; 1993, c. 641; 2001, c. 630.

§ 24.2-204. Election of electors and meeting when Congress prescribes a different day

If Congress establishes a different day for choosing electors, or appoints a different day for their meeting to give their votes, then the election shall be held and the meeting of the electors take place on those days.

Code 1950, §§ 24-8, 24-9; 1962, c. 536; 1970, c. 462, § 24.1-9; 1993, c. 641 .

§ 24.2-205. Pay of electors

Each elector shall receive the sum of fifty dollars per day while actually engaged in the discharge of his official duties and the same mileage as is allowed to members of the General Assembly.

Code 1950, § 24-10; 1970, c. 462, § 24.1-10; 1976, c. 616; 1993, c. 641 .

§ 24.2-206. Election and term of United States Senators

The qualified voters of the Commonwealth shall elect its members of the United States Senate at the general election held in November next preceding the expiration of each member's respective term of office, for terms of six years to begin on the January 3 following their election.

Code 1950, § 24-1; 1970, c. 462, § 24.1-2; 1993, c. 641 .

§ 24.2-207. Filling vacancies in Senate

When any vacancy occurs in the representation of the Commonwealth of Virginia in the United States Senate, the Governor shall issue a writ of election to fill the vacancy for the remainder of the unexpired term. The election shall be held on the next succeeding November general election date or, if the vacancy occurs within 120 days prior to that date, on the second succeeding Novem-

ber general election date. The Governor may make a temporary appointment to fill the vacancy until the qualified voters fill the same by election.

Code 1950, § 24-2; 1970, c. 462, § 24.1-3; 1993, c. 641 .

§ 24.2-208. Election and term of members of House of Representatives

The qualified voters of each congressional district shall elect one member of the United States House of Representatives at the general election in November 1994, and every second year thereafter, for the term of two years to begin on the January 3 following his election.

Code 1950, § 24-5; 1970, c. 462, § 24.1-6; 1993, c. 641 .

§ 24.2-209. Filling vacancies in House of Representatives

When any vacancy occurs in the representation of the Commonwealth of Virginia in the House of Representatives, or when a representative-elect dies or resigns, the Governor shall issue a writ of election to fill the vacancy. Upon receipt of written notification by a representative or representative-elect of his resignation as of a stated date, the Governor may immediately issue a writ to call the election. The representative's or representative-elect's resignation shall not be revocable after the date stated by him for his resignation or after the forty-fifth day before the date set for the special election.

Code 1950, § 24-6; 1970, c. 462, § 24.1-7; 1983, c. 461; 1993, c. 641; 2003, c. 1015; 2010, cc. 449, 645.

Article 3 - STATEWIDE OFFICES: GOVERNOR, LIEUTENANT GOVERNOR, AND ATTORNEY GENERAL

§ 24.2-210. Election and term of Governor, Lieutenant Governor, and Attorney General

The qualified voters of the Commonwealth shall elect the Governor, Lieutenant Governor, and Attorney General at the general election in November 1997, and every fourth year thereafter for terms of four years, to commence on the Saturday after the second Wednesday in January following their election.

The person having the highest number of votes for each office shall be declared elected. If two or more have the highest and an equal number of votes for an office, one of them shall be chosen for the office by a majority of the total membership of the General Assembly.

Code 1950, §§ 24-148, 24-149; 1962, c. 536; 1970, c. 462, §§ 24.1-80, 24.1-81; 1971, Ex. Sess., cc. 119, 131; 1993, c. 641 .

§ 24.2-211. Discharge of duties when office of Governor is vacant or Governor is disabled

When the Governor-elect is disqualified, resigns, or dies following his election but prior to taking office, the Lieutenant Governor-elect shall succeed to the office of Governor for the full term. When the Governor-elect fails to assume office for any other reason, the Lieutenant Governor-elect shall serve as acting Governor.

Whenever the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Delegates his written declaration that he is unable to discharge the powers and duties of his office and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as acting Governor.

Whenever the Attorney General, the President pro tempore of the Senate, and the Speaker of the House of Delegates, or a majority of the total membership of the General Assembly, transmit to the Clerk of the Senate and the Clerk of the House of Delegates their written declaration that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall immediately assume the powers and duties of the office as acting Governor.

Thereafter, when the Governor transmits to the Clerk of the Senate and the Clerk of the House of Delegates his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Attorney General, the President pro tempore of the Senate, and the Speaker of the House of Delegates, or a majority of the total membership of the General Assembly, transmit within four days to the Clerk of the Senate and the Clerk of the House of Delegates their written declaration that the Governor is unable to discharge the powers and duties of his office. Thereupon the General Assembly shall decide the issue, convening within forty-eight hours for that purpose, if not already in session. If within twenty-one days after receipt of the latter declaration or, if the General Assembly is not in session, within twenty-one days after the General Assembly is required to convene, the General Assembly determines by three-fourths vote of the elected membership of each house of the General Assembly that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall become Governor; otherwise, the Governor shall resume the powers and duties of his office.

In the case of the removal of the Governor from office or in the case of his disqualification, death or resignation, the Lieutenant Governor shall become Governor.

If a vacancy exists in the office of Lieutenant Governor when the Lieutenant Governor is to succeed to the office of Governor or to serve as acting Governor, the Attorney General, if he is eligible to serve as Governor, shall succeed to the office of Governor for the unexpired term or serve as acting Governor. If the Attorney General is ineligible to serve as Governor, the Speaker of the House of Delegates, if he is eligible to serve as Governor, shall succeed to the office of Governor. If a vacancy exists in the office of the Speaker of the House of Delegates or if the Speaker of the House of Delegates is ineligible to serve as Governor, the House of Delegates shall convene and fill the vacancy.

Code 1950, § 24-150; 1960, c. 488; 1970, c. 462, § 24.1-82; 1971, Ex. Sess., c. 165; 1993, c. 641 .

§ 24.2-212. Discharge of duties when office of Lieutenant Governor vacant

When a vacancy occurs in the office of Lieutenant Governor, the duties of that office shall be discharged by the President pro tempore of the Senate, but he shall not by reason thereof be deprived of his right to act and vote as a member of the Senate.

Code 1950, § 24-152; 1970, c. 462, § 24.1-84; 1973, c. 30; 1993, c. 641 .

§ 24.2-213. Filling vacancy in office of Attorney General

If a vacancy occurs in the office of Attorney General during the session of the General Assembly, the General Assembly shall fill the vacancy by a majority vote of the total membership. If a vacancy occurs during a recess of the General Assembly, the Governor shall appoint a successor to serve for the remainder of the unexpired term or until the end of thirty days after the commencement of the next session of the General Assembly, whichever happens first. At that next session, the General Assembly shall fill the vacancy by election by a majority vote of the total membership for the unexpired portion of the term.

Code 1950, § 24-153; 1970, c. 462, § 24.1-85; 1993, c. 641 .

Article 4 - GENERAL ASSEMBLY

§ 24.2-214. Election and term of Senators

The members of the Senate of Virginia shall be elected at the general election in November 1995, and every four years thereafter for terms of four years, to begin on the second Wednesday in January succeeding their election.

Code 1950, § 24-13; 1970, c. 462, § 24.1-13; 1993, c. 641 .

§ 24.2-215. Election and term of members of the House of Delegates

The members of the House of Delegates shall be elected at the general election in November 1995, and every two years thereafter for terms of two years, to begin on the second Wednesday in January succeeding their election.

Code 1950, § 24-11; 1958, c. 333; 1970, c. 462, § 24.1-11; 1993, c. 641 .

§ 24.2-216. Filling vacancies in the General Assembly

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

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

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

Code 1950, § 24-16; 1970, c. 462, § 24.1-16; 1983, c. 461; 1993, c. 641; 2003, c. 1015; 2010, cc. 449, 645; 2016, cc. 18, 492.

Article 5 - CONSTITUTIONAL AND LOCAL OFFICERS

§ 24.2-217. Election and terms of constitutional officers

The qualified voters of each county shall elect a sheriff, an attorney for the Commonwealth, a treasurer, and a commissioner of the revenue at the general election in November 1995, and every four years thereafter unless a county has adopted an optional form of government which provides that the office be abolished or a county's charter so provides. The qualified voters of each city, unless its charter provides otherwise, shall elect a sheriff, an attorney for the Commonwealth, a treasurer, and a commissioner of the revenue at the general election in November 1997, and every four years thereafter. All shall hold office for a term of four years beginning the January 1 next succeeding their election.

The qualified voters of the several counties shall elect a clerk of the circuit court of the county at the general election in November 1999, and every eight years thereafter. The qualified voters of each city having a circuit court shall elect a clerk of the circuit court at the November 1995, general election and every eight years thereafter. They shall hold office for a term of eight years beginning the January 1 next succeeding their election.

If a county and city share any of the offices to which this section applies, the qualified voters of the city shall cast their votes for that office according to the schedule set forth above for counties.

Code 1950, §§ 24-154, 24-155, 24-161, 24-162, 24-167; 1970, c. 462, §§ 24.1-86, 24.1-87; 1971, Ex. Sess., c. 119; 1979, c. 522; 1993, c. 641 .

§ 24.2-218. Election and term of county supervisors

The qualified voters of each county election district shall elect one or more supervisors at the general election in November 1995, and every four years thereafter for terms of four years, except as provided in § 24.2-219 or as provided by law for those counties having the optional form of government under the provisions of Article 2 (§ 15.2-702 et seq.) of Chapter 7 of Title 15.2.

Code 1950, § 24-157; 1968, c. 639; 1970, c. 462, § 24.1-88; 1971, Ex. Sess., c. 265; 1973, c. 30; 1976, c. 616; 1981, c. 12; 1982, c. 650; 1993, c. 641 .

§ 24.2-219. Alternative for biennial county supervisor elections and staggered terms

A. The governing body of any county may by ordinance provide that the county board of supervisors be elected biennially for staggered four-year terms.

In lieu of an ordinance by the board of supervisors, the registered voters of the county may file a petition with the circuit court of the county requesting that a referendum be held on the question

of whether the county board of supervisors should be elected biennially for staggered four-year terms. The petition shall be signed by registered voters equal in number to at least ten percent of the number registered in the county on the January 1 preceding its filing.

The court pursuant to §§ 24.2-682 and 24.2-684 shall order the election officials on a day fixed in the order to conduct a referendum on the question. The clerk of the court shall publish notice of the referendum in a newspaper having general circulation in the county once a week for four consecutive weeks and shall post a copy of the notice at the door of the courthouse of the county. The question on the ballot shall be:

"Shall the members of the county board of supervisors be elected biennially for staggered four-year terms?

[ ] Yes

[ ] No"

The referendum shall be held and the results certified as provided in § 24.2-684.

B. If a majority of the voters voting in the referendum voted for biennial election of the members of the board of supervisors for staggered four-year terms, or if the governing body has so provided by ordinance, then the terms of supervisors elected at the next general election for supervisors shall be as follows:

1. If the number of supervisors elected in the county is an even number, half of the successful candidates shall be elected for terms of four years and half of the successful candidates shall be elected for terms of two years; or

2. If the number of supervisors in the county is an odd number, the smallest number of candidates which creates a majority of the elected supervisors shall be elected for terms of four years and all other successful candidates shall be elected for terms of two years.

Unless the number of members who volunteer to take two-year terms exactly equals the number of two-year terms to be assigned, the electoral board of the county shall assign the individual terms of members by lot at its meeting on the day following the election and immediately upon certification of the results. However, the electoral board may assign individual terms of members by election district in a drawing at a meeting held prior to the last day for a person to qualify as a candidate, if the governing body of the county so directs by ordinance or resolution adopted at least thirty days prior to the last day for qualification and members are elected by district. In all elections thereafter all successful candidates shall be elected for terms of four years.

In any county where the chairman of the board is elected from the county at large pursuant to § 15.2-503 or § 15.2-802, the provisions of this section shall not affect that office. The chairman of the board shall be elected for a term of four years in 1995 and every four years thereafter.

C. If the representation on the board of supervisors among the election districts is reapportioned, or the number of districts is diminished or the boundaries of the districts are changed, elections shall be held in each new district at the general election next preceding the expiration of the term of the office of the member of the board representing the predecessor district of each new district. If the number of districts is increased, the electoral board shall assign a two-year or four-year term for each new district so as to maintain as equal as practicable the number of members to be elected at each biennial election.

Code 1950, § 24-157; 1968, c. 639; 1970, c. 462, § 24.1-88; 1971, Ex. Sess., c. 265; 1973, c. 30; 1976, c. 616; 1981, c. 12; 1982, c. 650; 1993, c. 641; 2011, c. 455.

§ 24.2-220. Reversion to quadrennial elections

The governing body of any county, by ordinance, may repeal an ordinance previously adopted to provide for the election of the board of supervisors biennially for staggered four-year terms and provide for the election of the board of supervisors quadrennially for four-year terms. The qualified voters of the county, by petition and referendum in accordance with the requirements and procedures set forth in § 24.2-219, may repeal an ordinance of the board or a referendum previously adopted which authorized the election of the board of supervisors biennially for four-year terms. The question in the referendum to rescind shall be:

"Shall the members of the county board of supervisors be elected quadrennially for four-year terms?

[ ] Yes

[ ] No"

If a majority of the voters voting in the referendum voted for quadrennial election of the members of the board of supervisors for four-year terms, or if the governing body has so provided by ordinance, then the successors to those supervisors whose terms expire in 1995 or any fourth year thereafter shall be elected for a four-year term and immediate successors to those supervisors whose terms expire in 1993 or any fourth year thereafter shall be elected for a two-year term and all subsequent successors for a four-year term.

Code 1950, § 24-157; 1968, c. 639; 1970, c. 462, § 24.1-88; 1971, Ex. Sess., c. 265; 1973, c. 30; 1976, c. 616; 1981, c. 12; 1982, c. 650; 1993, c. 641 .

§ 24.2-221. Time and frequency of referenda on election and term of supervisors

A referendum as provided in § 24.2-219 or § 24.2-220 shall be held only in the year preceding the year in which a general election for supervisors is to be held. Once a referendum on either question is held, no further referendum on either question may be held in the county for a period of four years.

Code 1950, § 24-157; 1968, c. 639; 1970, c. 462, § 24.1-88; 1971, Ex. Sess., c. 265; 1973, c. 30; 1976, c. 616; 1981, c. 12; 1982, c. 650; 1993, c. 641 .

§ 24.2-222. Election and terms of mayor and council for cities and towns

The qualified voters of each city and town shall elect a mayor, if so provided by charter, and a council for the terms provided by charter. Except as provided in § 24.2-222.1, and notwithstanding any other provision of law, general or special: (i) any election of mayor or councilmen of a city or town whose charter provides for such elections at two-year or four-year intervals shall take place at the May general election of an even-numbered year and (ii) any election of mayor or councilmen of a city or town whose charter provides for such elections at one-year or three-year intervals shall take place at the general election in May of the years designated by charter. The persons so elected shall enter upon the duties of their offices on July 1 succeeding their election and remain in office until their successors have qualified.

Code 1950, §§ 24-160, 24-168; 1970, c. 462, § 24.1-90; 1971, Ex. Sess., c. 119; 1972, c. 747; 1993, c. 641; 2000, c. 1045.

§ 24.2-222.1. Alternative election of mayor and council at November general election in cities and towns

A. Notwithstanding the provisions of § 24.2-222, and notwithstanding any contrary provisions of a city or town charter, the council of a city or town may provide by ordinance that the mayor, if an elected mayor is provided for by charter, and council shall be elected at the November general election date of any cycle as designated in the ordinance, for terms to commence January 1. No such ordinance shall be adopted between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein.

B. Alternatively, the registered voters of a city or town may file a petition with the circuit court of the city or of the county within which the town is located asking that a referendum be held on the question of whether the city or town should elect the mayor, if an elected mayor is provided for by charter, and council members at the November general election date of any cycle as designated in the petition. The petition shall be signed by registered voters equal in number to at least ten percent of the number registered in the city or town on the January 1 preceding the filing.

The court, pursuant to § 24.2-684, shall order the election officials on a day fixed in the order to conduct a referendum on the question, provided that no such referendum shall be scheduled between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein. The clerk of the court shall publish notice of the referendum once a week for the three consecutive weeks prior to the referendum in a newspaper having general circulation in the city or town, and shall post a copy of the notice at the door of the courthouse of the city or county within which the town is located. The question on the ballot shall be:

"Shall the (city or town) change the election date of the mayor (if so provided by charter) and members of council from the May general election to the November general election (in even-numbered or odd-numbered years or as otherwise designated in the petition)?"

If members of the school board in the city or town are elected by the voters, the ballot question also shall state that the change in election date applies to the election of school board members.

The referendum shall be held and the results certified as provided in § 24.2-684. If a majority of the voters voting in the referendum vote in favor of the change, the mayor and council thereafter shall be elected at the November general election date for terms to commence January 1.

C. Except as provided in subsection D, no term of a mayor or member of council shall be shortened in implementing the change to the November election date. Mayors and members of council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

D. In any city or town that elects its council biennially or quadrennially and that changes to the November general election date in odd-numbered years from the May general election date in even-numbered years, mayors and members of council who were elected at a May general election shall have their term of office shortened by six months but shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

2000, c. 1045; 2002, c. 30; 2016, c. 402.

§ 24.2-223. Election and term of school board members

In any county, city or town wherein members of the school board are elected, pursuant to Article 7 (§ 22.1-57.1 et seq.) of Chapter 5 of Title 22.1, elections shall be held to coincide with the election of members of the governing body at the regular general election in November or the regular general election in May, as the case may be. Elected school board members shall serve terms which are the same as those of the governing body, to commence on January 1 following their election or July 1 following their election, as the case may be.

1993, c. 641; 2000, c. 1045.

§ 24.2-224. Local elections not otherwise provided for

The election to any public office required to be filled by the qualified voters of any county, city, town, or election district for which an election time is not provided by law shall be held at the general election immediately preceding the time provided for the term of such office to commence.

Code 1950, § 24-143; 1970, c. 462, § 24.1-74; 1993, c. 641 .

Article 6 - VACANCIES IN ELECTED CONSTITUTIONAL AND LOCAL OFFICES

§ 24.2-225. Applicability

This article applies to vacancies in any elected constitutional or local office if there is no other statutory or charter provision for filling a vacancy in the office. Further provisions within this article which specifically override other statutory or charter provisions shall prevail.

Code 1950, § 24-145; 1958, c. 621; 1970, c. 462, § 24.1-76; 1975, c. 515; 1976, c. 616; 1977, c. 490; 1984, c. 480; 1993, c. 641 .

§ 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 as provided by § 24.2-228 or for constitutional officers as provided in § 24.2-228.1, or unless provided otherwise by statute or charter requiring special elections within the time limits provided in this title. 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 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 promptly and shall order the special election to be held on the date of the next general election in November or in May if the vacant office is regularly scheduled by law to be filled in May. However, if the governing body or the school board requests in its petition a different date for the election, the court shall order the special election be held on that date, so long as the date requested precedes the date of such next general election and complies with the provisions of § 24.2-682. If the vacancy occurs within 90 days of the next such general election and the governing body or the school board has not requested in its petition a different date for the election, the special election shall be held on the date of the second 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 him for his resignation or after the forty-fifth 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 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.

Code 1950, §§ 24-145, 24-147.1; 1958, c. 621; 1970, c. 462, §§ 24.1-76, 24.1-79; 1975, c. 515; 1976, c. 616; 1977, c. 490; 1984, c. 480; 1993, c. 641; 1996, c. 873; 2000, cc. 787, 1045, 1070; 2003, c. 1015; 2010, cc. 431, 449, 645; 2011, c. 206; 2014, c. 476.

§ 24.2-227. Interim appointment by court until vacancy filled by election for certain offices

When a vacancy occurs in any local elected office other than a constitutional office, local governing body, or an elected school board, a majority of the judges of the judicial circuit for the county or city in which it occurs shall make an interim appointment to the office until the vacancy can be filled by special election. The senior judge shall make the appointment if a majority of the judges cannot agree. The chief or senior deputy, if there is one in the office, shall perform all the duties of the office until the person appointed to fill the vacancy has qualified. The person so appointed shall hold office until the qualified voters fill the vacancy by election and the person so elected has qualified.

Code 1950, § 24-145; 1958, c. 621; 1970, c. 462, § 24.1-76; 1975, c. 515; 1976, c. 616; 1977, c. 490; 1984, c. 480; 1993, c. 641; 1996, c. 873; 2000, cc. 787, 1070.

§ 24.2-228. Interim appointment to local governing body or elected school board; elected mayor

A. When a vacancy occurs in a local governing body or an elected school board, the remaining members of the body or board, respectively, within 45 days of the office becoming vacant, may appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy. If a majority of the remaining members of the body or board cannot agree, or do not act, the judges of the circuit court of the county or city may make the appointment. Notwithstanding any charter provisions to the contrary, the person so appointed shall hold office only until the qualified voters fill the vacancy by special election pursuant to § 24.2-682 and the person so elected has qualified. Any person so appointed shall hold office the same as an elected person and shall exercise all powers of the elected office.

If a majority of the seats on any governing body or elected school board are vacant, the remaining members shall not make interim appointments and the vacancies shall be filled as provided in § 24.2-227.

B. When a vacancy occurs in the office of a mayor who is elected by the voters, the council shall make an interim appointment to fill the vacancy as provided in subsection A.

C. For the purposes of this article and subsection D of § 22.1-57.3, local school boards comprised of elected and appointed members shall be deemed elected school boards.

D. The failure of a member of a local governing body or elected school board or mayor to take the oath of office required by § 49-1 before attending the first meeting of the governing body or school board held after his election shall not be deemed to create a vacancy in his office provided that he takes the oath within 30 days after that first meeting.

1975, c. 515, § 24.1-76.1; 1993, c. 641; 1996, c. 873; 1999, c. 128; 2010, cc. 431, 624; 2011, c. 78.

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

A. Notwithstanding any provision of a charter to the contrary, 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, except as provided in

subsection B. Within 15 days of the occurrence of the vacancy, the governing body of the county or city in which the vacancy occurs shall 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 promptly issue the writ ordering the election for a date determined pursuant to § 24.2-682. However, the governing body may request in its petition that the special election be held on the date of the next general election in November, and the court may order the special election to be held on that date.

B. If a vacancy in any elected constitutional office occurs within the 12 months immediately preceding the end of the term of that office, the governing body may petition the circuit court to request that no special election be ordered. Upon receipt of such petition, the court shall grant such request. 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, who is qualified to vote for and hold that 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, for the remainder of the unexpired term.

C. 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. The officer's or officer-elect's resignation shall not be revocable after the date stated by him for his resignation or after the thirtieth day before the date set for the special election.

D. Notwithstanding the provisions of subsection A, a vacancy in any elected constitutional office in any county or city with a population of 15,000 or less, or shared by two or more units of government with a combined population of 15,000 or less, shall be filled by a special election ordered by the court to be held at the next ensuing general election to be held in November. If the vacancy occurs within 90 days prior to that election, however, the writ shall order the election to be held at the second ensuing such general election.

E. 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 60 days of the end of the term of the office to be filled.

F. Notwithstanding any provision of a charter to the contrary, 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, who is qualified to vote for and hold that 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.

G. The absence from the county or city of a constitutional officer by reason of his service in the Armed Forces of the United States shall not be deemed to create a vacancy in the office without a written notification by the officer of his resignation from the office. Notwithstanding any other provision of law, including § 19.2-156, the power to relieve a constitutional officer of the duties or powers of his office or position during the period of such absence shall remain the sole prerogative of the constitutional officer unless expressly waived by him in writing.

2000, cc. 787, 1070; 2003, c. 1015; 2006, cc. 120, 253; 2009, c. 157; 2011, c. 599; 2015, c. 648; 2016, cc. 453, 511.

§ 24.2-229. Appointees to qualify and give bond in thirty days

All officers appointed to fill vacancies shall qualify and give bond, if bond is required, within thirty days after their appointment in like manner as provided in §§ 15.2-1522 and 15.2-1523 for the qualification of such officers when elected by the people.

Code 1950, § 24-146; 1970, c. 462, § 24.1-77; 1975, c. 515; 1993, c. 641 .

§ 24.2-229.1. Legitimacy of votes by appointees

All votes cast prior to July 1, 2010, by persons duly appointed to fill a vacancy pursuant to this article, including votes appropriating money in excess of $500, imposing taxes, or authorizing the borrowing of moneys, are hereby validated and confirmed as the lawful vote of an elected member of the governing body.

2010, c. 624.

Article 7 - REMOVAL OF PUBLIC OFFICERS FROM OFFICE

§ 24.2-230. Applicability of article; certain exceptions

This article shall apply to all elected or appointed Commonwealth, constitutional, and local officers, except officers for whose removal the Constitution of Virginia specifically provides.

However, an appointed officer shall be removed from office only by the person or authority who appointed him unless he is sentenced for a crime as provided for in § 24.2-231 or is determined to be "mentally incompetent" as provided for in § 24.2-232. This exception shall not apply to an officer who is (i) appointed to fill a vacancy in an elective office or (ii) appointed to an office for a term established by law and the appointing person or authority is not given the unqualified power of removal.

This article shall be applicable to members of local electoral boards and general registrars, but shall not be applicable to assistant registrars who may be removed from office by the general regis-

trar pursuant to § 24.2-112 or to officers of election who may be removed from office by the local electoral board pursuant to § 24.2-109.

1975, cc. 515, 595, §§ 24.1-79.1, 24.1-79.2; 1993, c. 641; 1998, c. 582; 2004, cc. 27, 391.

§ 24.2-231. Forfeiture of office by person sentenced for commission of certain crimes

Any person holding any public office of honor, profit, or trust in this Commonwealth who is convicted of a felony or any offense for which registration is required as defined in § 9.1-902 and for whom all rights of appeal under Virginia law have expired, shall by such final conviction forfeit his office or post and thereafter may not act therein under his previous election or appointment. A pardon which may be afterwards granted him shall not void the forfeiture.

Code 1950, § 2.1-36; 1966, c. 677; 1975, cc. 515, 595, § 24.1-79.3; 1993, c. 641; 2007, c. 175.

§ 24.2-232. Vacancy occurring when officer determined "mentally incompetent" (incapacitated)

A person who is determined to be incapacitated in a judicial proceeding as provided for in Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 shall be deemed for purposes of Article II, Section 1 of the Constitution of Virginia and this title to be "mentally incompetent" as that term is used in those provisions. The office of any person who is so determined to be incapacitated, shall become vacant and the vacancy filled in the manner provided by law. Notwithstanding the provisions of Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2, however, any officer shall have a jury trial unless it is waived by him or for him by his counsel of record.

1975, cc. 515, 595, § 24.1-79.4; 1993, c. 641; 1997, c. 921; 1998, c. 582.

§ 24.2-233. Removal of elected and certain appointed officers by courts

Upon petition, a circuit court may remove from office any elected officer or officer who has been appointed to fill an elective office, residing within the jurisdiction of the court:

1. For neglect of duty, misuse of office, or incompetence in the performance of duties when that neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse effect upon the conduct of the office;

2. Upon conviction of a misdemeanor pursuant to Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and after all rights of appeal have terminated involving the:

a. Manufacture, sale, gift, distribution, or possession with intent to manufacture, sell, give, or distribute a controlled substance or marijuana;

b. Sale, possession with intent to sell, or placing an advertisement for the purpose of selling drug paraphernalia; or

c. Possession of any controlled substance or marijuana and such conviction under subdivision a, b, or c has a material adverse effect upon the conduct of such office;

3. Upon conviction, and after all rights of appeal have terminated, of a misdemeanor involving a "hate crime" as that term is defined in § 52-8.5 when the conviction has a material adverse effect upon the conduct of such office; or

4. Upon conviction, and after all rights of appeal have terminated, of sexual battery in violation of § 18.2-67.4, attempted sexual battery in violation of subsection C of § 18.2-67.5, peeping or spying into dwelling or enclosure in violation of § 18.2-130, consensual sexual intercourse with a child 15 years of age or older in violation of § 18.2-371, or indecent exposure of himself or procuring another to expose himself in violation of § 18.2-387, and such conviction has a material adverse effect upon the conduct of such office.

The petition must be signed by a number of registered voters who reside within the jurisdiction of the officer equal to ten percent of the total number of votes cast at the last election for the office that the officer holds.

Any person removed from office under the provisions of subdivision 2, 3, or 4 may not be subsequently subject to the provisions of this section for the same criminal offense.

1975, cc. 515, 595, § 24.1-79.5; 1989, c. 470; 1993, c. 641; 2002, cc. 588, 623; 2011, cc. 384, 410; 2014, cc. 566, 674, 719.

§ 24.2-234. Removal of officer appointed for a term certain

Any officer appointed to an office for a term established by law may be removed from office, under the provisions of § 24.2-233, upon a petition filed with the circuit court in whose jurisdiction the officer resides signed by the person or a majority of the members of the authority who appointed him, if the appointing person or authority is not given the unqualified power of removal.

The circuit court also shall proceed pursuant to § 24.2-235 for the removal of a member of a local electoral board or general registrar upon a petition signed by a majority of the members of the State Board of Elections as provided in § 24.2-103.

1975, cc. 515, 595, § 24.1-79.6; 1993, c. 641; 2004, cc. 27, 391.

§ 24.2-235. Procedure

A petition for the removal of an officer shall state with reasonable accuracy and detail the grounds or reasons for removal and shall be signed by the person or persons making it under penalties of perjury. The circuit court shall not dismiss the petition solely because of an error or omission in the form of the petition relating to its statement of the grounds or reasons for removal if such error or omission is not material in determining whether the statement of the grounds or reasons for removal provides a reasonable basis under § 24.2-233 to consider the removal of the officer.

As soon as the petition is filed with the court, the court shall issue a rule requiring the officer to show cause why he should not be removed from office, the rule alleging in general terms the cause or causes for such removal. The rule shall be returnable in not less than five nor more than ten days and shall be served upon the officer with a copy of the petition. Upon return of the rule duly

executed, unless good cause is shown for a continuance or postponement to a later day in the term, the case shall be tried on the day named in the rule and take precedence over all other cases on the docket. If upon trial it is determined that the officer is subject to removal under the provisions of § 24.2-233, he shall be removed from office.

1975, cc. 515, 595, § 24.1-79.7; 1993, c. 641; 2009, cc. 868, 876.

§ 24.2-236. Suspension from office pending hearing and appeal

In the event of a judicial proceeding under §§ 24.2-231, 24.2-232, 24.2-233, or 24.2-234, the circuit court may enter an order suspending the officer pending the hearing. The court may, in its discretion, continue the suspension until the matter is finally disposed of in the Supreme Court or otherwise. During the suspension the court may appoint some suitable person to act in the officer's place. The officer's compensation shall be withheld and kept in a separate account and paid to him if and when the judicial proceedings result in his favor. Otherwise, it shall be paid back to the county, city, town or State Treasurer who paid it.

1975, cc. 515, 595, § 24.1-79.8; 1993, c. 641 .

§ 24.2-237. Who to represent Commonwealth; trial by jury; appeal

The attorney for the Commonwealth shall represent the Commonwealth in any trial under this article. If the proceeding is against the attorney for the Commonwealth, the court shall appoint an attorney to represent the Commonwealth. Any officer proceeded against shall have the right to demand a trial by jury. The Commonwealth and the defendant shall each have the right to apply to the Supreme Court for a writ of error and supersedeas upon the record made in the trial court and the Supreme Court may hear and determine such cases.

1975, cc. 515, 595, § 24.1-79.9; 1993, c. 641 .

§ 24.2-238. Costs

A. If a judicial proceeding under this article is dismissed in favor of the respondent, the court in its discretion may require the state agency or political subdivision which the respondent serves to pay court costs or reasonable attorney fees, or both, for the respondent.

B. No person who signs a petition for the removal of an official pursuant to § 24.2-233 or who circulates such a petition (i) shall be liable for any costs associated with removal proceedings conducted pursuant to the petition, including attorney fees incurred by any other party or court costs, or (ii) shall have sanctions imposed against him pursuant to § 8.01-271.1.

1975, cc. 515, 595, § 24.1-79.10; 1993, c. 641; 2009, cc. 868, 876.

Chapter 3 - ELECTION DISTRICTS, PRECINCTS, AND POLLING PLACES

Article 1 - JOINT REAPPORTIONMENT COMMITTEE

§§ 24.2-300 through 24.2-301.1. Repealed

Repealed by Acts 2004, c. 1000.

Article 2 - CONGRESSIONAL, SENATORIAL, AND HOUSE OF DELEGATES DISTRICTS

§ 24.2-302. Repealed

Repealed by Acts 2001, Sp. Sess. I, c. 7, cl. 2, effective July 19, 2001.

§ 24.2-302.1. Repealed

Repealed by Acts 2012, c. 1, cl. 2, effective January 25, 2012.

§ 24.2-302.2. Congressional districts

A. There shall be 11 Virginia members of the United States House of Representatives elected from 11 congressional districts and each district is entitled to one representative.

B. All references in this section to boundaries of counties and cities shall be interpreted to refer to those in existence on April 1, 2011, and as reported by the United States Bureau of the Census in the 2010 Census reports provided pursuant to United States Public Law 94-171, notwithstanding subsequent boundary changes by law, annexation, merger, consolidation, or the voiding of boundary changes theretofore made final.

C. Parts of counties and cities listed in subsection D are defined by reference to the 2010 Census reports for the precincts, parts of precincts, and blocks listed for each congressional district in the Statistical Report for this enrolled House bill on file with the Clerk of the House of Delegates. Precincts shall be interpreted to refer to those in existence on April 1, 2011, and as reported by the United States Bureau of the Census in the 2010 Census reports provided pursuant to United States Public Law 94-171, notwithstanding subsequent changes made by localities.

D. The 11 congressional districts are:

First. All of Caroline, Essex, Gloucester, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, Stafford, Westmoreland, and York Counties; all of the Cities of Fredericksburg, Poquoson, and Williamsburg; part of Fauquier County comprised of the Bealeton (303), Catlett (102), Lois (104), and Morrisville (301) Precincts and part of the Remington (302) Precinct; part of James City County comprised of the Berkeley A Part 1 (101), Berkeley A Part 2 (1012), Berkeley B Part 1 (1021), Berkeley B Part 2 (1022), Berkeley C (103), Jamestown A (201), Jamestown B (202), Powhatan A (301), Powhatan B (302), Powhatan C (303), Powhatan D (304), Roberts A Part 1 (5011), Roberts A Part 2 (5012), Roberts C Part 1 (5031), Roberts C Part 2 (5032), Stonehouse A (401), Stonehouse B (402), and Stonehouse C (403) Precincts and part of the Roberts B (502) Precinct; part of Prince William County comprised of the Ashland (309), Bennett (102), Benton (203), Brentsville (101), Bristow Run (111), Cedar Point (112), Ellis (106), Forest Park (310), Glenkirk (408), Henderson (307), Lake Ridge (501), Limestone (113), Lodge (207), Marshall (202), Marsteller (107), McCoart (204), Montclair (308), Mullen (411), Nokesville (104), Park (109), Pattie (305), Penn (210), Powell (211), Quantico (304), Sinclair (404), Stonewall (405), Sudley North (409), Victory (108), Washington-Reid (306), Westgate (407),

Westridge (208), and Woodbine (209) Precincts and part of the Buckland Mills (110) Precinct; part of Spotsylvania County comprised of the Battlefield (701), Brent's Mill (702), Grange Hall (303), Hazel Run (302), Plank Road (301), and Summit (401) Precincts and part of the Lee Hill (403) Precinct; and part of the City of Newport News comprised of the Greenwood (110) Precinct.

Second. All of Accomack and Northampton Counties; all of the City of Virginia Beach; part of the City of Hampton comprised of the Asbury (205), Booker (201), Bryan (202), Burbank (203), Langley (209), Phillips (213), Sandy Bottom (216), and Syms (113) Precincts and part of the Machen (210) Precinct; part of the City of Newport News comprised of the Boulevard (202), Charles (203), Deer Park (219), Hidenwood (208), Kiln Creek (218), Nelson (210), Oyster Point (105), Palmer (211), Richneck (107), Riverview (217), Sanford (213), Saunders (319), Sedgefield (315), Watkins (320), Wellesley (204), Windsor (109), and Yates (216) Precincts and parts of the Deep Creek (205), Hilton (209), Riverside (212), and Warwick (215) Precincts; and part of the City of Norfolk comprised of the Azalea Gardens (512), Barron Black (406), Bayview School (501), Crossroads (511), East Ocean View (503), Easton (408), Fairlawn (409), Lafayette (205), Larchmont Library (208), Larchmont Recreation Center (209), Larrymore (504), Little Creek (505), Northside (103), Ocean View Center (506), Ocean View School (102), Oceanair (508), Old Dominion (201), Suburban Park (215), Tarrallton (509), Third Presbyterian (510), Willard (218), and Zion Grace (106) Precincts.

Third. All of Charles City and Surry Counties; all of the Cities of Petersburg and Portsmouth; part of Henrico County comprised of the Adams (201), Antioch (501), Azalea (202), Cedar Fork (502), Central Gardens (206), Chickahominy (503), Donahoe (504), Dorey (505), Eanes (506), Elko (507), Fairfield (208), Glen Lea (209), Highland Gardens (211), Highland Springs (508), Laburnum (509), Maplewood (215), Masonic (510), Mehfoud (511), Montrose (512), Nine Mile (513), Pleasants (514), Ratcliffe (220), Rolfe (519), Sandston (515), Sullivans (516), Town Hall (517), Whitlocks (518), and Wilder (222) Precincts; part of Isle of Wight County comprised of parts of the Bartlett (201), Carrollton (202), and Rushmere (301) Precincts; part of James City County comprised of part of the Roberts B (502) Precinct; part of Prince George County comprised of the Blackwater (202), Bland (201), Brandon (203), and Harrison (105) Precincts and part of the Rives (104) Precinct; part of the City of Hampton comprised of the Aberdeen (101), Armstrong (106), Bassette (102), Bethel (212), City Hall (103), Cooper (104), East Hampton (105), Forrest (204), Hampton Library (111), Jones (116), Kecoughtan (117), Kraft (208), Lindsay (107), Mallory (118), Phenix (109), Phoebus (110), Smith (112), Thomas (108), Tucker Capps (214), Tyler (215), and Wythe (115) Precincts and part of the Machen (210) Precinct; part of the City of Newport News comprised of the Bland (201), Briarfield (302), Carver (303), Chestnut (304), Denbigh (101), Downtown (305), Dunbar (306), Epes (102), Huntington (307), Jefferson (308), Jenkins (103), Lee Hall (108), Magruder (309), Marshall (310), McIntosh (104), Newmarket (311), Newsome Park (312), Reed (313), Reservoir (106), River (314), South Morrison (316), Washington (317), and Wilson (318) Precincts and parts of the Deep Creek (205), Hilton (209), Riverside (212), and Warwick (215) Precincts; part of the City of Norfolk comprised of the Ballentine (301), Berkley (402), Bowling Park (303), Brambleton (403),

Campostella (404), Chesterfield (405), Chrysler Museum (211), Coleman Place School (304), Ghent Square (203), Granby (101), Hunton Y (411), Immanuel (204), Ingleside (412), Lafayette-Winona (305), Lambert's Point (207), Lindenwood (306), Maury (210), Norview Methodist (308), Norview Middle School (309), Park Place (212), Poplar Halls (413), Rosemont (310), Sherwood Rec Center (311), Sherwood School (312), Stuart (214), Tanner's Creek (302), Taylor Elementary School (213), Titustown Center (104), Tucker House (105), Union Chapel (313), United Way (415), Wesley (217), and Young Park (414) Precincts; part of the City of Richmond comprised of the 113 (113), 114 (114), 203 (203), 204 (204), 206 (206), 207 (207), 208 (208), 211 (211), 212 (212), 213 (213), 301 (301), 302 (302), 303 (303), 304 (304), 305 (305), 306 (306), 307 (307), 308 (308), 402 (402), 501 (501), 503 (503), 504 (504), 505 (505), 508 (508), 509 (509), 510 (510), 602 (602), 603 (603), 604 (604), 606 (606), 607 (607), 609 (609), 610 (610), 701 (701), 702 (702), 703 (703), 705 (705), 706 (706), 707 (707), 802 (802), 806 (806), 810 (810), 811 (811), 812 (812), 814 (814), 902 (902), 903 (903), 908 (908), 909 (909), 910 (910), and 911 (911) Precincts and part of the 404 (404) Precinct; and part of the City of Suffolk comprised of parts of the Bennetts Creek (104), Ebenezer (201), and Harbour View (103) Precincts.

Fourth. All of Amelia, Dinwiddie, Greensville, Nottoway, Powhatan, Southampton, and Sussex Counties; all of the Cities of Chesapeake, Colonial Heights, Emporia, Franklin, and Hopewell; part of Chesterfield County comprised of the Bailey Bridge (315), Beach (305), Bellwood (101), Beulah (202), Bird (203), Birkdale (317), Carver (112), Chippenham (207), Cosby (307), Crenshaw (414), Deer Run (302), Drewry's Bluff (105), Dutch Gap (110), Ecoff (108), Elizabeth Scott (109), Enon (103), Ettrick (301), Falling Creek (205), Five Forks (210), Gates (201), Harrowgate (106), Iron Bridge (111), Jacobs (204), Matoaca (303), Meadowbrook (208), Nash (211), North Chester (104), S. Manchester (308), Salem Church (209), South Chester (102), Southside (213), Spring Run (316), St. Lukes (212), Wells (107), Winfrees Store (304), and Winterpock (306) Precincts; part of Isle of Wight County comprised of the Camps Mill (502), Carrsville (503), Courthouse (401), Orbit (403), Pons (302), Raynor (505), Smithfield (101), Walters (501), Windsor (402), and Zuni (504) Precincts and parts of the Bartlett (201), Carrollton (202), and Rushmere (301) Precincts; part of Prince George County comprised of the Courts Bldg (204), Jefferson Park (205), Richard Bland (101), Templeton (102), and Union Branch (103) Precincts and part of the Rives (104) Precinct; and part of the City of Suffolk comprised of the Airport (401), Chuckatuck (202), Cypress Chapel (303), Driver (102), Elephants Fork/Westhaven (603), Holland (502), Hollywood (701), Holy Neck (503), John F. Kennedy (302), Kilby's Mill (501), King's Fork (203), Lake Cohoon (504), Lakeside (601), Nansemond River (703), Olde Towne (602), Southside (403), Whaleyville (402), White Marsh (301), and Yeates (705) Precincts and parts of the Bennetts Creek (104), Ebenezer (201), and Harbour View (103) Precincts.

Fifth. All of Albemarle, Appomattox, Brunswick, Buckingham, Campbell, Charlotte, Cumberland, Fluvanna, Franklin, Greene, Halifax, Lunenburg, Madison, Mecklenburg, Nelson, Pittsylvania, Prince Edward, and Rappahannock Counties; all of the Cities of Bedford, Charlottesville, and

Danville; part of Bedford County comprised of the Bedford Christian Church (703), Bedford County PSA (302), Bethesda Methodist Church (303), Body Camp Elem School (204), Chamblissburg First Aid Bldg (103), Goode Rescue Squad (701), Goodview Elem School (101), Hardy Fire & Rescue Bldg (102), Huddleston Elem School (305), Liberty High School (702), Moneta Elem School (203), Saunders Grove Brethren Church (604), Saunders Vol Fire Dept (205), Shady Grove Baptist Church (602), Staunton River High School (202), and Thaxton Elem School (603) Precincts and part of the New London Academy (301) Precinct; part of Fauquier County comprised of the Airlie (202), Baldwin Ridge (203), Broad Run (503), Casanova (103), Courthouse (201), Kettle Run (101), Leeds (402), Marshall (401), New Baltimore (502), Opal (105), The Plains (501), Warrenton (204), and Waterloo (403) Precincts and part of the Remington (302) Precinct; and part of Henry County comprised of the Axton (302), Irisburg (303), Mountain Valley (305), Mountain View (405), and Ridgeway #1 (603) Precincts and part of the Mount Olivet (304) Precinct.

Sixth. All of Amherst, Augusta, Bath, Botetourt, Highland, Page, Rockbridge, Rockingham, Shenandoah, and Warren Counties; all of the Cities of Buena Vista, Harrisonburg, Lexington, Lynchburg, Roanoke, Staunton, and Waynesboro; part of Bedford County comprised of the Big Island Elem School (502), Boonsboro Elem School (505), Boonsboro Ruritan Club (506), Forest Elem School (401), Forest Youth Athletic Assoc. (304), Knights Of Columbus Bldg (403), Montvale Elem School (601), Odd Fellows Hall (504), Pleasant View (507), Sedalia Center (503), Suck Springs (704), and Thomas Jefferson Elem School (402) Precincts and part of the New London Academy (301) Precinct; and part of Roanoke County comprised of the Bonsack (402), Burlington (202), Castle Rock (305), Cave Spring (503), Clearbrook (505), Cotton Hill (501), Garst Mill (306), Hollins (206), Hunting Hills (507), Lindenwood (405), Mount Pleasant (406), Mount Vernon (506), Mountain View (203), North Vinton (403), Oak Grove (304), Ogden (504), Orchards (205), Penn Forest (502), Plantation (201), Poages Mill (302), South Vinton (404), and Windsor Hills (303) Precincts.

Seventh. All of Culpeper, Goochland, Hanover, Louisa, New Kent, and Orange Counties; part of Chesterfield County comprised of the Beaufont (513), Belgrade (508), Belmont (206), Black Heath (511), Bon Air (505), Brandermill (403), Cranbeck (509), Crestwood (502), Davis (515), Evergreen (312), Genito (402), Greenfield (506), Harbour Pointe (401), Huguenot (501), La Prade (405), Manchester (409), Midlothian (503), Monacan (407), Providence (404), Reams (408), Robious (504), Salisbury (507), Shenandoah (413), Skinquarter (309), Smoketree (406), Swift Creek (411), Sycamore (510), Tomahawk (310), Wagstaff (410), Watkins (514), and Woolridge (313) Precincts; part of Henrico County comprised of the Belmont (203), Brookland (204), Byrd (401), Canterbury (205), Causeway (301), Cedarfield (302), Chamberlayne (207), Coalpit (101), Crestview (303), Derbyshire (402), Dumbarton (102), Freeman (403), Gayton (404), Glen Allen (103), Glenside (104), Godwin (405), Greendale (105), Greenwood (210), Hermitage (106), Hilliard (107), Hollybrook (212), Hungary (213), Hungary Creek (116), Hunton (108), Innsbrook (304), Jackson Davis (305), Johnson (109), Lakeside (110), Lakewood (406), Lauderdale (407), Longan (111), Longdale (214), Maude Trevvett (112), Maybeury (408), Monument Hills (306), Moody (216), Mooreland (409), Mountain

(217), Nuckols Farm (307), Oakview (218), Pemberton (410), Pinchbeck (411), Pocahontas (308), Randolph (219), Ridge (309), Ridgefield (412), Rivers Edge (317), Rollingwood (413), Sadler (310), Shady Grove (311), Short Pump (318), Skipwith (312), Spottswood (414), Springfield (313), Staples Mill (113), Stoney Run (314), Stratford Hall (221), Summit Court (114), Three Chopt (315), Tuckahoe (415), Tucker (316), Wellborne (417), West End (416), Westwood (115), and Yellow Tavern (223) Precincts; part of Spotsylvania County comprised of the Belmont (501), Blaydes Corner (102), Brock (505), Brokenburg (502), Chancellor (204), Courthouse (504), Elys Ford (201), Fairview (703), Frazers Gate (402), Massaponax (104), Ni River (203), Partlow (101), Piedmont (603), Salem (601), Smith Station (602), Todd's Tavern (503), Travelers Rest (103), and Wilderness (202) Precincts and part of the Lee Hill (403) Precinct; and part of the City of Richmond comprised of the 101 (101), 102 (102), 104 (104), 105 (105), 106 (106), 111 (111), 112 (112), 309 (309), 409 (409), 410 (410), 412 (412), and 413 (413) Precincts and part of the 404 (404) Precinct.

Eighth. All of Arlington County; all of the Cities of Alexandria and Falls Church; and part of Fairfax County comprised of the Alban (623), Baileys (501), Belle Haven (601), Belleview (602), Belvoir (619), Bren Mar (526), Brook Hill (521), Bucknell (604), Bush Hill (401), Cameron (402), Chesterbrook (302), Clermont (423), Crestwood (415), Edsall (527), El Nido (305), Fairfield (413), Fort Buffalo (703), Fort Hunt (605), Franconia (404), Garfield (417), Glen Forest #2 (529), Glen Forest (505), Graham (705), Greenway (706), Grosvenor (621), Groveton (405), Gunston (616), Haycock (307), Hayfield (406), Hollin Hall (606), Holmes #1 (506), Huntington (607), Huntley (424), Island Creek (427), Kingstowne (421), Kirby (310), Kirkside (608), Lane (419), Leewood (531), Lincolnia (507), Longfellow (312), Lorton (617), Lorton Center (625), Lorton Station (622), Lynbrook (418), Marlan (609), Marshall (708), Mount Eagle (408), Parklawn (510), Pimmit (315), Pine Spring (710), Pioneer (409), Poe (523), Rose Hill (410), Salona (316), Saratoga (626), Sherwood (610), Shreve (712), Skyline (520), Stratford (611), Timber Lane (713), Van Dorn (422), Villages (420), Virginia Hills (411), Walnut Hill # 1 (525), Walnut Hill # 2 (728), Waynewood (612), Westgate (613), Westhampton (317), Westlawn (515), Westmoreland (318), Weyanoke (516), Whitman (614), Whittier (524), Willston (517), Wilton (425), Woodlawn (627), and Woodley (615) Precincts and parts of the Magarity (726) and Saint Albans (513) Precincts.

Ninth. All of Alleghany, Bland, Buchanan, Carroll, Craig, Dickenson, Floyd, Giles, Grayson, Lee, Montgomery, Patrick, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties; all of the Cities of Bristol, Covington, Galax, Martinsville, Norton, Radford, and Salem; part of Henry County comprised of the Bassett No. 1 (501), Bassett No. 2 (101), Collinsville Number 1 (401), Collinsville Number 2 (404), Daniel's Creek (402), Dyers Store (505), Fieldale (201), Figsboro (502), Fontaine (601), Gunville (102), Hillcrest (602), Horsepasture #1 (202), Horsepasture #2 (203), Oak Level (504), Ridgeway #2 (604), Scott's Tanyard (103), Spencer (204), and Stanleytown (503) Precincts and part of the Mount Olivet (304) Precinct; and part of Roanoke County comprised of the Bennett Springs (107), Bent Mountain (301), Botetourt Springs (204), Catawba

(101), Glenvar (103), Green Hill (106), Mason Valley (102), Northside (104), Peters Creek (105), and Wildwood (108) Precincts.

Tenth. All of Clarke, Frederick, and Loudoun Counties; all of the Cities of Manassas, Manassas Park, and Winchester; part of Fairfax County comprised of the Brookfield (902), Bull Run (923), Chain Bridge (301), Churchill (303), Clearview (321), Clifton (803), Colvin (330), Cooper (304), Cub Run (903), Deer Park (921), Dulles (904), Fairfax Station (805), Forestville (322), Fountainhead (845), Fox Mill (229), Franklin (905), Great Falls (306), Greenbriar West (847), Hickory (328), Kenmore (309), Kinross (908), Langley (311), Lees Corner (920), Lees Corner West (927), McLean (314), Navy (911), Newgate North (849), Newgate South (854), Popes Head (841), Poplar Tree (928), Rocky Run (913), Sangster (838), Seneca (329), Shouse (323), Silverbrook (839), South Run (850), Spring Hill (331), Stone (917), Sugarland (327), Vale (914), Virginia Run (915), Waples Mill (916), and Woodyard (815) Precincts and part of the Old Mill (925) Precinct; and part of Prince William County comprised of the Alvey (406), Battlefield (402), Buckhall (103), Bull Run (403), Evergreen (401), Mountain View (410), Pace West (412), Parkside (105), Pr. William A (000), and Signal Hill (114) Precincts and part of the Buckland Mills (110) Precinct.

Eleventh. All of the City of Fairfax; part of Fairfax County comprised of the Aldrin (234), Barcroft (502), Belvedere (503), Blake (701), Bonnie Brae (126), Bristow (102), Burke (801), Burke Centre (127), Camelot (522), Cameron Glen (238), Cardinal (128), Centerpointe (844), Centre Ridge (901), Centreville (918), Chapel (104), Cherry Run (825), Columbia (518), Coppermine (239), Dogwood (220), Eagle View (853), Fair Oaks (848), Fairfax A (0700), Fairlakes (843), Fairview (105), Flint Hill (202), Floris (203), Freedom Hill (704), Frying Pan (235), Glade (223), Green Trails (919), Greenbriar East (846), Greenspring (426), Heritage (106), Herndon #1 (319), Herndon #2 (320), Herndon #3 (324), Holmes #2 (530), Hummer (519), Hunt (624), Hunters Woods (221), Hutchison (325), Irving (827), Keene Mill (129), Kilmer (733), Kings Park (108), Lake Braddock (118), Laurel (119), Laurel Hill (628), London Towne East (910), London Towne West (924), Long Branch (122), Mantua (707), Masonville (508), McNair (237), Merrifield (721), Monument (852), Mosby (709), Newington (618), North Point (233), North Springfield # 1 (110), North Springfield # 2 (111), Nottoway (729), Oak Hill (113), Oak Marr (732), Oakton (727), Olde Creek (109), Olley (124), Orange (824), Parkway (842), Penderbrook (730), Pine Ridge (718), Pohick (811), Powell (926), Price (711), Ravensworth (115), Ravenwood (511), Reston #1 (208), Reston #2 (209), Reston #3 (222), Ridgelea (528), Robinson (123), Sideburn (120), Signal Hill (125), Sleepy Hollow (512), South County (629), South Lakes (224), Stenwood (719), Stuart (236), Sunrise Valley (227), Terra Centre (130), Terraset (225), Thoreau (720), Tysons (731), Valley (812), Vienna #1 (213), Vienna #2 (214), Vienna #4 (216), Vienna #6 (218), Villa (121), Wakefield (116), Walker (714), West Springfield (840), Westbriar (219), White Oaks (833), Willow Springs (851), Wolftrap (226), Woodburn (717), and Woodson (117) Precincts and parts of the Magarity (726), Old Mill (925), and Saint Albans (513) Precincts; and part of Prince William County comprised of the Bel Air (606), Belmont (701), Bethel (506), Beville (205), Chinn (507), Civic Center (604), Dale (601), Dumfries (301), Enterprise (608),

Featherstone (704), Freedom (609), Godwin (603), Graham Park (303), Kerrydale (607), Kilby (707), King (206), Library (702), Lynn (703), Minnieville (605), Mohican (505), Neabsco (602), Occoquan (502), Old Bridge (503), Potomac (302), Potomac View (705), Rippon (706), River Oaks (708), Rockledge (504), Saunders (201), Springwoods (508), and Swans Creek (311) Precincts.

2012, c. 1.

§ 24.2-303. Repealed

Repealed by Acts 2001, Sp. Sess. I, c. 2.

§§ 24.2-303.1, 24.2-303.2. Repealed

Repealed by Acts 2011, Sp. Sess. I, c. 1, cl. 2, effective April 29, 2011.

§ 24.2-303.3. Senate districts

A. There shall be 40 members of the Senate of Virginia elected from 40 senate districts and each district is entitled to representation by one senator.

B. All references in this section to boundaries of counties and cities shall be interpreted to refer to those in existence on April 1, 2011, and as reported by the United States Bureau of the Census in the 2010 Census reports provided pursuant to United States Public Law 94-171, notwithstanding subsequent boundary changes by law, annexation, merger, consolidation, or the voiding of boundary changes theretofore made final.

C. Parts of counties and cities listed in subsection D are defined by reference to the 2010 Census reports for the precincts, parts of precincts, and blocks listed for each senate district in the Statistical Report on file with the Clerk of the House of Delegates for the Act of Assembly containing the final enactment of this section. Precincts shall be interpreted to refer to those in existence on April 1, 2011, and as reported by the United States Bureau of the Census in the 2010 Census reports provided pursuant to United States Public Law 94-171, notwithstanding subsequent changes made by localities.

D. The 40 senate districts are:

First. All of the City of Williamsburg; part of James City County comprised of the Berkeley A Part 1 (101), Berkeley A Part 2 (1012), Powhatan B (302), Powhatan D (304), Roberts A Part 2 (5012), and Roberts C Part 2 (5032) Precincts and parts of the Jamestown B (202) and Roberts B (502) Precincts; part of York County comprised of the Magruder (104) and Queens Lake (101) Precincts; part of the City of Hampton comprised of the Kraft (208) and Tucker Capps (214) Precincts and part of the Forrest (204) Precinct; part of the City of Newport News comprised of the Bland (201), Boulevard (202), Carver (303), Charles (203), Deep Creek (205), Denbigh (101), Epes (102), Greenwood (110), Hidenwood (208), Hilton (209), Jenkins (103), Kiln Creek (218), Lee Hall (108), McIntosh (104), Nelson (210), Oyster Point (105), Palmer (211), Reservoir (106), Richneck (107), River (314), Riverside (212), Riverview (217), Sanford (213), Sedgefield (315), Warwick (215), Wellesley (204), Windsor (109), and Yates (216) Precincts and parts of the Deer Park (219), Downtown (305),

Dunbar (306), and Watkins (320) Precincts; and part of the City of Suffolk comprised of the Harbour View (103) Precinct.

Second. Part of York County comprised of the Bethel (502), Coventry (203), Edgehill (303), and Kiln Creek (204) Precincts; part of the City of Hampton comprised of the Aberdeen (101), Armstrong (106), Bassette (102), Bethel (212), Booker (201), Bryan (202), Burbank (203), City Hall (103), Cooper (104), East Hampton (105), Hampton Library (111), Jones (116), Kecoughtan (117), Langley (209), Lindsay (107), Machen (210), Mallory (118), Phenix (109), Phillips (213), Phoebus (110), Sandy Bottom (216), Smith (112), Syms (113), Thomas (108), Tyler (215), and Wythe (115) Precincts and part of the Forrest (204) Precinct; part of the City of Newport News comprised of the Briarfield (302), Chestnut (304), Huntington (307), Jefferson (308), Magruder (309), Marshall (310), Newmarket (311), Newsome Park (312), Reed (313), Saunders (319), South Morrison (316), Washington (317), and Wilson (318) Precincts and parts of the Deer Park (219), Downtown (305), Dunbar (306), and Watkins (320) Precincts; and part of the City of Portsmouth comprised of the Thirty-Seven (037) and Thirty-Nine (039) Precincts and part of the Thirty-Eight (038) Precinct.

Third. All of Gloucester, King and Queen, King William, and New Kent Counties; all of the City of Poquoson; part of Isle of Wight County comprised of the Bartlett (201), Carrollton (202), Rushmere (301), and Smithfield (101) Precincts; part of James City County comprised of the Berkeley B Part 1 (1021), Berkeley B Part 2 (1022), Berkeley C (103), Jamestown A (201), Powhatan A (301), Powhatan C (303), Roberts A Part 1 (5011), Roberts C Part 1 (5031), Stonehouse A (401), Stonehouse B (402), and Stonehouse C (403) Precincts and parts of the Jamestown B (202) and Roberts B (502) Precincts; part of Surry County comprised of part of the Bacon's Castle (201) Precinct; part of York County comprised of the Dare (402), Harris Grove (302), Harwoods Mill (401), Seaford (301), Tabb (501), Waller Mill (103), and Yorktown (102) Precincts; part of the City of Hampton comprised of the Asbury (205) Precinct; and part of the City of Suffolk comprised of the Driver (102) and Ebenezer (201) Precincts.

Fourth. All of Caroline, Essex, Lancaster, Middlesex, Northumberland, and Richmond Counties; part of Hanover County comprised of the Ashcake (103), Atlee (304), Battlefield (401), Beaverdam (201), Beaverdam Creek (406), Black Creek (404), Blunts (202), Chickahominy (302), Clay (301), Cold Harbor (403), Cool Spring (305), Courthouse (206), Georgetown (506), Goddin's Hill (204), Hanover Grove (604), Laurel Meadow (507), Mechanicsville (603), Newman (503), Old Church (402), Pebble Creek (405), Rural Point (502), Shady Grove (303), Sliding Hill (104), Stonewall Jackson (602), Studley (504), Totopotomoy (505), and Village (601) Precincts; part of King George County comprised of parts of the Courthouse (101) and Shiloh (401) Precincts; part of Spotsylvania County comprised of the Blaydes Corner (102), Lee Hill (403), Massaponax (104), Partlow (101), Summit (401), and Travelers Rest (103) Precincts; and part of Westmoreland County comprised of the Precinct 1-1 (101), Precinct 1-2 (102), and Precinct 2-1 (201) Precincts.

Fifth. Part of the City of Chesapeake comprised of the B. M. Williams School (015), Camelot (003), Carver School (031), Crestwood (005), Fairways (053), Geneva Park (011), Georgetown (012),

Gilmerton (013), Indian River (018), Johnson Park (026), Joliff Middle School (048), Norfolk Highlands (022), Oaklette (024), Oscar Smith School (010), Parkways (042), Providence (032), River Birch (040), River Walk (050), South Norfolk (030), South Norfolk Recreation (008), St. Julians (025), Tanglewood (029), and Westover (033) Precincts and parts of the Oak Grove (023) and Sunray II (045) Precincts; and part of the City of Norfolk comprised of the Ballentine (301), Berkley (402), Bowling Park (303), Brambleton (403), Campostella (404), Chesterfield (405), Coleman Place School (304), Easton (408), Fairlawn (409), Hunton Y (411), Ingleside (412), Lafayette (205), Lafayette-Winona (305), Lindenwood (306), Norview Methodist (308), Norview Middle School (309), Poplar Halls (413), Rosemont (310), Sherwood Rec Center (311), Sherwood School (312), Stuart (214), Tanner's Creek (302), Union Chapel (313), United Way (415), and Young Park (414) Precincts and parts of the Ghent Square (203) and Willard (218) Precincts.

Sixth. All of Accomack, Mathews, and Northampton Counties; part of the City of Norfolk comprised of the Barron Black (406), Bayview School (501), Chrysler Museum (211), Crossroads (511), East Ocean View (503), Granby (101), Immanuel (204), Lambert's Point (207), Larchmont Library (208), Larchmont Recreation Center (209), Larrymore (504), Maury (210), Northside (103), Ocean View Center (506), Ocean View School (102), Oceanair (508), Old Dominion (201), Park Place (212), Suburban Park (215), Taylor Elementary School (213), Third Presbyterian (510), Titustown Center (104), Tucker House (105), Wesley (217), and Zion Grace (106) Precincts and parts of the Ghent Square (203), Tarrallton (509), and Willard (218) Precincts; and part of the City of Virginia Beach comprised of part of the Chesapeake Beach (037) Precinct.

Seventh. Part of the City of Norfolk comprised of the Azalea Gardens (512) and Little Creek (505) Precincts and part of the Tarrallton (509) Precinct; and part of the City of Virginia Beach comprised of the Aragona (016), Arrowhead (023), Avalon (025), Baker (061), Bayside (020), Bonney (040), Brandon (042), Centerville (044), College Park (041), Colonial (065), Davis Corner (021), Edinburgh (056), Fairfield (026), Hagood (086), Homestead (052), Kings Grant (047), Kingston (007), Lake Christopher (089), Lake Joyce (090), Lake Smith (019), Larkspur (024), Lexington (091), Little Neck (092), Malibu (014), Manor (068), Mt. Trashmore (013), Newtown (093), Ocean Park (017), Old Donation (015), Pembroke (039), Pleasant Hill (079), Point O' View (022), Providence (027), Reon (080), Shannon (053), Shell (069), Shelton Park (059), Sherry Park (057), Stratford Chase (051), Tallwood (084), Thalia (028), Thoroughgood (018), Village (076), Windsor Oaks (036), and Witchduck (038) Precincts and part of the Chesapeake Beach (037) Precinct.

Eighth. Part of the City of Virginia Beach comprised of the Alanton (006), Brookwood (077), Buckner (074), Cape Henry (011), Capps Shop (033), Colony (075), Corporate Landing (070), Courthouse (035), Culver (063), Dahlia (073), Eastern Shore (067), Foxfire (060), Great Neck (010), Green Run (046), Holland (029), Hunt (066), Landstown (062), Linkhorn (004), London Bridge (008), Lynnhaven (049), Magic Hollow (055), North Beach (001), Ocean Lakes (003), Oceana (050), Pinewood (094), Plaza (012), Redwing (030), Rock Lake (081), Rudee (072), Seatack (005), Shelbourne (082),

Sigma (031), South Beach (002), Strawbridge (083), Timberlake (045), Trantwood (009), Upton (085), and Wolfsnare (048) Precincts.

Ninth. All of Charles City County; part of Hanover County comprised of the Ashland (101), Elmont (704), and Stony Run (207) Precincts and part of the Wilmington Parish (203) Precinct; part of Henrico County comprised of the Adams (201), Antioch (501), Azalea (202), Canterbury (205), Cedar Fork (502), Central Gardens (206), Chamberlayne (207), Chickahominy (503), Donahoe (504), Dorey (505), Eanes (506), Elko (507), Fairfield (208), Glen Lea (209), Greenwood (210), Highland Gardens (211), Highland Springs (508), Hungary (213), Hunton (108), Laburnum (509), Longdale (214), Maplewood (215), Masonic (510), Mehfoud (511), Montrose (512), Mountain (217), Nine Mile (513), Pleasants (514), Randolph (219), Ratcliffe (220), Rolfe (519), Sandston (515), Sullivans (516), Town Hall (517), Whitlocks (518), Wilder (222), and Yellow Tavern (223) Precincts and parts of the Hermitage (106) and Staples Mill (113) Precincts; and part of the City of Richmond comprised of the 105 (105), 206 (206), 207 (207), 208 (208), 212 (212), 213 (213), 301 (301), 302 (302), 303 (303), 304 (304), 305 (305), 306 (306), 308 (308), 501 (501), 504 (504), 602 (602), 603 (603), 604 (604), 606 (606), and 607 (607) Precincts and parts of the 104 (104), 106 (106), and 307 (307) Precincts.

Tenth. All of Powhatan County; part of Chesterfield County comprised of the Beaufont (513), Belgrade (508), Belmont (206), Black Heath (511), Bon Air (505), Brandermill (403), Cranbeck (509), Crestwood (502), Davis (515), Evergreen (312), Greenfield (506), Huguenot (501), Midlothian (503), Reams (408), Robious (504), Salisbury (507), Swift Creek (411), Tomahawk (310), Watkins (514), and Woolridge (313) Precincts and part of the Chippenham (207) Precinct; and part of the City of Richmond comprised of the 101 (101), 102 (102), 111 (111), 112 (112), 113 (113), 114 (114), 203 (203), 204 (204), 211 (211), 309 (309), 402 (402), 404 (404), 409 (409), 410 (410), 412 (412), 413 (413), 503 (503), 505 (505), 508 (508), 903 (903), 908 (908), 909 (909), 910 (910), and 911 (911) Precincts and parts of the 104 (104), 106 (106), and 307 (307) Precincts.

Eleventh. All of Amelia County; all of the City of Colonial Heights; and part of Chesterfield County comprised of the Bailey Bridge (315), Beach (305), Beulah (202), Bird (203), Birkdale (317), Cosby (307), Crenshaw (414), Deer Run (302), Ecoff (108), Falling Creek (205), Five Forks (210), Gates (201), Genito (402), Harbour Pointe (401), Iron Bridge (111), Jacobs (204), La Prade (405), Manchester (409), Meadowbrook (208), Monacan (407), Nash (211), North Chester (104), Providence (404), S. Manchester (308), Salem Church (209), Shenandoah (413), Skinquarter (309), Smoketree (406), South Chester (102), Southside (213), Spring Run (316), St. Lukes (212), Sycamore (510), Wagstaff (410), Wells (107), Winfrees Store (304), and Winterpock (306) Precincts and part of the Chippenham (207) Precinct.

Twelfth. Part of Hanover County comprised of the Farrington (701), Montpelier (702), and Rockville (703) Precincts and part of the Wilmington Parish (203) Precinct; and part of Henrico County comprised of the Belmont (203), Brookland (204), Byrd (401), Causeway (301), Cedarfield (302), Coalpit (101), Crestview (303), Derbyshire (402), Dumbarton (102), Freeman (403), Gayton (404),

Glen Allen (103), Glenside (104), Godwin (405), Greendale (105), Hilliard (107), Hollybrook (212), Hungary Creek (116), Innsbrook (304), Jackson Davis (305), Johnson (109), Lakeside (110), Lakewood (406), Lauderdale (407), Longan (111), Maude Trevvett (112), Maybeury (408), Monument Hills (306), Moody (216), Mooreland (409), Nuckols Farm (307), Oakview (218), Pemberton (410), Pinchbeck (411), Pocahontas (308), Ridge (309), Ridgefield (412), Rivers Edge (317), Rollingwood (413), Sadler (310), Shady Grove (311), Short Pump (318), Skipwith (312), Spottswood (414), Springfield (313), Stoney Run (314), Stratford Hall (221), Summit Court (114), Three Chopt (315), Tuckahoe (415), Tucker (316), Wellborne (417), West End (416), and Westwood (115) Precincts and parts of the Hermitage (106) and Staples Mill (113) Precincts.

Thirteenth. Part of Loudoun County comprised of the Ashburn Farm (102), Between The Hills (306), Cedar Lane (810), Clarkes Gap (409), Dominion (811), East Lovettsville (411), Evergreen (408), Freedom (112), Hamilton (304), Heritage (412), Hillsboro (303), Hillside (105), Hutchison (109), Little River (107), Lucketts (403), Mercer (108), Newton-Lee (814), Philomont (305), Pinebrook (115), Purcellville One (301), Purcellville Two (310), Round Hill (302), Russell Branch (809), Sanders Corner (101), Stone Bridge (808), Waterford (402), West Lovettsville (401), and Woodgrove (311) Precincts and parts of the Briar Woods (111), Cool Spring (505), Dulles South (114), Eagle Ridge (106), and Weller (816) Precincts; and part of Prince William County comprised of the Battlefield (402), Bristow Run (111), Bull Run (403), Glenkirk (408), Limestone (113), Mullen (411), and Pace West (412) Precincts and parts of the Buckland Mills (110), Evergreen (401), Marsteller (107), Sinclair (404), Sudley North (409), and Victory (108) Precincts.

Fourteenth. Part of Isle of Wight County comprised of the Carrsville (503), Walters (501), and Zuni (504) Precincts and part of the Windsor (402) Precinct; part of Southampton County comprised of the Berlin (101), Hunterdale (501), Ivor (102), and Sedley (602) Precincts; part of the City of Chesapeake comprised of the Bailey Creek (038), Bells Mill (009), Bells Mill II (046), Bethel (002), Bridgetown (037), Churchland (004), Coopers Way (051), Deep Creek (006), E. W. Chittum School (020), Fellowship (021), Grassfield (014), Great Bridge (001), Great Bridge Baptist Church (036), Green Sea (047), Greenbrier (007), Hickory Grove (016), Hickory Middle School (034), Indian Creek (017), John T. West (041), Jolliff One (019), Lake Drummond (039), Pleasant Crossing (043), Shipyard Road (052), Sunray I (028), and Waterway (049) Precincts and parts of the Oak Grove (023), Silverwood (027), and Sunray II (045) Precincts; part of the City of Franklin comprised of the Precinct 1-1 (101) and Precinct 2-1 (201) Precincts; part of the City of Portsmouth comprised of the Twenty-Nine (029), Thirty (030), Thirty-Two (032), and Thirty-Three (033) Precincts; part of the City of Suffolk comprised of the Airport (401), Cypress Chapel (303), Holland (502), Holy Neck (503), Kilby's Mill (501), Lake Cohoon (504), Lakeside (601), and Whaleyville (402) Precincts and parts of the Elephants Fork/Westhaven (603) and King's Fork (203) Precincts; and part of the City of Virginia Beach comprised of the Bellamy (043), Blackwater (034), Creeds (032), Cromwell (054), Glenwood (058), Hillcrest (087), Indian Lakes (078), North Landing (088), Rosemont Forest (064), and Round Hill (071) Precincts.

Fifteenth. All of Charlotte, Lunenburg, Mecklenburg, and Nottoway Counties; part of Brunswick County comprised of the Alberta (301), Broadnax (101), Danieltown (302), Elmore (303), King's Store (402), Rock Store (103), Seymour (304), Sturgeon (401), and Tillman (102) Precincts; part of Campbell County comprised of the Brookneal (701), Gladys (702), Morris Church (703), and Three Forks (401) Precincts; part of Dinwiddie County comprised of the Cherry Hill (403), Church Road (103), Courthouse (501), Dinwiddie (401), Little Zion (402), McKenney (502), Reams (301), Rocky Run (503), and White Oak (102) Precincts and part of the New Hope (302) Precinct; part of Halifax County comprised of the Center (403), Clover (203), Crossroads (202), Dan River (502), Hyco (701), Midway (702), Scottsburg (503), and Virgilina (703) Precincts and parts of the Black Walnut (601), Clays Mill (201), and South Boston East (801) Precincts; part of Pittsylvania County comprised of the Bearskin (602), Callands (201), Dry Fork (607), Hurt (501), Motley Sycamore (502), Mt. Cross (705), Mt. Hermon (704), Sandy Level (204), Stony Mill (603), Swansonville (604), Tunstall (106), Twin Springs (103), West Blairs (108), and Whitmell (605) Precincts and parts of the Bachelors Hall (702), Central (301), Climax (206), East Blairs (307), East Gretna (309), Gretna (207), Keeling (402), Kentuck (404), Renan (503), Riceville (305), and Ringgold (405) Precincts; part of Prince George County comprised of the Blackwater (202), Bland (201), Brandon (203), Harrison (105), Richard Bland (101), and Templeton (102) Precincts; and part of the City of Danville comprised of the Ward Sixteen (016) and Ward Seventeen (017) Precincts.

Sixteenth. All of the Cities of Hopewell and Petersburg; part of Chesterfield County comprised of the Bellwood (101), Carver (112), Drewry's Bluff (105), Dutch Gap (110), Elizabeth Scott (109), Enon (103), Ettrick (301), Harrowgate (106), and Matoaca (303) Precincts; part of Dinwiddie County comprised of the Chesdin (202), Edgehill (201), and Rohoic (101) Precincts and part of the New Hope (302) Precinct; part of Prince George County comprised of the Courts Bldg (204), Jefferson Park (205), Rives (104), and Union Branch (103) Precincts; and part of the City of Richmond comprised of the 509 (509), 510 (510), 609 (609), 610 (610), 701 (701), 702 (702), 703 (703), 705 (705), 706 (706), 707 (707), 802 (802), 806 (806), 810 (810), 811 (811), 812 (812), 814 (814), and 902 (902) Precincts.

Seventeenth. All of Orange County; all of the City of Fredericksburg; part of Albemarle County comprised of the Agnor-Hurt (104), Branchlands (103), Dunlora (105), Free Bridge (504), Georgetown (203), and Keswick (501) Precincts and parts of the Jack Jouett (201), Stony Point (502), and Woodbrook (101) Precincts; part of Culpeper County comprised of the East Fairfax (201), Mitchells (601), Pearl Sample (602), and West Fairfax (101) Precincts; part of Louisa County comprised of the Cuckoo (502), Fredericks Hall (501), Louisa #1 (201), Louisa #2 (202), Mechanicsville (102), Mineral (401), Patrick Henry #1 (301), Yanceyville (402), and Zion (101) Precincts; and part of Spotsylvania County comprised of the Battlefield (701), Belmont (501), Brent's Mill (702), Brokenburg (502), Chancellor (204), Courthouse (504), Fairview (703), Frazers Gate (402), Hazel Run (302), Ni River (203), Piedmont (603), Salem (601), Smith Station (602), and Todd's Tavern (503) Precincts and parts of the Brock (505) and Plank Road (301) Precincts.

Eighteenth. All of Greensville and Sussex Counties; all of the City of Emporia; part of Brunswick County comprised of the Dromgoole (201), Edgerton (202), Fitzhugh (203), and Lawrenceville (501) Precincts; part of Isle of Wight County comprised of the Camps Mill (502), Courthouse (401), Orbit (403), Pons (302), and Raynor (505) Precincts and part of the Windsor (402) Precinct; part of Southampton County comprised of the Blackwater River (701), Boykins (201), Branchville (202), Capron (301), Courtland (601), Drewryville (401), Forks-Of-The-River (502), Meherrin (203), Newsoms (702), and Sebrell (302) Precincts; part of Surry County comprised of the Carsley (401), Claremont (501), Dendron (301), Spring Grove (502), Surry (101), and Wall's Bridge (302) Precincts and part of the Bacon's Castle (201) Precinct; part of the City of Chesapeake comprised of the Nansemond (044) and Taylor Road (035) Precincts and part of the Silverwood (027) Precinct; part of the City of Franklin comprised of the Precinct 3-1 (301), Precinct 4-1 (401), Precinct 5-1 (501), and Precinct 6-1 (601) Precincts; part of the City of Portsmouth comprised of the One (001), Five (005), Seven (007), Nine (009), Ten (010), Eleven (011), Thirteen (013), Fourteen (014), Sixteen (016), Seventeen (017), Nineteen (019), Twenty (020), Twenty-One (021), Twenty-Two (022), Twenty-Three (023), Twenty-Four (024), Twenty-Five (025), Twenty-Six (026), Twenty-Seven (027), Twenty-Eight (028), Thirty-One (031), Thirty-Four (034), Thirty-Five (035), and Thirty-Six (036) Precincts and part of the Thirty-Eight (038) Precinct; and part of the City of Suffolk comprised of the Bennetts Creek (104), Chuckatuck (202), Hollywood (701), John F. Kennedy (302), Nansemond River (703), Olde Towne (602), Southside (403), White Marsh (301), and Yeates (705) Precincts and parts of the Elephants Fork/Westhaven (603), and King's Fork (203) Precincts.

Nineteenth. All of Floyd County; all of the City of Salem; part of Bedford County comprised of the Bethesda Methodist Church (303), Huddleston Elem School (305), and Saunders Vol Fire Dept (205) Precincts; part of Carroll County comprised of the Dugspur (303), Gladeville (502), Hillsville C (301), Laurel (504), Sylvatus (302), Vaughn (501), and Woodlawn E (503) Precincts and parts of the Hillsville B (201) and Woodlawn D (402) Precincts; part of Franklin County comprised of the Bonbrook (602), Boones Mill (601), Bowmans (503), Burnt Chimney (102), Callaway (502), Cooper's Cove (603), Dudley (204), Endicott (403), Ferrum (402), Gogginsville (504), and Scruggs (103) Precincts and parts of the Glade Hill (201), Henry (401), Hodgesville (203), Penhook (202), Rocky Mount East (701), Rocky Mount South (703), Rocky Mount West (702), and Waidsboro (501) Precincts; part of Montgomery County comprised of the C-1 (301), C-2 (302), D-1 (401), D-2 (402), D-3 Part 1 (403), and D-4 (404) Precincts and parts of the B-1 (201), B-3 (203), B-4 (204), C-3 (303), C-4 (304), and D-5 (405) Precincts; part of Roanoke County comprised of the Bent Mountain (301), Bonsack (402), Castle Rock (305), Cave Spring (503), Clearbrook (505), Cotton Hill (501), Glenvar (103), Green Hill (106), Hunting Hills (507), Lindenwood (405), Mason Valley (102), Mount Pleasant (406), North Vinton (403), Oak Grove (304), Penn Forest (502), Peters Creek (105), Poages Mill (302), South Vinton (404), Wildwood (108), and Windsor Hills (303) Precincts and part of the Northside (104) Precinct; and part of Wythe County comprised of the East Wytheville (303), Fort Chiswell (401), Huddle (601), Jackson Memorial (501), Max Meadows (402), and Sheffey (502) Precincts.

Twentieth. All of Henry and Patrick Counties; all of the Cities of Galax and Martinsville; part of Carroll County comprised of the Fancy Gap (404), Gladesboro (203), Hillsville D (401), Lambsburg (103), Laurel Fork (202), Mount Bethel (101), Oakland A (104), Oakland D (403), and St. Paul (102) Precincts and parts of the Hillsville B (201) and Woodlawn D (402) Precincts; part of Franklin County comprised of the Dickinson (304), Fork Mountain (302), Snow Creek (301), and Sontag (303) Precincts and parts of the Glade Hill (201), Henry (401), Hodgesville (203), Penhook (202), Rocky Mount East (701), Rocky Mount South (703), Rocky Mount West (702), and Waidsboro (501) Precincts; part of Halifax County comprised of the Childrey (101), Courthouse (401), Liberty (102), Meadville (302), Mt. Carmel (603), Republican Grove (103), Sinai (305), South Boston West (802), Union (605), and Vernon Hill (304) Precincts and parts of the Black Walnut (601), Clays Mill (201), and South Boston East (801) Precincts; part of Pittsylvania County comprised of the Brosville (606), Chatham (105), Ferry Road (703), and Mt. Airy (308) Precincts and parts of the Bachelors Hall (702), Central (301), Climax (206), East Blairs (307), East Gretna (309), Gretna (207), Keeling (402), Kentuck (404), Renan (503), Riceville (305), and Ringgold (405) Precincts; and part of the City of Danville comprised of the Ward One (001), Ward Two (002), Ward Three (003), Ward Four (004), Ward Five (005), Ward Six (006), Ward Seven (007), Ward Eight (008), Ward Nine (009), Ward Ten (010), Ward Eleven (011), Ward Twelve (012), Ward Thirteen (013), Ward Fourteen (014), and Ward Fifteen (015) Precincts.

Twenty-first. All of Giles County; all of the City of Roanoke; part of Montgomery County comprised of the A-1 (101), A-2 (102), A-3 (103), B-2 (202), E-1 (501), E-2 (502), F-1 (601), F-2 (602), G-1 (701), and G-2 (702) Precincts and parts of the B-1 (201), B-3 (203), B-4 (204), C-3 (303), C-4 (304), and D-5 (405) Precincts; and part of Roanoke County comprised of the Bennett Springs (107), Botetourt Springs (204), Burlington (202), Catawba (101), Garst Mill (306), Mount Vernon (506), and Ogden (504) Precincts and part of the Northside (104) Precinct.

Twenty-second. All of Amherst, Appomattox, Buckingham, Cumberland, Fluvanna, Goochland, and Prince Edward Counties; part of Louisa County comprised of the Bumpass (601), Locust Creek (602), Sheltons Mill (701), and South Anna (702) Precincts; and part of the City of Lynchburg comprised of the First Ward Second Precinct (102), First Ward Third Precinct (103), First Ward Fourth Precinct (104), First Ward Fifth Precinct (105), Second Ward First Precinct (201), Second Ward Second Precinct (202), Second Ward Third Precinct (203), Third Ward First Precinct (301), Third Ward Second Precinct (302), Fourth Ward Second Precinct (402), and Fourth Ward Third Precinct (403) Precincts and part of the First Ward First Precinct (101) Precinct.

Twenty-third. All of Botetourt and Craig Counties; all of the City of Bedford; part of Bedford County comprised of the Bedford Christian Church (703), Bedford County PSA (302), Big Island Elem School (502), Body Camp Elem School (204), Boonsboro Elem School (505), Boonsboro Ruritan Club (506), Chamblissburg First Aid Bldg (103), Forest Elem School (401), Forest Youth Athletic Assoc. (304), Goode Rescue Squad (701), Goodview Elem School (101), Hardy Fire & Rescue Bldg (102), Knights of Columbus Bldg (403), Liberty High School (702), Moneta Elem School (203),

Montvale Elem School (601), New London Academy (301), Odd Fellows Hall (504), Pleasant View (507), Saunders Grove Brethren Church (604), Sedalia Center (503), Shady Grove Baptist Church (602), Staunton River High School (202), Suck Springs (704), Thaxton Elem School (603), and Thomas Jefferson Elem School (402) Precincts; part of Campbell County comprised of the Airport (601), Altavista (303), Bedford Springs (202), Brookville (101), Concord (603), Court House (402), Evington (301), Kings (602), Lynch Station (302), New London (102), Spring Hill (501), Walker (201), and Yellow Branch (502) Precincts; part of Roanoke County comprised of the Hollins (206), Mountain View (203), Orchards (205), and Plantation (201) Precincts; and part of the City of Lynchburg comprised of the Third Ward Third Precinct (303), Third Ward Fourth Precinct (304), Third Ward Fifth Precinct (305), Fourth Ward First Precinct (401), and Fourth Ward Fourth Precinct (404) Precincts and part of the First Ward First Precinct (101) Precinct.

Twenty-fourth. All of Augusta, Greene, and Madison Counties; all of the Cities of Staunton and Waynesboro; part of Culpeper County comprised of the Brown's Store (402), Cardova (303), Eggbornsville (302), Eldorado (401), Lignum (703), Richardsville (704), and Rixeyville (502) Precincts and part of the Brandy Station (702) Precinct; and part of Rockingham County comprised of the Cross Keys (306), Elkton (501), Grottoes (304), Keezletown (301), Massanetta Springs (305), McGaheysville (503), Montezuma (402), Mt. Crawford (403), North River (303), Port Republic (302), South Fork (504), Stony Run (505), and Swift Run (502) Precincts.

Twenty-fifth. All of Alleghany, Bath, Highland, Nelson, and Rockbridge Counties; all of the Cities of Buena Vista, Charlottesville, Covington, and Lexington; and part of Albemarle County comprised of the Belfield (204), Brownsville (604), Burnley (505), Cale (405), Country Green (305), Crozet (601), Earlysville (603), East Ivy (304), Free Union (602), Hollymead (503), Ivy (301), Monticello (402), Northside (106), Porter's (403), Red Hill (302), Scottsville (401), Stone Robinson (406), University Hall (202), and Yellow Mountain (605) Precincts and parts of the Jack Jouett (201), Stony Point (502), and Woodbrook (101) Precincts.

Twenty-sixth. All of Page, Rappahannock, Shenandoah, and Warren Counties; all of the City of Harrisonburg; and part of Rockingham County comprised of the Bergton (104), Bridgewater (401), Broadway (101), Dayton (404), Edom (202), Fulks Run (103), Lacey Spring (105), Melrose (203), Mt. Clinton (204), Ottobine (207), Plains (107), Silver Lake (405), Singers Glen (201), Tenth Legion (106), and Timberville (102) Precincts.

Twenty-seventh. All of Clarke, Fauquier, and Frederick Counties; all of the City of Winchester; part of Culpeper County comprised of the Jeffersonton (501) Precinct and part of the Brandy Station (702) Precinct; part of Loudoun County comprised of the Aldie (309), Middleburg (307), and St. Louis (308) Precincts; and part of Stafford County comprised of the Hartwood (101) Precinct and part of the Ruby (203) Precinct.

Twenty-eighth. Part of King George County comprised of the Dahlgren (301), James Monroe (201), and Passapatanzy (102) Precincts and parts of the Courthouse (101) and Shiloh (401) Precincts;

part of Prince William County comprised of the Alvey (406), Brentsville (101), Marshall (202), Mountain View (410), and Park (109) Precincts and parts of the Bennett (102), Benton (203), Buckland Mills (110), Cedar Point (112), Evergreen (401), Forest Park (310), Nokesville (104), and Woodbine (209) Precincts; part of Spotsylvania County comprised of the Elys Ford (201), Grange Hall (303), and Wilderness (202) Precincts and parts of the Brock (505) and Plank Road (301) Precincts; part of Stafford County comprised of the Aquia (401), Brooke (403), Chatham (602), Courthouse (402), Drew (503), Falmouth (502), Ferry Farm (601), Gayle (504), Grafton (501), Hampton (703), Harbor (303), Ramoth (104), Rocky Run (102), Roseville (202), Simpson (103), Stefaniga (204), White Oak (603), Whitson (702), and Woodlands (701) Precincts and parts of the Rock Hill (201), Ruby (203), and Widewater (302) Precincts; and part of Westmoreland County comprised of the Precinct 3-1 (301), Precinct 4-1 (401), and Precinct 5-1 (501) Precincts.

Twenty-ninth. All of the Cities of Manassas and Manassas Park; and part of Prince William County comprised of the Bel Air (606), Beville (205), Buckhall (103), Civic Center (604), Dale (601), Ellis (106), Enterprise (608), Freedom (609), Godwin (603), Kerrydale (607), King (206), Library (702), Neabsco (602), Potomac (302), Pr. William A (000), Saunders (201), Stonewall (405), and Westgate (407) Precincts and parts of the Bennett (102), Benton (203), Buckland Mills (110), Cedar Point (112), Featherstone (704), Lodge (207), Lynn (703), Marsteller (107), Minnieville (605), Nokesville (104), Occoquan (502), Parkside (105), Penn (210), Rippon (706), River Oaks (708), Sinclair (404), Sudley North (409), Swans Creek (311), Victory (108), and Woodbine (209) Precincts.

Thirtieth. Part of Arlington County comprised of the Abingdon (022), Arlington (001), Aurora Hills (003), Claremont (028), Columbia (009), Crystal City (006), Crystal Plaza (050), Fairlington (012), Four Mile Run (047), Glebe (030), Oakridge (032), Shirlington (042), and Virginia Highlands (021) Precincts; part of Fairfax County comprised of the Belle Haven (601), Belleview (602), Cameron (402), Clermont (423), Fort Hunt (605), Grosvenor (621), Huntington (607), Marlan (609), Mount Eagle (408), Waynewood (612), Westgate (613), and Whitman (614) Precincts and parts of the Groveton (405), Gunston (616), Hayfield (406), Hollin Hall (606), Rose Hill (410), Stratford (611), Villages (420), Virginia Hills (411), Wilton (425), and Woodley (615) Precincts; and part of the City of Alexandria comprised of the Agudas Achim Synagogue (203), Blessed Sacrament Church (204), Chinquapin Park Recreation Center (206), City Hall (102), Cora Kelley Center (106), Douglas MacArthur School (205), Durant Center (104), Fire Department Headquarters (109), George Mason School (202), George Washington Middle School (108), Ladrey Senior Building (101), Lee Center (105), Lyles Crouch School (103), Maury School (201), Mt. Vernon Recreation Center (107), and Nova Arts Center (208) Precincts.

Thirty-first. Part of Arlington County comprised of the Arlington Forest (025), Arlington Mill (043), Arlington View (038), Ashton Heights (002), Barcroft (005), Buckingham (045), Central (046), Cherrydale (007), Clarendon (014), Courtlands (048), Dawson (044), Fillmore (026), Glen Carlyn (013), Hume (008), Jefferson (027), Lyon Park (015), Lyon Village (016), Madison (035), Marshall (036), Monroe (049), Park Lane (018), Rosslyn (019), Taylor (051), Thrifton (020), Virginia

Square (040), Wilson (010), and Woodbury (041) Precincts and part of the Ballston (004) Precinct; part of Fairfax County comprised of the Chain Bridge (301), Chesterbrook (302), Churchill (303), Clearview (321), Colvin (330), Cooper (304), Forestville (322), Great Falls (306), Hickory (328), Kenmore (309), Langley (311), Salona (316), Seneca (329), Shouse (323), Spring Hill (331), and Sugarland (327) Precincts; and part of Loudoun County comprised of the Lowes Island (607), Potomac Falls (209), Seneca (606), South Bank (609), Sugarland North (604), and Sugarland South (605) Precincts.

Thirty-second. Part of Arlington County comprised of the Ashlawn (039), Dominion Hills (029), East Falls Church (011), Lexington (031), Nottingham (037), Overlee Knolls (017), Rock Spring (033), Westover (023), Woodlawn (024), and Yorktown (034) Precincts and part of the Ballston (004) Precinct; and part of Fairfax County comprised of the Aldrin (234), Cameron Glen (238), Dogwood (220), El Nido (305), Floris (203), Fox Mill (229), Freedom Hill (704), Glade (223), Haycock (307), Hunters Woods (221), Kinross (908), Kirby (310), Lees Corner East (920), Lees Corner West (927), Longfellow (312), Magarity (726), McLean (314), Navy (911), North Point (233), Pimmit (315), Reston #1 (208), Reston #2 (209), Reston #3 (222), South Lakes (224), Stuart (236), Sunrise Valley (227), Terraset (225), Tysons (731), Vale (914), Waples Mill (916), Westbriar (219), Westhampton (317), Westmoreland (318), and Wolftrap (226) Precincts and parts of the Flint Hill (202) and Franklin (905) Precincts.

Thirty-third. Part of Fairfax County comprised of the Brookfield (902), Coppermine (239), Frying Pan (235), Herndon #1 (319), Herndon #2 (320), Herndon #3 (324), Hutchison (325), and McNair (237) Precincts and part of the Franklin (905) Precinct; and part of Loudoun County comprised of the Algonkian (208), Balls Bluff (406), Belmont Ridge (815), Brandon Park (506), Buchanan (211), Carter (117), Cascades (210), Claude Moore Park (212), Countryside (213), Dry Mill (503), East Leesburg (502), Farmwell Station (812), Forest Grove (705), Greenway (405), Guilford (704), Harper Park (407), Legacy (116), Mill Run (113), Mirror Ridge (608), Oak Grove (110), Park View (702), River Bend (207), Rolling Ridge (703), Selden's Landing (813), Smart's Mill (504), Sully (701), Tolbert (410), and West Leesburg (501) Precincts and parts of the Briar Woods (111), Cool Spring (505), Dulles South (114), Eagle Ridge (106), and Weller (816) Precincts.

Thirty-fourth. All of the City of Fairfax; and part of Fairfax County comprised of the Blake (701), Bonnie Brae (126), Camelot (522), Cub Run (903), Deer Park (921), Fairfax A (0700), Greenbriar East (846), Greenbriar West (847), Kilmer (733), Laurel (119), Long Branch (122), Mantua (707), Mosby (709), Nottoway (729), Oak Hill (113), Oak Marr (732), Oakton (727), Olde Creek (109), Olley (124), Penderbrook (730), Pine Ridge (718), Poplar Tree (928), Price (711), Ridgelea (528), Robinson (123), Rocky Run (913), Sideburn (120), Stenwood (719), Stone (917), Thoreau (720), Vienna #1 (213), Vienna #2 (214), Vienna #4 (216), Vienna #6 (218), Villa (121), Wakefield (116), Walker (714), and Woodson (117) Precincts and parts of the Centerpointe (844), Flint Hill (202), Lake Braddock (118), and Popes Head (841) Precincts.

Thirty-fifth. All of the City of Falls Church; part of Fairfax County comprised of the Baileys (501), Barcroft (502), Bren Mar (526), Brook Hill (521), Cardinal (128), Crestwood (415), Edsall (527), Fort Buffalo (703), Glen Forest (505), Glen Forest #2 (529), Graham (705), Greenway (706), Holmes #1 (506), Holmes #2 (530), Irving (827), Keene Mill (129), Leewood (531), Lincolnia (507), Lynbrook (418), Marshall (708), Merrifield (721), North Springfield # 1 (110), North Springfield # 2 (111), Parklawn (510), Pine Spring (710), Poe (523), Ravensworth (115), Ravenwood (511), Shreve (712), Skyline (520), Timber Lane (713), Walnut Hill # 1 (525), Walnut Hill # 2 (728), Westlawn (515), Weyanoke (516), Whittier (524), and Willston (517) Precincts and parts of the Kings Park (108) and Sleepy Hollow (512) Precincts; and part of the City of Alexandria comprised of the John Adams School (305), South Port (307), St. James Church (210), and William Ramsey School (306) Precincts.

Thirty-sixth. Part of Fairfax County comprised of the Bucknell (604), Fairfield (413), Franconia (404), Huntley (424), Kirkside (608), Lorton Center (625), Sherwood (610), and Woodlawn (627) Precincts and parts of the Belvoir (619), Groveton (405), Gunston (616), Hayfield (406), Hollin Hall (606), Stratford (611), Villages (420), Virginia Hills (411), Wilton (425), and Woodley (615) Precincts; part of Prince William County comprised of the Ashland (309), Belmont (701), Bethel (506), Chinn (507), Dumfries (301), Graham Park (303), Henderson (307), Kilby (707), Montclair (308), Pattie (305), Potomac View (705), Powell (211), Quantico (304), and Washington-Reid (306) Precincts and parts of the Featherstone (704), Forest Park (310), Lodge (207), Lynn (703), Minnieville (605), Occoquan (502), Rippon (706), River Oaks (708), and Swans Creek (311) Precincts; and part of Stafford County comprised of the Griffis (301) Precinct and parts of the Rock Hill (201) and Widewater (302) Precincts.

Thirty-seventh. Part of Fairfax County comprised of the Belvedere (503), Bristow (102), Bull Run (923), Burke (801), Burke Centre (127), Centre Ridge (901), Centreville (918), Chapel (104), Cherry Run (825), Columbia (518), Dulles (904), Eagle View (853), Fair Oaks (848), Fairlakes (843), Fairview (105), Heritage (106), Hummer (519), London Towne East (910), London Towne West (924), Masonville (508), Monument (852), Old Mill (925), Orange (824), Parkway (842), Pohick (811), Powell (926), Saint Albans (513), Sangster (838), Signal Hill (125), Terra Centre (130), Valley (812), Virginia Run (915), White Oaks (833), Willow Springs (851), and Woodburn (717) Precincts and parts of the Centerpointe (844), Fairfax Station (805), Green Trails (919), Hunt (624), Kings Park (108), Lake Braddock (118), Popes Head (841), and Sleepy Hollow (512) Precincts.

Thirty-eighth. All of Bland, Buchanan, Dickenson, Pulaski, Russell, and Tazewell Counties; all of the Cities of Norton and Radford; part of Montgomery County comprised of the D-3 Part 2 (4032) Precinct; part of Smyth County comprised of the Rich Valley (202) and Saltville (101) Precincts; and part of Wise County comprised of the Appalachia (101), Big Stone Gap (301), Dorchester (102), East Pound (203), Guest River (103), St. Paul (403), and West Pound (104) Precincts.

Thirty-ninth. Part of Fairfax County comprised of the Alban (623), Bush Hill (401), Clifton (803), Fountainhead (845), Garfield (417), Greenspring (426), Island Creek (427), Kingstowne (421), Lane

(419), Laurel Hill (628), Lorton (617), Lorton Station (622), Newgate North (849), Newgate South (854), Newington (618), Pioneer (409), Saratoga (626), Silverbrook (839), South County (629), South Run (850), Van Dorn (422), West Springfield (840), and Woodyard (815) Precincts and parts of the Belvoir (619), Fairfax Station (805), Green Trails (919), Hunt (624), and Rose Hill (410) Precincts; part of Prince William County comprised of the Lake Ridge (501), McCoart (204), Mohican (505), Old Bridge (503), Rockledge (504), Signal Hill (114), Springwoods (508), and Westridge (208) Precincts and parts of the Benton (203), Parkside (105), and Penn (210) Precincts; and part of the City of Alexandria comprised of the Cameron Station Community Center (308), Charles E. Beatley Library (303), James K. Polk School (209), Patrick Henry Rec Center (302), Samuel Tucker School (304), and Temple Beth El Synagogue (207) Precincts.

Fortieth. All of Grayson, Lee, Scott, and Washington Counties; all of the City of Bristol; part of Smyth County comprised of the Adwolfe (701), Atkins (501), Chilhowie (301), East Park (401), Konnarock (703), Royal Oak East (601), Royal Oak West (602), Seven Mile Ford (201), St. Clair (302), Sugar Grove (702), Wassona (502), and West Park (402) Precincts; part of Wise County comprised of the Clinch Valley (401), East Stone Gap (302), North Coeburn (201), South Coeburn (402), and Wise (202) Precincts; and part of Wythe County comprised of the Evergreen (603), Royal Oak (101), Rural Retreat (102), West Wytheville (203), and Zion (602) Precincts.

2011, Sp. Sess. I, c. 1.

§ 24.2-304. Repealed

Repealed by Acts 2001, Sp. Sess. I, c. 1.

§§ 24.2-304.01, 24.2-304.02. Repealed

Repealed by Acts 2011, Sp. Sess. I, c. 1, cl. 2, effective April 29, 2011.

§ 24.2-304.03. House of Delegates districts

A. There shall be 100 members of the House of Delegates elected from 100 House of Delegates districts and each district is entitled to representation by one delegate.

B. All references in this section to boundaries of counties and cities shall be interpreted to refer to those in existence on April 1, 2011, and as reported by the United States Bureau of the Census in the 2010 Census reports provided pursuant to United States Public Law 94-171, notwithstanding subsequent boundary changes by law, annexation, merger, consolidation, or the voiding of boundary changes theretofore made final.

C. Parts of counties and cities listed in subsection D are defined by reference to the 2010 Census reports for the precincts, parts of precincts, and blocks listed for each House of Delegates district in the Statistical Report on file with the Clerk of the House of Delegates for the Act of Assembly containing the final enactment of this section. Precincts shall be interpreted to refer to those in existence on April 1, 2011, and as reported by the United States Bureau of the Census in the 2010 Census reports provided pursuant to United States Public Law 94-171, notwithstanding subsequent changes made by localities.

D. The 100 House of Delegates districts are:

First. All of Lee and Scott Counties; all of the City of Norton; and part of Wise County comprised of the Appalachia (101), Big Stone Gap (301), Clinch Valley (401), Dorchester (102), East Stone Gap (302), Guest River (103), and Wise (202) Precincts and part of the East Pound (203) Precinct.

Second. Part of Prince William County comprised of the Belmont (701), Featherstone (704), Potomac View (705), Quantico (304), Rippon (706), River Oaks (708), and Swans Creek (311) Precincts; and part of Stafford County comprised of the Rock Hill (201), Roseville (202), Ruby (203), Stefaniga (204), Widewater (302), and Woodlands (701) Precincts and part of the Whitson (702) Precinct.

Third. All of Bland, Buchanan, and Tazewell Counties; and part of Russell County comprised of the Drill (401) and Swords Creek (402) Precincts and part of the Honaker (303) Precinct.

Fourth. All of Dickenson County; part of Russell County comprised of the Cleveland (203), Cooks Mill (301), Copper Creek (102), Dante (202), Daughterty (302), East Lebanon (501), Elk Garden (403), Moccasin (101), North Castlewood (201), South Castlewood (103), and West Lebanon (502) Precincts and part of the Honaker (303) Precinct; part of Washington County comprised of the Burson Place (601), East Abingdon (101), Greendale (202), Mendota (602), South Abingdon (302), Valley Institute (603), Wallace (702), and West Abingdon (102) Precincts; and part of Wise County comprised of the North Coeburn (201), South Coeburn (402), St. Paul (403), and West Pound (104) Precincts and part of the East Pound (203) Precinct.

Fifth. All of Grayson County; all of the Cities of Bristol and Galax; part of Smyth County comprised of the Adwolfe (701), Chilhowie (301), Konnarock (703), Royal Oak West (602), Seven Mile Ford (201), and St. Clair (302) Precincts; and part of Washington County comprised of the Clinchburg (201), Damascus (502), Glade Spring (401), Green Cove (504), Hayter's Gap (203), High Point (701), John Battle (703), Meadowview (402), Rhea Valley (501), and Watauga (301) Precincts.

Sixth. All of Carroll and Wythe Counties; and part of Smyth County comprised of the Atkins (501), East Park (401), Rich Valley (202), Royal Oak East (601), Saltville (101), Sugar Grove (702), Wassona (502), and West Park (402) Precincts.

Seventh. All of Floyd County; part of Montgomery County comprised of the B-3 (203), B-4 (204), C-2 (302), D-1 (401), D-2 (402), D-3 Part 1 (403), D-4 (404), and D-5 (405) Precincts and part of the E-1 (501) Precinct; and part of Pulaski County comprised of the Draper (201), Dublin (301), Hiwassee (302), Massie (401), Newbern (203), Robinson (501), Snowville (304), South Pulaski (202), Walker (402), and West Cloyd (103) Precincts.

Eighth. All of Craig County; all of the City of Salem; part of Montgomery County comprised of the A-1 (101), B-2 (202), C-1 (301), C-3 (303), and C-4 (304) Precincts; and part of Roanoke County comprised of the Bennett Springs (107), Bent Mountain (301), Castle Rock (305), Catawba (101), Cave Spring (503), Cotton Hill (501), Glenvar (103), Green Hill (106), Mason Valley (102), Oak

Grove (304), Poages Mill (302), and Wildwood (108) Precincts and part of the Penn Forest (502) Precinct.

Ninth. All of Patrick County; part of Franklin County comprised of the Boones Mill (601), Bowmans (503), Callaway (502), Dickinson (304), Dudley (204), Endicott (403), Ferrum (402), Fork Mountain (302), Glade Hill (201), Gogginsville (504), Henry (401), Hodgesville (203), Penhook (202), Rocky Mount East (701), Rocky Mount South (703), Rocky Mount West (702), Scruggs (103), Snow Creek (301), Sontag (303), and Waidsboro (501) Precincts; and part of Henry County comprised of the Bassett No. 1 (501), Bassett No. 2 (101), Gunville (102), Horsepasture #1 (202), Scott's Tanyard (103), and Spencer (204) Precincts.

Tenth. Part of Clarke County comprised of the White Post (401) Precinct and part of the Millwood (301) Precinct; part of Frederick County comprised of the Carpers Valley (401) and Shenandoah (402) Precincts and part of the Parkins Mill (403) Precinct; and part of Loudoun County comprised of the Aldie (309), Brandon Park (506), Briar Woods (111), Cool Spring (505), Dry Mill (503), East Leesburg (502), Evergreen (408), Harper Park (407), Middleburg (307), Smart's Mill (504), St. Louis (308), Tolbert (410), and West Leesburg (501) Precincts and parts of the Belmont Ridge (815), Philomont (305), and Pinebrook (115) Precincts.

Eleventh. Part of the City of Roanoke comprised of the Eureka Park (020), Fishburn Park (031), Highland No. 1 (001), Highland No. 2 (002), Jefferson No. 1 (005), Jefferson No. 2 (008), Lincoln Terrace (016), Melrose (019), Peters Creek (018), Raleigh Court No. 1 (024), Raleigh Court No. 2 (026), Raleigh Court No. 3 (027), Raleigh Court No. 4 (028), Raleigh Court No. 5 (029), South Roanoke No. 1 (033), South Roanoke No. 2 (034), Tinker (009), Villa Heights (021), Wasena (030), Washington Heights (022), Westside (023), Williamson Road No. 1 (010), Williamson Road No. 2 (011), Williamson Road No. 3 (012), Williamson Road No. 4 (013), Williamson Road No. 5 (014), and Williamson Road No. 6 (015) Precincts.

Twelfth. All of Giles County; all of the City of Radford; part of Montgomery County comprised of the A-2 (102), A-3 (103), B-1 (201), D-3 Part 2 (4032), E-2 (502), F-1 (601), F-2 (602), G-1 (701), and G-2 (702) Precincts and part of the E-1 (501) Precinct; and part of Pulaski County comprised of the Belspring (101) and New River (102) Precincts.

Thirteenth. All of the City of Manassas Park; and part of Prince William County comprised of the Buckland Mills (110), Bull Run (403), Glenkirk (408), Limestone (113), Mullen (411), Pace West (412), Parkside (105), Signal Hill (114), Sinclair (404), and Sudley North (409) Precincts and parts of the Battlefield (402) and Stonewall (405) Precincts.

Fourteenth. All of the City of Danville; part of Henry County comprised of the Fontaine (601), Hillcrest (602), Irisburg (303), Mount Olivet (304), Ridgeway #1 (603), and Ridgeway #2 (604) Precincts and part of the Axton (302) Precinct; and part of Pittsylvania County comprised of the Bachelors Hall (702), Brosville (606), Ferry Road (703), Keeling (402), Kentuck (404), Mt. Hermon (704), Ringgold (405), and Stony Mill (603) Precincts.

Fifteenth. All of Page and Shenandoah Counties; part of Rockingham County comprised of the Lacey Spring (105) and Tenth Legion (106) Precincts and part of the Plains (107) Precinct; and part of Warren County comprised of the Bentonville (502), Browntown (504), Fork Town (101), Otterburn (102), and Waterlick (103) Precincts.

Sixteenth. All of the City of Martinsville; part of Henry County comprised of the Collinsville Number 1 (401), Collinsville Number 2 (404), Daniel's Creek (402), Dyers Store (505), Fieldale (201), Figsboro (502), Horsepasture #2 (203), Mountain Valley (305), Mountain View (405), Oak Level (504), and Stanleytown (503) Precincts and part of the Axton (302) Precinct; and part of Pittsylvania County comprised of the Bearskin (602), Callands (201), Central (301), Chatham (105), Climax (206), Dry Fork (607), East Blairs (307), East Gretna (309), Gretna (207), Hurt (501), Motley Sycamore (502), Mt. Airy (308), Mt. Cross (705), Renan (503), Riceville (305), Sandy Level (204), Swansonville (604), Tunstall (106), Twin Springs (103), West Blairs (108), and Whitmell (605) Precincts.

Seventeenth. Part of Botetourt County comprised of the Cloverdale (502) Precinct; part of Roanoke County comprised of the Bonsack (402), Botetourt Springs (204), Burlington (202), Clearbrook (505), Garst Mill (306), Hollins (206), Hunting Hills (507), Lindenwood (405), Mount Pleasant (406), Mount Vernon (506), Mountain View (203), North Vinton (403), Northside (104), Ogden (504), Orchards (205), Peters Creek (105), Plantation (201), South Vinton (404), and Windsor Hills (303) Precincts and part of the Penn Forest (502) Precinct; and part of the City of Roanoke comprised of the Garden City (037), Grandin Court (032), Jefferson-Riverdale (007), Lee-Hi (035), and Monterey (017) Precincts.

Eighteenth. All of Rappahannock County; part of Culpeper County comprised of the Brandy Station (702), Eggbornsville (302), Jeffersonton (501), and Rixeyville (502) Precincts; part of Fauquier County comprised of the Airlie (202), Baldwin Ridge (203), Bealeton (303), Broad Run (503), Courthouse (201), Leeds (402), Marshall (401), Opal (105), The Plains (501), Warrenton (204), and Waterloo (403) Precincts; and part of Warren County comprised of the East Shenandoah (401), Happy Creek (201), Linden (202), and South River (501) Precincts.

Nineteenth. All of Alleghany County; all of the Cities of Bedford and Covington; part of Bedford County comprised of the Bedford Christian Church (703), Bedford County PSA (302), Goode Rescue Squad (701), Goodview Elem School (101), Hardy Fire & Rescue Bldg (102), Montvale Elem School (601), Saunders Grove Brethren Church (604), and Shady Grove Baptist Church (602) Precincts and parts of the Liberty High School (702) and Thaxton Elem School (603) Precincts; and part of Botetourt County comprised of the Amsterdam (101), Asbury (102), Blue Ridge (201), Buchanan (301), Courthouse (402), Coyner Springs (501), Eagle Rock (403), Glen Wilton (404), Mill Creek (302), Oriskany (405), Rainbow Forest (202), Roaring Run (303), Springwood (304), Town Hall (406), and Troutville (104) Precincts.

Twentieth. All of Highland County; all of the Cities of Staunton and Waynesboro; part of Augusta County comprised of the Buffalo Gap (401), Cedar Green (405), Churchville Fire Station (304), Churchville School (402), Deerfield (404), Expo (102), Jolivue (101), Lyndhurst (603), Mount Solon (303), North River (302), and Sherando (601) Precincts and parts of the Fisherville (802) and White Hill (504) Precincts; and part of Nelson County comprised of the Montebello (402), Nellysford (502), Rockfish (101), and Roseland (401) Precincts.

Twenty-first. Part of the City of Chesapeake comprised of the Waterway (049) Precinct; and part of the City of Virginia Beach comprised of the Bellamy (043), Centerville (044), Colonial (065), Cromwell (054), Dahlia (073), Glenwood (058), Hillcrest (087), Indian Lakes (078), Lake Christopher (089), Manor (068), Rosemont Forest (064), Round Hill (071), Stratford Chase (051), Timberlake (045), and Windsor Oaks (036) Precincts.

Twenty-second. Part of Bedford County comprised of the Bethesda Methodist Church (303), Body Camp Elem School (204), Chamblissburg First Aid Bldg (103), Forest Youth Athletic Assoc. (304), Huddleston Elem School (305), Knights Of Columbus Bldg (403), Moneta Elem School (203), New London Academy (301), Pleasant View (507), Saunders Vol Fire Dept (205), Staunton River High School (202), and Thomas Jefferson Elem School (402) Precincts; part of Campbell County comprised of the Airport (601), Brookville (101), Kings (602), New London (102), and Walker (201) Precincts; part of Franklin County comprised of the Bonbrook (602), Burnt Chimney (102) and Cooper's Cove (603) Precincts; and part of the City of Lynchburg comprised of the Second Ward First Precinct (201), Second Ward Second Precinct (202), Second Ward Third Precinct (203), Third Ward First Precinct (301), Third Ward Second Precinct (302), and Third Ward Third Precinct (303) Precincts.

Twenty-third. Part of Amherst County comprised of the Madison (501) and Wright Shop (101) Precincts and parts of the Amelon (401) and Elon (302) Precincts; part of Bedford County comprised of the Big Island Elem School (502), Boonsboro Elem School (505), Boonsboro Ruritan Club (506), Forest Elem School (401), Odd Fellows Hall (504), Sedalia Center (503), and Suck Springs (704) Precincts and parts of the Liberty High School (702) and Thaxton Elem School (603) Precincts; and part of the City of Lynchburg comprised of the First Ward First Precinct (101), First Ward Second Precinct (102), First Ward Third Precinct (103), First Ward Fourth Precinct (104), First Ward Fifth Precinct (105), Third Ward Fourth Precinct (304), Third Ward Fifth Precinct (305), Fourth Ward First Precinct (401), Fourth Ward Second Precinct (402), Fourth Ward Third Precinct (403), and Fourth Ward Fourth Precinct (404) Precincts.

Twenty-fourth. All of Bath and Rockbridge Counties; all of the Cities of Buena Vista and Lexington; part of Amherst County comprised of the Coolwell (103), Courthouse (201), Lonco (402), Monroe (301), New Glasgow (102), Pleasant View (303), and Temperance (202) Precincts and parts of the Amelon (401) and Elon (302) Precincts; and part of Augusta County comprised of the Craigsville (403), Greenville (501), Middlebrook (502), Spottswood (503), and Stuarts Draft (602) Precincts and part of the White Hill (504) Precinct.

Twenty-fifth. Part of Albemarle County comprised of the Belfield (204), Brownsville (604), Crozet (601), Ivy (301), Jack Jouett (201), and Yellow Mountain (605) Precincts and part of the East Ivy (304) Precinct; part of Augusta County comprised of the Crimora (201), Dooms (801), Fort Defiance (301), New Hope (202), Verona (103), Weyers Cave (203), and Wilson (803) Precincts and part of the Fishersville (802) Precinct; and part of Rockingham County comprised of the Bridgewater (401), Grottoes (304), Massanetta Springs (305), Montezuma (402), Mt. Crawford (403), North River (303), Ottobine (207), and Port Republic (302) Precincts.

Twenty-sixth. All of the City of Harrisonburg; and part of Rockingham County comprised of the Bergton (104), Broadway (101), Dayton (404), Edom (202), Fulks Run (103), Keezletown (301), Melrose (203), Mt. Clinton (204), Silver Lake (405), Singers Glen (201), Stony Run (505), and Timberville (102) Precincts and part of the Plains (107) Precinct.

Twenty-seventh. Part of Chesterfield County comprised of the Beaufont (513), Crenshaw (414), Crestwood (502), Deer Run (302), Genito (402), Harbour Pointe (401), Huguenot (501), Jacobs (204), La Prade (405), Manchester (409), Monacan (407), Providence (404), Reams (408), S. Manchester (308), Spring Run (316), St. Lukes (212), Wagstaff (410), and Watkins (514) Precincts and parts of the Bailey Bridge (315), Davis (515), and Evergreen (312) Precincts.

Twenty-eighth. Part of Stafford County comprised of the Aquia (401), Brooke (403), Chatham (602), Courthouse (402), Drew (503), Falmouth (502), Ferry Farm (601), Gayle (504), Grafton (501), Griffis (301), Harbor (303), and White Oak (603) Precincts and part of the Hampton (703) Precinct; and part of the City of Fredericksburg comprised of the District 2 (201) and District 4-Precinct 2 (402) Precincts and part of the District 4 (401) Precinct.

Twenty-ninth. All of the City of Winchester; part of Frederick County comprised of the Albin (202), Canterburg (503), Cedar Creek (104), Gainesborough (201), Gore (102), Kernstown (103), Newtown (502), Redland (203), Russells (101), Stephens City (501), and White Hall (303) Precincts and part of the Parkins Mill (403) Precinct; and part of Warren County comprised of the North River (301), Reliance (303), Riverton (302), and West Shenandoah (402) Precincts.

Thirtieth. All of Madison and Orange Counties; and part of Culpeper County comprised of the Brown's Store (402), Cardova (303), East Fairfax (201), Eldorado (401), Lignum (703), Mitchells (601), Pearl Sample (602), Richardsville (704), and West Fairfax (101) Precincts.

Thirty-first. Part of Fauquier County comprised of the Casanova (103), Catlett (102), Kettle Run (101), and New Baltimore (502) Precincts; and part of Prince William County comprised of the Ashland (309), Beville (205), Enterprise (608), Forest Park (310), King (206), Lodge (207), Montclair (308), Park (109), Pattie (305), Powell (211), Saunders (201), and Washington-Reid (306) Precincts and parts of the Benton (203), Godwin (603), Henderson (307), and Minnieville (605) Precincts.

Thirty-second. Part of Loudoun County comprised of the Algonkian (208), Ashburn Farm (102), Cedar Lane (810), Dominion (811), Eagle Ridge (106), Farmwell Station (812), Hillside (105), Newton-Lee (814), Russell Branch (809), Sanders Corner (101), Selden's Landing (813), Stone Bridge

(808), and Weller (816) Precincts and parts of the Belmont Ridge (815), Countryside (213), and Mill Run (113) Precincts.

Thirty-third. Part of Clarke County comprised of the Berryville (201), Blue Ridge (502), Buckmarsh (501), Pine Grove (302), and Russell (101) Precincts and part of the Millwood (301) Precinct; part of Frederick County comprised of the Ash Hollow (602), Clear Brook (301), Greenwood (603), Millbrook (601), and Neffs Town (302) Precincts; and part of Loudoun County comprised of the Balls Bluff (406), Between The Hills (306), Clarkes Gap (409), East Lovettsville (411), Greenway (405), Hamilton (304), Heritage (412), Hillsboro (303), Lucketts (403), Purcellville One (301), Purcellville Two (310), Round Hill (302), Waterford (402), West Lovettsville (401), and Woodgrove (311) Precincts and part of the Philomont (305) Precinct.

Thirty-fourth. Part of Fairfax County comprised of the Chain Bridge (301), Churchill (303), Colvin (330), Cooper (304), Forestville (322), Great Falls (306), Hickory (328), Kenmore (309), Langley (311), Seneca (329), Shouse (323), Spring Hill (331), Westbriar (219), and Wolftrap (226) Precincts and part of the Salona (316) Precinct; and part of Loudoun County comprised of the Lowes Island (607), Potomac Falls (209), River Bend (207), Seneca (606), South Bank (609), Sugarland North (604), and Sugarland South (605) Precincts.

Thirty-fifth. Part of Fairfax County comprised of the Blake (701), Centerpointe (844), Freedom Hill (704), Kilmer (733), Magarity (726), Nottoway (729), Oak Marr (732), Oakton (727), Penderbrook (730), Stenwood (719), Thoreau (720), Tysons (731), Vienna #1 (213), Vienna #2 (214), Vienna #4 (216), and Vienna #6 (218) Precincts and parts of the Flint Hill (202) and Mosby (709) Precincts.

Thirty-sixth. Part of Fairfax County comprised of the Aldrin (234), Cameron Glen (238), Dogwood (220), Frying Pan (235), Glade (223), Hunters Woods (221), McNair (237), North Point (233), Reston #1 (208), Reston #2 (209), Reston #3 (222), South Lakes (224), Sunrise Valley (227), and Terraset (225) Precincts and parts of the Flint Hill (202) and Vale (914) Precincts.

Thirty-seventh. All of the City of Fairfax; and part of Fairfax County comprised of the Eagle View (853), Fair Oaks (848), Fairfax A (0700), London Towne East (910), Monument (852), Powell (926), Sideburn (120), and Villa (121) Precincts and parts of the London Towne West (924), Mosby (709), Stone (917), Willow Springs (851), and Woodson (117) Precincts.

Thirty-eighth. Part of Fairfax County comprised of the Barcroft (502), Belvedere (503), Bristow (102), Brook Hill (521), Columbia (518), Heritage (106), Holmes #1 (506), Holmes #2 (530), Hummer (519), Lincolnia (507), Masonville (508), Parklawn (510), Poe (523), Ravenwood (511), Saint Albans (513), Sleepy Hollow (512), and Westlawn (515) Precincts and parts of the Baileys (501) and Weyanoke (516) Precincts.

Thirty-ninth. Part of Fairfax County comprised of the Alban (623), Bren Mar (526), Chapel (104), Crestwood (415), Edsall (527), Garfield (417), Greenspring (426), Kings Park (108), Leewood (531), Long Branch (122), Lynbrook (418), North Springfield # 1 (110), North Springfield # 2 (111), Oak Hill (113), Pioneer (409), Ravensworth (115), Ridgelea (528), Saratoga (626), and Wakefield (116)

Precincts and parts of the Camelot (522), Lake Braddock (118), Lane (419), and Weyanoke (516) Precincts.

Fortieth. Part of Fairfax County comprised of the Bull Run (923), Centre Ridge (901), Centreville (918), Clifton (803), Deer Park (921), Fairfax Station (805), Green Trails (919), Newgate North (849), Newgate South (854), Old Mill (925), Popes Head (841), and Virginia Run (915) Precincts and parts of the London Towne West (924), Willow Springs (851), and Woodyard (815) Precincts; and part of Prince William County comprised of the Mountain View (410) Precinct and parts of the Alvey (406) and Battlefield (402) Precincts.

Forty-first. Part of Fairfax County comprised of the Bonnie Brae (126), Burke (801), Burke Centre (127), Cherry Run (825), Fairview (105), Laurel (119), Mantua (707), Olde Creek (109), Olley (124), Parkway (842), Price (711), Robinson (123), Signal Hill (125), Terra Centre (130), and White Oaks (833) Precincts and parts of the Lake Braddock (118), Pohick (811), and Woodson (117) Precincts.

Forty-second. Part of Fairfax County comprised of the Cardinal (128), Fountainhead (845), Gunston (616), Hunt (624), Irving (827), Keene Mill (129), Laurel Hill (628), Newington (618), Orange (824), Sangster (838), Silverbrook (839), South County (629), South Run (850), Valley (812), West Springfield (840), and Westgate (613) Precincts and parts of the Lorton (617), Pohick (811), and Woodyard (815) Precincts.

Forty-third. Part of Fairfax County comprised of the Bush Hill (401), Cameron (402), Clermont (423), Franconia (404), Huntley (424), Island Creek (427), Kingstowne (421), Lorton Center (625), Lorton Station (622), Mount Eagle (408), Rose Hill (410), Van Dorn (422), Villages (420), Virginia Hills (411), and Wilton (425) Precincts and parts of the Belvoir (619), Hayfield (406), Huntington (607), Lane (419), and Lorton (617) Precincts.

Forty-fourth. Part of Fairfax County comprised of the Bucknell (604), Fairfield (413), Fort Hunt (605), Groveton (405), Hollin Hall (606), Kirkside (608), Marlan (609), Sherwood (610), Stratford (611), Waynewood (612), Whitman (614), Woodlawn (627), and Woodley (615) Precincts and parts of the Belle Haven (601), Belvoir (619), and Hayfield (406) Precincts.

Forty-fifth. Part of Arlington County comprised of the Abingdon (022), Aurora Hills (003), Fairlington (012), and Shirlington (042) Precincts and part of the Oakridge (032) Precinct; part of Fairfax County comprised of the Belleview (602) and Grosvenor (621) Precincts and parts of the Belle Haven (601) and Huntington (607) Precincts; and part of the City of Alexandria comprised of the Agudas Achim Synagogue (203), Blessed Sacrament Church (204), City Hall (102), Cora Kelley Center (106), Durant Center (104), Fire Department Headquarters (109), George Mason School (202), George Washington Middle School (108), Ladrey Senior Building (101), Lee Center (105), Lyles Crouch School (103), Maury School (201), and Mt. Vernon Recreation Center (107) Precincts.

Forty-sixth. Part of the City of Alexandria comprised of the Cameron Station Community Center (308), Charles E. Beatley Library (303), Chinquapin Park Recreation Center (206), Douglas MacArthur School (205), James K. Polk School (209), John Adams School (305), Nova Arts Center (208),

Patrick Henry Rec Center (302), Samuel Tucker School (304), South Port (307), St. James Church (210), Temple Beth El Synagogue (207), and William Ramsey School (306) Precincts.

Forty-seventh. Part of Arlington County comprised of the Arlington Forest (025), Ashlawn (039), Ashton Heights (002), Ballston (004), Barcroft (005), Buckingham (045), Central (046), Clarendon (014), Courtlands (048), Dominion Hills (029), East Falls Church (011), Glen Carlyn (013), Lexington (031), Lyon Park (015), Monroe (049), Nottingham (037), Overlee Knolls (017), Park Lane (018), Taylor (051), Virginia Square (040), Westover (023), and Woodbury (041) Precincts and part of the Jefferson (027) Precinct.

Forty-eighth. Part of Arlington County comprised of the Cherrydale (007), Crystal City (006), Crystal Plaza (050), Dawson (044), Lyon Village (016), Madison (035), Marshall (036), Rock Spring (033), Rosslyn (019), Thrifton (020), Wilson (010), Woodlawn (024), and Yorktown (034) Precincts; and part of Fairfax County comprised of the Chesterbrook (302), El Nido (305), Haycock (307), Kirby (310), Longfellow (312), McLean (314), and Westmoreland (318) Precincts and part of the Salona (316) Precinct.

Forty-ninth. Part of Arlington County comprised of the Arlington (001), Arlington Mill (043), Arlington View (038), Claremont (028), Columbia (009), Fillmore (026), Four Mile Run (047), Glebe (030), Hume (008), and Virginia Highlands (021) Precincts and parts of the Jefferson (027) and Oakridge (032) Precincts; and part of Fairfax County comprised of the Glen Forest (505), Glen Forest #2 (529), Skyline (520), and Willston (517) Precincts and part of the Baileys (501) Precinct.

Fiftieth. All of the City of Manassas; and part of Prince William County comprised of the Bristow Run (111), Cedar Point (112), Ellis (106), Marsteller (107), Pr. William A (000), Victory (108), and Westgate (407) Precincts and part of the Stonewall (405) Precinct.

Fifty-first. Part of Prince William County comprised of the Bennett (102), Bethel (506), Brentsville (101), Buckhall (103), Chinn (507), Kerrydale (607), Lake Ridge (501), Marshall (202), McCoart (204), Mohican (505), Nokesville (104), Old Bridge (503), Penn (210), Rockledge (504), Springwoods (508), Westridge (208), and Woodbine (209) Precincts and part of the Benton (203) Precinct.

Fifty-second. Part of Prince William County comprised of the Bel Air (606), Civic Center (604), Dale (601), Dumfries (301), Freedom (609), Graham Park (303), Kilby (707), Library (702), Lynn (703), Neabsco (602), Occoquan (502), and Potomac (302) Precincts and parts of the Godwin (603), Henderson (307), and Minnieville (605) Precincts.

Fifty-third. All of the City of Falls Church; and part of Fairfax County comprised of the Fort Buffalo (703), Graham (705), Greenway (706), Marshall (708), Merrifield (721), Pimmit (315), Pine Ridge (718), Pine Spring (710), Shreve (712), Timber Lane (713), Walker (714), Walnut Hill # 1 (525), Walnut Hill # 2 (728), Westhampton (317), Whittier (524), and Woodburn (717) Precincts and part of the Camelot (522) Precinct.

Fifty-fourth. Part of Caroline County comprised of the Woodford (303) Precinct; and part of Spotsylvania County comprised of the Battlefield (701), Brock (505), Chancellor (204), Courthouse (504), Fairview (703), Frazers Gate (402), Lee Hill (403), Massaponax (104), Piedmont (603), Salem (601), Smith Station (602), Summit (401), Todd's Tavern (503), and Travelers Rest (103) Precincts and part of the Brokenburg (502) Precinct.

Fifty-fifth. Part of Caroline County comprised of the Chilesburg (302), Madison (201), Mattaponi (501), Penola (402), and Reedy Church (401) Precincts; part of Hanover County comprised of the Ashcake (103), Ashland (101), Atlee (304), Beaverdam (201), Blunts (202), Chickahominy (302), Cool Spring (305), Courthouse (206), Elmont (704), Farrington (701), Goddin's Hill (204), Montpelier (702), Rockville (703), Sliding Hill (104), Stony Run (207), and Wilmington Parish (203) Precincts; and part of Spotsylvania County comprised of the Blaydes Corner (102) and Partlow (101) Precincts and part of the Brokenburg (502) Precinct.

Fifty-sixth. All of Louisa County; part of Goochland County comprised of the Centerville (402), Crozier (401), and Manakin (501) Precincts and part of the Goochland Court House (301) Precinct; part of Henrico County comprised of the Causeway (301), Nuckols Farm (307), Rivers Edge (317), Sadler (310), Shady Grove (311), Short Pump (318), and West End (416) Precincts; and part of Spotsylvania County comprised of the Belmont (501) Precinct and part of the Brokenburg (502) Precinct.

Fifty-seventh. All of the City of Charlottesville; and part of Albemarle County comprised of the Agnor-Hurt (104), Branchlands (103), Cale (405), Dunlora (105), Georgetown (203), University Hall (202), and Woodbrook (101) Precincts and parts of the East Ivy (304) and Free Bridge (504) Precincts.

Fifty-eighth. All of Greene County; part of Albemarle County comprised of the Burnley (505), Earlysville (603), Free Union (602), Hollymead (503), Keswick (501), Monticello (402), Northside (106), Scottsville (401), Stone Robinson (406), and Stony Point (502) Precincts and part of the Free Bridge (504) Precinct; part of Fluvanna County comprised of the Cunningham (401), Palmyra (101), Rivanna (501), and Rivanna 2 (502) Precincts; and part of Rockingham County comprised of the Cross Keys (306), Elkton (501), McGaheysville (503), South Fork (504), and Swift Run (502) Precincts.

Fifty-ninth. All of Appomattox and Buckingham Counties; part of Albemarle County comprised of the Country Green (305), Porter's (403), and Red Hill (302) Precincts; part of Campbell County comprised of the Altavista (303), Bedford Springs (202), Concord (603), Court House (402), Evington (301), Lynch Station (302), Spring Hill (501), Three Forks (401), and Yellow Branch (502) Precincts; and part of Nelson County comprised of the Faber (501), Gladstone (302), Lovingston (201), Schuyler (202), and Shipman (301) Precincts.

Sixtieth. All of Charlotte, Halifax, and Prince Edward Counties; and part of Campbell County comprised of the Brookneal (701), Gladys (702), and Morris Church (703) Precincts.

Sixty-first. All of Amelia, Cumberland, Mecklenburg, and Nottoway Counties; and part of Lunenburg County comprised of the Arrowhead Gun Club (401), Flat Rock (302), Meherrin Fire Dept (701), Pleasant Grove (402), Plymouth (101), and Reedy Creek (501) Precincts and parts of the Brown's Store (201), Peoples Community Center (502), Rosebud (301), and Victoria Public Library (702) Precincts.

Sixty-second. Part of Chesterfield County comprised of the Bellwood (101), Beulah (202), Bird (203), Dutch Gap (110), Elizabeth Scott (109), Enon (103), Five Forks (210), Gates (201), North Chester (104), and Salem Church (209) Precincts; part of Henrico County comprised of the Sandston (515), Town Hall (517), and Whitlocks (518) Precincts and part of the Dorey (505) Precinct; part of Prince George County comprised of parts of the Courts Bldg (204), Jefferson Park (205), and Rives (104) Precincts; and part of the City of Hopewell comprised of the Ward 1 (101), Ward 3 (301), Ward 4 (401), and Ward 5 (501) Precincts and part of the Ward 7 (701) Precinct.

Sixty-third. All of the City of Petersburg; part of Chesterfield County comprised of the Ettrick (301) and Matoaca (303) Precincts; part of Dinwiddie County comprised of the Chesdin (202), Church Road (103), Courthouse (501), Rocky Run (503), and White Oak (102) Precincts and parts of the Dinwiddie (401), Edgehill (201), New Hope (302), and Rohoic (101) Precincts; part of Prince George County comprised of parts of the Courts Bldg (204), Jefferson Park (205), and Rives (104) Precincts; and part of the City of Hopewell comprised of the Ward 2 (201) and Ward 6 (601) Precincts and part of the Ward 7 (701) Precinct.

Sixty-fourth. Part of Isle of Wight County comprised of the Bartlett (201), Carrollton (202), Courthouse (401), Orbit (403), Pons (302), Raynor (505), Rushmere (301), Smithfield (101), Walters (501), Windsor (402), and Zuni (504) Precincts and parts of the Camps Mill (502) and Carrsville (503) Precincts; part of Prince George County comprised of the Blackwater (202), Bland (201), Brandon (203), Harrison (105), Richard Bland (101), Templeton (102), and Union Branch (103) Precincts and parts of the Courts Bldg (204) and Rives (104) Precincts; part of Southampton County comprised of the Berlin (101), Hunterdale (501), Ivor (102), and Sedley (602) Precincts and part of the Forks-Of-The-River (502) Precinct; part of Surry County comprised of the Bacon's Castle (201), Carsley (401), Claremont (501), Spring Grove (502), Surry (101), and Wall's Bridge (302) Precincts; part of Sussex County comprised of the Blackwater (601) and Wakefield (302) Precincts; part of the City of Franklin comprised of the Precinct 1-1 (101) Precinct and parts of the Precinct 2-1 (201) and Precinct 6-1 (601) Precincts; and part of the City of Suffolk comprised of the Holland (502), Holy Neck (503), and Whaleyville (402) Precincts.

Sixty-fifth. All of Powhatan County; part of Chesterfield County comprised of the Brandermill (403), Skinquarter (309), Swift Creek (411), Tomahawk (310), and Woolridge (313) Precincts and parts of the Evergreen (312) and Midlothian (503) Precincts; part of Fluvanna County comprised of the Columbia (201) and Fork Union (301) Precincts; and part of Goochland County comprised of the Fife (101), Hadensville (102), Sandy Hook (202), and Three Square (201) Precincts and part of the Goochland Court House (301) Precinct.

Sixty-sixth. All of the City of Colonial Heights; and part of Chesterfield County comprised of the Beach (305), Birkdale (317), Carver (112), Cosby (307), Ecoff (108), Harrowgate (106), Iron Bridge (111), Nash (211), South Chester (102), Wells (107), Winfrees Store (304), and Winterpock (306) Precincts and part of the Bailey Bridge (315) Precinct.

Sixty-seventh. Part of Fairfax County comprised of the Brookfield (902), Cub Run (903), Dulles (904), Fairlakes (843), Greenbriar East (846), Greenbriar West (847), Lees Corner East (920), Navy (911), Poplar Tree (928), Rocky Run (913), and Waples Mill (916) Precincts and parts of the Franklin (905), Kinross (908), Lees Corner West (927), Stone (917), and Vale (914) Precincts; and part of Loudoun County comprised of the Little River (107) Precinct and part of the Dulles South (114) Precinct.

Sixty-eighth. Part of Chesterfield County comprised of the Belgrade (508), Black Heath (511), Bon Air (505), Cranbeck (509), Greenfield (506), Robious (504), Salisbury (507), Shenandoah (413), Smoketree (406), and Sycamore (510) Precincts and part of the Midlothian (503) Precinct; part of Henrico County comprised of the Monument Hills (306) and Rollingwood (413) Precincts and part of the Freeman (403) Precinct; and part of the City of Richmond comprised of the 101 (101), 102 (102), 104 (104), 105 (105), 106 (106), 111 (111), 112 (112), 113 (113), 114 (114), 207 (207), 409 (409), and 413 (413) Precincts and part of the 410 (410) Precinct.

Sixty-ninth. Part of Chesterfield County comprised of part of the Davis (515) Precinct; and part of the City of Richmond comprised of the 402 (402), 404 (404), 412 (412), 501 (501), 503 (503), 504 (504), 508 (508), 509 (509), 510 (510), 610 (610), 802 (802), 810 (810), 811 (811), 902 (902), 903 (903), 908 (908), 909 (909), 910 (910), and 911 (911) Precincts and parts of the 211 (211), 410 (410), 505 (505), and 609 (609) Precincts.

Seventieth. Part of Chesterfield County comprised of the Belmont (206), Chippenham (207), Drewry's Bluff (105), Falling Creek (205), Meadowbrook (208), and Southside (213) Precincts; part of Henrico County comprised of the Central Gardens (206), Eanes (506), Masonic (510), Mehfoud (511), Montrose (512), Rolfe (519), and Sullivans (516) Precincts and part of the Dorey (505) Precinct; and part of the City of Richmond comprised of the 705 (705), 806 (806), 812 (812), and 814 (814) Precincts and parts of the 609 (609) and 703 (703) Precincts.

Seventy-first. Part of Henrico County comprised of the Ratcliffe (220) Precinct; and part of the City of Richmond comprised of the 203 (203), 204 (204), 206 (206), 208 (208), 212 (212), 213 (213), 302 (302), 303 (303), 304 (304), 305 (305), 306 (306), 307 (307), 308 (308), 309 (309), 602 (602), 603 (603), 604 (604), 606 (606), 607 (607), 701 (701), 702 (702), 706 (706), and 707 (707) Precincts and parts of the 211 (211), 505 (505), and 703 (703) Precincts.

Seventy-second. Part of Henrico County comprised of the Canterbury (205), Coalpit (101), Dumbarton (102), Gayton (404), Glen Allen (103), Godwin (405), Hermitage (106), Hilliard (107), Hunton (108), Innsbrook (304), Lakeside (110), Lakewood (406), Lauderdale (407), Maude Trevvett (112), Maybeury (408), Mooreland (409), Mountain (217), Oakview (218), Pocahontas (308),

Ridgefield (412), Stoney Run (314), Stratford Hall (221), Summit Court (114), and Wellborne (417) Precincts and parts of the Belmont (203), Brookland (204), Derbyshire (402), and Moody (216) Precincts.

Seventy-third. Part of Henrico County comprised of the Byrd (401), Cedarfield (302), Crestview (303), Glenside (104), Greendale (105), Hungary Creek (116), Jackson Davis (305), Johnson (109), Longan (111), Pemberton (410), Pinchbeck (411), Ridge (309), Skipwith (312), Spottswood (414), Springfield (313), Staples Mill (113), Three Chopt (315), Tuckahoe (415), Tucker (316), and Westwood (115) Precincts and parts of the Derbyshire (402) and Freeman (403) Precincts.

Seventy-fourth. All of Charles City County; part of Henrico County comprised of the Adams (201), Antioch (501), Azalea (202), Cedar Fork (502), Chamberlayne (207), Chickahominy (503), Donahoe (504), Elko (507), Fairfield (208), Glen Lea (209), Greenwood (210), Highland Gardens (211), Highland Springs (508), Hollybrook (212), Hungary (213), Laburnum (509), Longdale (214), Maplewood (215), Nine Mile (513), Pleasants (514), Randolph (219), Wilder (222), and Yellow Tavern (223) Precincts and parts of the Belmont (203), Brookland (204), and Moody (216) Precincts; and part of the City of Richmond comprised of the 301 (301) Precinct.

Seventy-fifth. All of Brunswick and Greensville Counties; all of the City of Emporia; part of Dinwiddie County comprised of the Cherry Hill (403), Little Zion (402), McKenney (502), and Reams (301) Precincts and parts of the Dinwiddie (401), Edgehill (201), New Hope (302), and Rohoic (101) Precincts; part of Isle of Wight County comprised of parts of the Camps Mill (502) and Carrsville (503) Precincts; part of Lunenburg County comprised of the Hounds Creek (601) Precinct and parts of the Brown's Store (201), Peoples Community Center (502), Rosebud (301), and Victoria Public Library (702) Precincts; part of Southampton County comprised of the Blackwater River (701), Boykins (201), Branchville (202), Capron (301), Courtland (601), Drewryville (401), Meherrin (203), Newsoms (702), and Sebrell (302) Precincts and part of the Forks-Of-The-River (502) Precinct; part of Surry County comprised of the Dendron (301) Precinct; part of Sussex County comprised of the Courthouse (301), Henry (501), Little Mill (202), Mars Hill (401), Newville (602), Stony Creek (201), Waverly (101), West Wakefield (402), and Yale (502) Precincts; and part of the City of Franklin comprised of the Precinct 3-1 (301), Precinct 4-1 (401), and Precinct 5-1 (501) Precincts and parts of the Precinct 2-1 (201) and Precinct 6-1 (601) Precincts.

Seventy-sixth. Part of the City of Chesapeake comprised of the Bailey Creek (038), Churchland (004), Deep Creek (006), E. W. Chittum School (020), Fellowship (021), John T. West (041), Jolliff One (019), Nansemond (044), and Silverwood (027) Precincts; and part of the City of Suffolk comprised of the Airport (401), Bennetts Creek (104), Chuckatuck (202), Cypress Chapel (303), Driver (102), Ebenezer (201), Elephants Fork/Westhaven (603), Kilby's Mill (501), King's Fork (203), Lake Cohoon (504), and Nansemond River (703) Precincts and parts of the John F. Kennedy (302) and Lakeside (601) Precincts.

Seventy-seventh. Part of the City of Chesapeake comprised of the Camelot (003), Carver School (031), Crestwood (005), Indian River (018), Johnson Park (026), Joliff Middle School (048), Norfolk Highlands (022), Oaklette (024), Oscar Smith School (010), Providence (032), South Norfolk (030), South Norfolk Recreation (008), St. Julians (025), Sunray I (028), Sunray II (045), and Tanglewood (029) Precincts and part of the Georgetown (012) Precinct; and part of the City of Suffolk comprised of the Hollywood (701), Olde Towne (602), Southside (403), and White Marsh (301) Precincts and parts of the John F. Kennedy (302) and Lakeside (601) Precincts.

Seventy-eighth. Part of the City of Chesapeake comprised of the B. M. Williams School (015), Bells Mill II (046), Bridgetown (037), Coopers Way (051), Fairways (053), Great Bridge (001), Great Bridge Baptist Church (036), Greenbrier (007), Hickory Grove (016), Hickory Middle School (034), Oak Grove (023), Parkways (042), Pleasant Crossing (043), River Birch (040), and Westover (033) Precincts and parts of the Georgetown (012) and Green Sea (047) Precincts.

Seventy-ninth. Part of the City of Norfolk comprised of the Old Dominion (201) and Taylor Elementary School (213) Precincts and parts of the Titustown Center (104) and Zion Grace (106) Precincts; and part of the City of Portsmouth comprised of the Seven (007), Ten (010), Twenty-Two (022), Twenty-Three (023), Twenty-Four (024), Twenty-Five (025), Thirty (030), Thirty-Five (035), Thirty-Six (036), Thirty-Seven (037), and Thirty-Nine (039) Precincts and part of the Nine (009) Precinct.

Eightieth. Part of the City of Chesapeake comprised of the Taylor Road (035) Precinct; part of the City of Norfolk comprised of the Chrysler Museum (211) Precinct; part of the City of Portsmouth comprised of the One (001), Five (005), Eleven (011), Thirteen (013), Fourteen (014), Sixteen (016), Seventeen (017), Nineteen (019), Twenty (020), Twenty-One (021), Twenty-Six (026), Twenty-Seven (027), Twenty-Eight (028), Twenty-Nine (029), Thirty-One (031), Thirty-Two (032), Thirty-Three (033), Thirty-Four (034), and Thirty-Eight (038) Precincts and part of the Nine (009) Precinct; and part of the City of Suffolk comprised of the Harbour View (103) and Yeates (705) Precincts.

Eighty-first. Part of the City of Chesapeake comprised of the Bells Mill (009), Bethel (002), Geneva Park (011), Gilmerton (013), Grassfield (014), Indian Creek (017), Lake Drummond (039), River Walk (050), and Shipyard Road (052) Precincts and part of the Green Sea (047) Precinct; and part of the City of Virginia Beach comprised of the Blackwater (034), Capps Shop (033), Corporate Landing (070), Creeds (032), Culver (063), Oceana (050), Redwing (030), Rudee (072), Seatack (005), and Sigma (031) Precincts.

Eighty-second. Part of the City of Virginia Beach comprised of the Alanton (006), Cape Henry (011), Colony (075), Eastern Shore (067), Edinburgh (056), Great Neck (010), Kings Grant (047), Linkhorn (004), London Bridge (008), Lynnhaven (049), Malibu (014), North Beach (001), Pinewood (094), Plaza (012), South Beach (002), Thalia (028), Trantwood (009), and Wolfsnare (048) Precincts.

Eighty-third. Part of the City of Norfolk comprised of the Azalea Gardens (512), Barron Black (406), Bayview School (501), East Ocean View (503), Larrymore (504), Little Creek (505), Tarrallton (509), and Third Presbyterian (510) Precincts; and part of the City of Virginia Beach comprised of the Bayside (020), Hagood (086), Kingston (007), Lake Joyce (090), Lake Smith (019), Little Neck (092), Ocean Park (017), Shelton Park (059), Thoroughgood (018), and Witchduck (038) Precincts and parts of the Chesapeake Beach (037), Old Donation (015), and Shell (069) Precincts.

Eighty-fourth. Part of the City of Virginia Beach comprised of the Brookwood (077), Buckner (074), Courthouse (035), Foxfire (060), Green Run (046), Holland (029), Hunt (066), Landstown (062), Magic Hollow (055), North Landing (088), Ocean Lakes (003), Rock Lake (081), Shelbourne (082), Strawbridge (083), and Upton (085) Precincts.

Eighty-fifth. Part of the City of Virginia Beach comprised of the Arrowhead (023), Avalon (025), Bonney (040), Brandon (042), Fairfield (026), Homestead (052), Larkspur (024), Lexington (091), Mt. Trashmore (013), Pembroke (039), Pleasant Hill (079), Point O' View (022), Providence (027), Shannon (053), Tallwood (084), and Village (076) Precincts and parts of the Aragona (016), Old Donation (015), and Reon (080) Precincts.

Eighty-sixth. Part of Fairfax County comprised of the Clearview (321), Coppermine (239), Floris (203), Fox Mill (229), Herndon #1 (319), Herndon #2 (320), Herndon #3 (324), Hutchison (325), Stuart (236), and Sugarland (327) Precincts and parts of the Franklin (905), Kinross (908), and Lees Corner West (927) Precincts; and part of Loudoun County comprised of the Forest Grove (705) and Sully (701) Precincts and part of the Park View (702) Precinct.

Eighty-seventh. Part of Loudoun County comprised of the Buchanan (211), Carter (117), Cascades (210), Claude Moore Park (212), Freedom (112), Guilford (704), Hutchison (109), Legacy (116), Mercer (108), Mirror Ridge (608), Oak Grove (110), and Rolling Ridge (703) Precincts and parts of the Countryside (213), Dulles South (114), Mill Run (113), Park View (702), and Pinebrook (115) Precincts; and part of Prince William County comprised of the Evergreen (401) Precinct and part of the Alvey (406) Precinct.

Eighty-eighth. Part of Fauquier County comprised of the Lois (104), Morrisville (301), and Remington (302) Precincts; part of Spotsylvania County comprised of the Brent's Mill (702), Elys Ford (201), Grange Hall (303), Hazel Run (302), Ni River (203), Plank Road (301), and Wilderness (202) Precincts; part of Stafford County comprised of the Hartwood (101), Ramoth (104), Rocky Run (102), and Simpson (103) Precincts and parts of the Hampton (703) and Whitson (702) Precincts; and part of the City of Fredericksburg comprised of the District 1 (101) and District 3 (301) Precincts and part of the District 4 (401) Precinct.

Eighty-ninth. Part of the City of Norfolk comprised of the Ballentine (301), Berkley (402), Ghent Square (203), Hunton Y (411), Immanuel (204), Lafayette (205), Lafayette-Winona (305), Lambert's Point (207), Larchmont Library (208), Larchmont Recreation Center (209), Lindenwood (306), Maury (210), Norview Methodist (308), Norview Middle School (309), Park Place (212),

Rosemont (310), Stuart (214), Tucker House (105), Union Chapel (313), Willard (218), and Young Park (414) Precincts and parts of the Brambleton (403), Granby (101), Titustown Center (104), and Zion Grace (106) Precincts.

Ninetieth. Part of the City of Norfolk comprised of the Bowling Park (303), Campostella (404), Chesterfield (405), Coleman Place School (304), Easton (408), Fairlawn (409), Ingleside (412), Poplar Halls (413), Sherwood Rec Center (311), Sherwood School (312), Tanner's Creek (302), and United Way (415) Precincts and part of the Brambleton (403) Precinct; and part of the City of Virginia Beach comprised of the Baker (061), College Park (041), Davis Corner (021), Newtown (093), and Sherry Park (057) Precincts and parts of the Aragona (016), Reon (080), and Shell (069) Precincts.

Ninety-first. All of the City of Poquoson; part of York County comprised of the Bethel (502), Coventry (203), and Tabb (501) Precincts and part of the Harwoods Mill (401) Precinct; and part of the City of Hampton comprised of the Asbury (205), Booker (201), Bryan (202), Burbank (203), Langley (209), Machen (210), Phillips (213), Phoebus (110), and Syms (113) Precincts.

Ninety-second. Part of the City of Hampton comprised of the Aberdeen (101), Armstrong (106), Bassette (102), City Hall (103), Cooper (104), East Hampton (105), Forrest (204), Hampton Library (111), Jones (116), Kecoughtan (117), Kraft (208), Lindsay (107), Mallory (118), Phenix (109), Smith (112), Thomas (108), Tyler (215), and Wythe (115) Precincts.

Ninety-third. All of the City of Williamsburg; part of James City County comprised of the Berkeley A Part 2 (1012), Jamestown A (201), Jamestown B (202), Roberts A Part 1 (5011), Roberts A Part 2 (5012), Roberts B (502), Roberts C Part 1 (5031), and Roberts C Part 2 (5032) Precincts; part of York County comprised of the Kiln Creek (204) Precinct and parts of the Edgehill (303) and Harwoods Mill (401) Precincts; and part of the City of Newport News comprised of the Bland (201), Greenwood (110), Kiln Creek (218), McIntosh (104), Richneck (107), and Windsor (109) Precincts and parts of the Lee Hall (108) and Reservoir (106) Precincts.

Ninety-fourth. Part of the City of Newport News comprised of the Boulevard (202), Charles (203), Deep Creek (205), Hidenwood (208), Hilton (209), Nelson (210), Oyster Point (105), River (314), Riverside (212), Riverview (217), Sanford (213), Sedgefield (315), Warwick (215), Watkins (320), Wellesley (204), and Yates (216) Precincts and parts of the Deer Park (219), Denbigh (101), Epes (102), Jenkins (103), Lee Hall (108), Palmer (211), and Reservoir (106) Precincts.

Ninety-fifth. Part of the City of Hampton comprised of the Bethel (212), Sandy Bottom (216), and Tucker Capps (214) Precincts; and part of the City of Newport News comprised of the Briarfield (302), Carver (303), Chestnut (304), Downtown (305), Dunbar (306), Huntington (307), Jefferson (308), Magruder (309), Marshall (310), Newmarket (311), Newsome Park (312), Reed (313), Saunders (319), South Morrison (316), Washington (317), and Wilson (318) Precincts and parts of the Deer Park (219), Denbigh (101), Epes (102), Jenkins (103), Palmer (211), and Reservoir (106) Precincts.

Ninety-sixth. Part of James City County comprised of the Berkeley A Part 1 (101), Berkeley B Part 1 (1021), Berkeley B Part 2 (1022), Berkeley C (103), Powhatan A (301), Powhatan B (302), Powhatan C (303), Powhatan D (304), Stonehouse A (401), Stonehouse B (402), and Stonehouse C (403) Precincts; and part of York County comprised of the Dare (402), Harris Grove (302), Magruder (104), Queens Lake (101), Seaford (301), Waller Mill (103), and Yorktown (102) Precincts and part of the Edgehill (303) Precinct.

Ninety-seventh. All of New Kent County; part of Hanover County comprised of the Battlefield (401), Beaverdam Creek (406), Black Creek (404), Clay (301), Cold Harbor (403), Georgetown (506), Hanover Grove (604), Laurel Meadow (507), Mechanicsville (603), Newman (503), Old Church (402), Pebble Creek (405), Rural Point (502), Shady Grove (303), Stonewall Jackson (602), Studley (504), Totopotomoy (505), and Village (601) Precincts; and part of King William County comprised of the Aylett (301), Mangohick (501), and Manquin (401) Precincts and part of the Courthouse (202) Precinct.

Ninety-eighth. All of Essex, Gloucester, King and Queen, Mathews, and Middlesex Counties; and part of King William County comprised of the Sweet Hall (201) and West Point (101) Precincts and part of the Courthouse (202) Precinct.

Ninety-ninth. All of King George, Lancaster, Northumberland, Richmond, and Westmoreland Counties; and part of Caroline County comprised of the Bowling Green (101) and Port Royal (301) Precincts.

One hundredth. All of Accomack and Northampton Counties; part of the City of Norfolk comprised of the Crossroads (511), Northside (103), Ocean View Center (506), Ocean View School (102), Oceanair (508), Suburban Park (215), and Wesley (217) Precincts and part of the Granby (101) Precinct; and part of the City of Virginia Beach comprised of part of the Chesapeake Beach (037) Precinct.

2011, Sp. Sess. I, c. 1.

Article 2.1 - REAPPORTIONMENT OF LOCAL ELECTION DISTRICTS

§ 24.2-304.1. At-large and district elections; reapportionment and redistricting of districts or wards; limits

A. Except as otherwise specifically limited by general law or special act, the governing body of each county, city, or town may provide by ordinance for the election of its members on any of the following bases: (i) at large from the county, city, or town; (ii) from single-member or multi-member districts or wards, or any combination thereof; or (iii) from any combination of at-large, single-member, and multi-member districts or wards. A change in the basis for electing the members of the governing body shall not constitute a change in the form of county government.

B. If the members are elected from districts or wards and other than entirely at large from the locality, the districts or wards shall be composed of contiguous and compact territory and shall be so

constituted as to give, as nearly as is practicable, representation in proportion to the population of the district or ward. In 1971 and every 10 years thereafter, the governing body of each such locality shall reapportion the representation among the districts or wards, including, if the governing body deems it appropriate, increasing or diminishing the number of such districts or wards, in order to give, as nearly as is practicable, representation on the basis of population.

C. For the purposes of redistricting and reapportioning representation in 2001 and every 10 years thereafter, the governing body of a county, city, or town shall use the most recent decennial population figures for such county, city, or town from the United States Bureau of the Census, which figures are identical to those from the actual enumeration conducted by the United States Bureau of the Census for the apportionment of representatives in the United States House of Representatives, except that the census data for these redistricting and apportionment purposes will not include any population figure that is not allocated to specific census blocks within the Commonwealth, even though that population may have been included in the apportionment population figures of the Commonwealth for the purpose of allocating United States House of Representatives seats among the states. The governing body of any county, city, or town may elect to exclude the adult inmate population of any federal, state, or regional adult correctional facility located in the locality from the population figures used for the purposes of the decennial reapportionment and redistricting. The adult inmate population so excluded shall be based on information provided by the facility as to the adult inmate population at the facility on the date of the decennial census.

D. Notwithstanding any other provision of general law or special act, the governing body of a county, city, or town shall not reapportion the representation in the governing body at any time other than that required following the decennial census, except as (i) provided by law upon a change in the boundaries of the county, city, or town that results in an increase or decrease in the population of the county, city, or town of more than one percent, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of districts or wards other than at-large districts or wards. The foregoing provisions notwithstanding, the governing body subsequent to the decennial redistricting may adjust district or ward boundaries in order that the boundaries might coincide with state legislative or congressional district boundaries; however, no adjustment shall affect more than five percent of the population of a ward or district or 250 persons, whichever is lesser. If districts created by a reapportionment enacted subsequent to a decennial reapportionment are invalid under the provisions of this subsection, the immediately preexisting districts shall remain in force and effect until validly reapportioned in accordance with law.

1995, c. 249; 2000, c. 884; 2001, Sp. Sess. I, c. 6; 2002, c. 127; 2012, c. 357; 2013, c. 483.

§ 24.2-304.2. Governing body authorized to expend funds for reapportionment

The governing body of each county, city, or town is authorized to expend funds and employ persons as it may deem necessary to carry out the responsibilities relating to reapportionment provided by law.

1995, c. 249.

§ 24.2-304.3. Recording reapportionment ordinance; notice requirements

A copy of the ordinance reapportioning representation in the governing body of a county, city, or town, including a description of the boundaries and a map showing the boundaries of the districts or wards, shall be recorded in the official minutes of the governing body.

The clerk of the county, city, or town shall send a certified copy of the ordinance, including a description of the boundaries and a map showing the boundaries of the districts or wards, to the local electoral board, Secretary of the Commonwealth, State Board of Elections, and Division of Legislative Services.

1995, c. 249.

§ 24.2-304.4. Mandamus action for failure to reapportion districts or wards

Whenever the governing body of any county, city or town fails to perform the duty of reapportioning the representation on the governing body among the districts or wards of the county, city, or town, or fails to change the boundaries of districts or wards, as prescribed by law, mandamus shall lie in favor of any citizen of such county, city, or town, to compel the performance of such duty.

Whenever the governing body of any county, city or town changes the boundaries, or increases or diminishes the number of districts or wards, or reapportions the representation in the governing body as prescribed by law, the action shall not be subject to judicial review, unless it is alleged that the representation is not proportional to the population of the district or ward. If such allegation is made in a bill of complaint filed in the circuit court for the county, city or town, the court shall determine whether the action of the governing body complies with the constitutional requirements for redistricting and reapportionment. Appeals from the court's decision shall be as in any other suit.

1995, c. 249.

§ 24.2-304.5. Notification of certain civil actions

Any county, city, or town made a defendant in any civil action challenging the legality of its election district boundaries shall immediately notify the Attorney General of the pending civil action for review pursuant to § 2.2-508.

1995, c. 249.

§ 24.2-304.6. Effect of reapportionment on appointments and terms of local officers, school board and planning commission members

County, city, or town officers, including members of the school board or planning commission, in office on the effective date of a reapportionment or redistricting ordinance, shall complete their terms of office, regardless of loss of residency in a particular district due to reapportionment or redistricting.

1995, c. 249.

Article 3 - REQUIREMENTS FOR ELECTION DISTRICTS, PRECINCTS, AND POLLING PLACES

§ 24.2-305. Composition of election districts and precincts

A. Each election district and precinct shall be composed of compact and contiguous territory and shall have clearly defined and clearly observable boundaries.

B. A "clearly observable boundary" shall include (i) any named road or street, (ii) any road or highway which is a part of the federal, primary, or secondary state highway system, (iii) any river, stream, or drainage feature shown as a polygon boundary on the TIGER/line files of the United States Bureau of the Census, or (iv) any other natural or constructed or erected permanent physical feature which is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census. No property line or subdivision boundary shall be deemed to be a clearly observable boundary unless it is marked by a permanent physical feature that is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census.

1986, c. 593, § 24.1-40.7; 1990, c. 500; 1992, c. 425; 1993, c. 641; 2001, c. 614.

§ 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.

Code 1950, §§ 24-49 through 24-51; 1970, c. 462, § 24.1-39; 1971, Ex. Sess., c. 119; 1993, c. 641; 1995, c. 249; 2003, c. 1015; 2004, c. 1000; 2012, cc. 328, 486.

§ 24.2-307. Requirements for county and city precincts

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within any election district used for the election of one or more members of the governing body or school board for the county or city.

The governing body shall establish by ordinance one polling place for each precinct.

Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. 515.

§ 24.2-308. Requirements for town precincts

There shall be one precinct for each town unless the council by ordinance establishes more than one precinct.

Each town precinct shall be wholly contained within any election district used for the election of one or more council or school board members.

The council shall establish by ordinance one polling place for each precinct.

Code 1950, § 24-171; 1970, c. 462, § 24.1-92; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1992, c. 445; 1993, c. 641 .

§ 24.2-309. Establishment of precinct with less than minimum number of voters; conduct of elections where all voters do not have same choice of candidates

A precinct may be established with fewer than the minimum number of registered voters required by this article if a larger precinct cannot be established in which all persons are voting at any general election for the same candidates for the governing body and school board of the county or city, House of Delegates, state Senate, and United States House of Representatives. The governing body may select a polling place within one mile of the boundaries of that precinct if a suitable polling place is not available within that precinct.

The State Board shall make regulations setting procedures by which elections may be conducted in precincts in which all voters do not have the same choice of candidates at a general election.

1971, Ex. Sess., c. 264, § 24.1-40; 1993, c. 641 .

§ 24.2-309.1. Repealed

Repealed by Acts 2001, c. 614.

§ 24.2-309.2. Election precincts; prohibiting precinct changes for specified period of time

No county, city, or town shall create, divide, abolish, or consolidate any precincts, or otherwise change the boundaries of any precinct, effective during the period from February 1, 2009, to May 15, 2011, except as (i) provided by law upon a change in the boundaries of the county, city, or town, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of local election districts other than at-large districts. Any ordinance required to comply with the requirements of § 24.2-307 shall be adopted on or before February 1, 2009.

If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv) above, the county, city, or town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-264, and send copies of the ordered or enacted changes to the State Board of Elections and the Division of Legislative Services.

This section shall not prohibit any county, city, or town from adopting an ordinance revising precinct boundaries or submitting that ordinance to the United States Department of Justice in accordance with § 5 of the United States Voting Rights Act of 1965, as amended, after January 1, 2011. However, no revisions in precinct boundaries shall be implemented in the conduct of elections prior to May 15, 2011.

2008, c. 112.

§ 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 one mile of the precinct boundary. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the general registrar 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 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 (52 U.S.C. § 20101 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 or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § 24.2-604 and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § 24.2-604, and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § 24.2-604. The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § 24.2-307 or 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. 307; 2003, c. 1015; 2004, c. 25; 2005, c. 340; 2008, cc. 113, 394; 2010, cc. 639, 707; 2012, cc. 488, 759; 2016, cc. 18, 492.

§ 24.2-310.1. Polling places; additional requirement

The requirement stated in this section shall be in addition to requirements stated in §§ 24.2-307, 24.2-308, and 24.2-310, including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

1993, c. 904, § 24.1-37.1; 1993, c. 641 .

Article 4 - EFFECTIVE DATES OF REDISTRICTING MEASURES

§ 24.2-311. Effective date of decennial redistricting measures; elections following decennial redistricting

A. Legislation enacted to accomplish the decennial redistricting of congressional and General Assembly districts required by Article II, Section 6 of the Constitution of Virginia shall take effect immediately. Members of Congress and the General Assembly in office on the effective date of the decennial redistricting legislation shall complete their terms of office. The elections for their successors shall be held at the November general election next preceding the expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the legislation to accomplish the decennial redistricting. However, (i) if the decennial redistricting of congressional districts has not been enacted and approved for implementation pursuant to § 5 of the United States Voting Rights Act of 1965 before January 1 of the year of the election for statewide office, the previously enacted congressional districts shall remain in effect for the purpose of meeting the petition signature requirements set out in §§ 24.2-506, 24.2-521, 24.2-543, and 24.2-545 and (ii) any reference on a petition to the usual primary date of the second Tuesday in June shall not be cause to invalidate the petition even though the date of the primary may be altered by law.

B. Ordinances adopted by local governing bodies to accomplish the decennial redistricting of districts for county, city, and town governing bodies required by Article VII, Section 5 of the Constitution of Virginia shall take effect immediately. Members of county, city, and town governing bodies in office on the effective date of a decennial redistricting measure shall complete their terms of office. The elections for their successors shall be held at the general election next pre-

ceding the expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the measures to accomplish the decennial redistricting.

C. If a vacancy in any such office occurs after the effective date of a decennial redistricting measure and a special election is required by law to fill the vacancy, the vacancy shall be filled from the district in the decennial redistricting measure which most closely approximates the district in which the vacancy occurred.

D. If a decennial redistricting measure adopted by a local governing body adds one or more districts and also increases the size of the governing body, an election for the additional governing body member or members to represent the additional district or districts for the full or partial term provided by law shall be held at the next November general election in any county or in any city or town that regularly elects its governing body in November pursuant to § 24.2-222.1, or at the next May general election in any other city or town, which occurs at least 120 days after the effective date of the redistricting measure.

E. In the event of a conflict between the provisions of a decennial redistricting measure and the provisions of the charter of any locality, the provisions of the redistricting measure shall be deemed to override the charter provisions to the extent required to give effect to the redistricting plan.

1990, c. 500, § 24.1-17.2; 1993, c. 641; 2000, c. 1045; 2012, c. 791.

§ 24.2-312. Effective date of other redistricting measures; elections following annexation

A. Any redistricting, other than the decennial redistricting, of any county, city, or town shall be effective at midnight December 31 of the year in which the redistricting occurs.

B. Members of county, city, and town governing bodies in office when any such redistricting measure is adopted shall complete their terms of office. The elections for their successors shall be held at the general election next preceding the expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the measures to accomplish the redistricting.

C. When a county has been redistricted as a result of annexation and the redistricting occurs in the year of a regularly scheduled November general election for members of the county's board of supervisors, the November general election shall be conducted from the newly established districts so long as the redistricting measure has been adopted prior to March 15 of the year of the election.

D. When a city or town has been redistricted as a result of annexation and the redistricting occurs prior to a regularly scheduled May general election for members of the city's or town's governing body, the May general election shall be conducted from the newly established districts so long as the redistricting measure has been adopted prior to the November 15 immediately preceding the election.

1990, c. 500, § 24.1-17.3; 1993, c. 641; 1995, c. 249.

§ 24.2-313. Rescheduling of certain local elections following the decennial redistricting of districts for the governing body

A. Notwithstanding any other provision of law to the contrary, elections for members of the governing body or school board of any county, city, or town that would be held on a regularly scheduled date for a general election, but are delayed because the decennial redistricting plan of such county, city, or town is not precleared by the Attorney General of the United States pursuant to § 5 of the federal Voting Rights Act at least thirty days prior to the general election, shall be held as provided in this section, unless otherwise provided by a court of competent jurisdiction. In the event the Attorney General grants preclearance at least thirty days prior to the general election, the election shall be held as scheduled and shall be conducted from the newly established districts. The provisions of this section shall not apply to any county, city, or town election scheduled to be held entirely on an at-large basis.

B. In each such county, city, or town, such election shall be held on the first Tuesday (i) that is more than sixty days after the Attorney General of the United States issues a letter stating that he interposes no objection to a decennial redistricting plan approved and submitted by the county, city, or town; (ii) that is not the scheduled date of a primary election; and (iii) that is not within the sixty days before or the thirty-five days after a primary or general election.

C. Independent candidates for such rescheduled elections shall qualify in the manner provided by §§ 24.2-505 and 24.2-506, and party nominees shall be nominated and certified at least thirty days before the new election date.

D. All candidates shall file the statements required by §§ 24.2-501 and 24.2-502 at least thirty days before the new election date.

E. Notwithstanding the provisions of subsections C and D, any candidate who qualified to have his name printed on the ballot for the original election date, pursuant to § 24.2-504, shall be automatically qualified to have his name printed on the ballot for the delayed election date and shall not have to refile the required documents, provided that the boundaries of the district in which he is seeking office are the same as when he was originally qualified. In any district in which the boundaries have been changed, candidates shall requalify for the ballot; however, at the request of any candidate who filed as an independent, his original petitions shall be reviewed by the registrar, previously verified signatures of voters who reside in the new district shall be counted toward the number needed to qualify to run in the new district, and the candidate may supplement such petitions when he refiles under § 24.2-505.

F. Notwithstanding any provision of law to the contrary, the term of members of any governing body or school board elected under the provisions of this act shall commence on the first day of the second month following the election and shall terminate on the day on which the term would have expired had the general election been held on its regularly scheduled day.

G. The term of members of any governing body affected by this act that would otherwise expire prior to the commencement of the term of their successors elected pursuant to this section shall be extended until the date that the term of members elected pursuant to this section commences, notwithstanding any provision of law to the contrary.

2002, c. 189.

Chapter 4 - VOTER REGISTRATION

Article 1 - QUALIFICATIONS

§ 24.2-400. Persons entitled to register and vote

Any person who is not registered to vote, but would otherwise be a qualified voter, is entitled to register to vote as provided in this chapter. Any person who is registered to vote and is a qualified voter shall be entitled to vote in the precinct where he resides.

Code 1950, §§ 24-17, 24-22, 24-23; 1963, Ex. Sess., c. 2; 1970, c. 462, § 24.1-41; 1971, Ex. Sess., cc. 205, 265; 1974, c. 428; 1977, c. 490; 1978, c. 778; 1993, c. 641 .

§ 24.2-401. Persons moving from precinct

A person who is qualified to vote except for having moved his residence from one precinct to another within the Commonwealth may vote in the precinct from which he has moved in the following November general election and any intervening election unless his registration has been transferred or cancelled as provided in this chapter. In addition, a person may continue to vote in the precinct from which he has moved through the ensuing second general election for federal office, provided that (i) he has moved his residence from one precinct to another in the same registrar's jurisdiction and the same congressional district; (ii) he has failed to respond to the notice provided in § 24.2-428; (iii) his registration has not been transferred or cancelled as provided in this chapter; and (iv) he has affirmed orally or in writing his new address before an officer of election at the polling place.

Code 1950, §§ 24-17, 24-22, 24-23; 1963, Ex. Sess., c. 2; 1970, c. 462, § 24.1-41; 1971, Ex. Sess., cc. 205, 265; 1974, c. 428; 1977, c. 490; 1978, c. 778; 1993, c. 641; 1996, cc. 72, 73; 1997, c. 346.

§ 24.2-402. Persons moving from Commonwealth fewer than thirty days before presidential election

A person who is qualified to vote except for having moved his residence from the Commonwealth after the thirtieth day preceding a presidential election may vote in the precinct from which he has moved only in that election and only for electors of President and Vice President of the United States.

The officers of election shall deliver to any person who asks to vote under this section the paper ballot for electors of President and Vice President of the United States and no other ballot. The ballot shall be voted, handled, and counted with other like ballots in accordance with the provisions of this title.

Code 1950, §§ 24-17, 24-22, 24-23; 1963, Ex. Sess., c. 2; 1970, c. 462, § 24.1-41; 1971, Ex. Sess., cc. 119, 205, 265, § 24.1-41.1; 1974, c. 428; 1977, c. 490; 1978, c. 778; 1993, c. 641 .

§ 24.2-403. Persons under 18 years of age

Any person who is otherwise qualified and will be 18 years of age on or before the day of the next general election shall be permitted to register in advance and also vote in any intervening primary or special election. Notwithstanding any other provision of law to the contrary, any person who is otherwise qualified and will be 18 years of age on or before the day of the next November general presidential election shall be permitted to register in advance of and also vote in any intervening presidential primary and any other primary held on the same day as the presidential primary.

Code 1950, §§ 24-17, 24-22, 24-23; 1963, Ex. Sess., c. 2; 1970, c. 462, § 24.1-41; 1971, Ex. Sess., cc. 205, 265; 1974, c. 428; 1977, c. 490; 1978, c. 778; 1993, c. 641; 2004, c. 481; 2006, c. 205.

Article 2 - VIRGINIA VOTER REGISTRATION SYSTEM

§ 24.2-404. Duties of Department of Elections

A. The Department of Elections shall provide for the continuing operation and maintenance of a central recordkeeping system, the Virginia voter registration system, for all voters registered in the Commonwealth.

In order to operate and maintain the system, the Department 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 confirmation documents for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places and voter photo identification cards containing the voter's photograph and signature for free for those voters who do not have one of the forms of identification specified in subsection B of § 24.2-643. The Department shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of identification specified in subsection B of § 24.2-643 for the purpose of providing such voter a voter photo identification card containing the voter's photograph and signature. The Department shall provide each general registrar with the equipment necessary to obtain a voter's signature and photograph and no general registrar shall be required to purchase such equipment at his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the Department. The Department may contract with an outside vendor for the production and distribution of voter photo identification cards.

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, (v) is known not to be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E, or (vi) is otherwise no longer qualified to vote as may be provided by law. Such action shall be taken no later than 30 days after notification from the Department. The Department shall promptly provide the information referred to in this subdivision, upon receiving it, to general registrars.

5. Retain on the system for four 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 16 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks. The Department shall provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the Department shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the Department shall provide a regional or statewide list of registered voters to the general registrar of the locality. The Department shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list of registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth.

8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Department.

9. 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 Department in procuring and exchanging identification information for the purpose of maintaining the voter registration system. The Department may share any information that it receives from another agency of the Commonwealth with any Chief Election Officer of another state for the maintenance of the voter registration system.

10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history, and voter registration lists to ensure the accuracy of the voter registration rolls, to identify

voters whose addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and to determine eligibility of individuals to vote in Virginia.

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

B. The Department 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. The Virginia Freedom of Information Act (§ 2.2-3700 et seq.) shall not apply to records about individuals maintained in this system.

C. The State Board shall institute procedures to ensure that each requirement of this section is fulfilled. As part of its procedures, the State Board shall provide that the general registrar shall mail notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is cancelled.

D. The State Board shall promulgate rules and regulations to ensure the uniform application of the law for determining a person's residence.

E. The Department shall apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter registration system are United States citizens. Upon approval of the application, the Department shall enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The State Board shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program.

F. The Department shall report annually by August 1 for the preceding 12 months ending June 30 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia voter registration system and the results of those activities. The Department's report shall encompass activities undertaken pursuant to subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4, 24.2-408, 24.2-409, 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428.

1970, c. 462, § 24.1-23; 1971, Ex. Sess., c. 119; 1972, c. 620; 1973, c. 30; 1974, cc. 369, 428; 1975, c. 515; 1976, c. 616; 1978, c. 778; 1983, c. 348; 1993, c. 641; 1997, c. 801; 2000, cc. 510, 554; 2003, c. 1015; 2004, c. 428; 2005, c. 378; 2006, cc. 243, 926, 940; 2008, c. 379; 2009, cc. 865, 870, 874; 2011, c. 528; 2012, c. 686; 2013, cc. 425, 686, 725; 2014, c. 452; 2015, c. 740.

§ 24.2-404.1. Commissioner of Elections to serve as state coordinator for the administration of the National Voter Registration Act

The Commissioner of Elections shall be the chief state election officer responsible for the coordination of state responsibilities under the National Voter Registration Act (52 U.S.C. § 20501 et seq.).

1996, cc. 72, 73; 2013, c. 542.

§ 24.2-404.2. Repealed

Repealed by Acts 2003, cc. 20 and 50.

§ 24.2-404.3. Duty of Department of Elections; verification of registered voter lists

On or before October 1 of each year, the Department shall conduct a match of the Virginia registered voter lists with the list of deceased persons maintained by the Social Security Administration.

2009, c. 492; 2015, c. 740.

§ 24.2-404.4. Exchange of registered voter lists with other states

A. Pursuant to its authority under subsection A of § 24.2-405 and subsections B and C of § 24.2-406, the Department of Elections shall request voter registration information and lists of persons voting at primaries and elections, if available, from the states bordering the Commonwealth to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered in order to maintain the overall accuracy of the voter registration system.

B. Pursuant to its authority under subdivision 10 of § 24.2-404, the Department of Elections shall utilize data regarding voter registration and lists of persons voting at primaries and elections received through list comparisons with other states to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered in order to maintain the overall accuracy of the voter registration system.

C. The Department shall compare the data received pursuant to subsections A and B with the state voter registration list and initiate list maintenance procedures under applicable state and federal law. The Department shall report to the House and Senate Committees on Privileges and Elections annually on the progress of activities conducted under this section, including the number of duplicate registrations found to exist and the procedures that the Department and general registrars are following to eliminate duplicate registrations from the Virginia registered voter lists. All annual reports required to be filed by the Department shall be governed by the provisions of § 2.2-608.

2013, c. 435; 2015, cc. 713, 740.

§ 24.2-405. Lists of registered voters

A. The Department of Elections shall provide, 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 Department of Elections pursuant to § 24.2-949.2, or with the Federal Elections Commission pursuant to federal law, for political purposes only, (v) incumbent officeholders to report to their constituents, (vi) nonprofit organizations that promote voter participation and registration for that purpose only, and (vii) commissioners of the revenue, as defined in § 58.1-3100, and treasurers, as defined in § 58.1-3123, for tax assessment, collection, and enforcement purposes. The lists shall be furnished to no one else and used for no other purpose. However, the Department of Elections 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, and to the Chief Election Officers of other states for maintenance of voter registration systems.

B. The Department of Elections 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 Department of Elections 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, or any part thereof, of any registered voter except a list furnished to a court of the Commonwealth or of the United States for jury selection purposes, a commissioner of the revenue or a treasurer for tax assessment, collection, and enforcement purposes, or to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems.

D. Any list furnished under subsection A shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

1970, c. 462, § 24.1-23; 1971, Ex. Sess., c. 119; 1972, c. 620; 1973, c. 30; 1974, cc. 369, 428; 1975, c. 515; 1976, c. 616; 1978, c. 778; 1983, c. 348; 1993, cc. 144, 641; 1994, cc. 250, 656; 1995, c. 314; 1996, c. 251; 1999, c. 843; 2000, cc. 512, 556; 2001, cc. 612, 626; 2003, c. 1015; 2004, cc. 184, 410; 2006, cc. 787, 892; 2007, c. 318; 2009, c. 318; 2010, c. 452; 2015, c. 712.

§ 24.2-406. Lists of persons voting at elections

A. The Department of Elections shall furnish, at a reasonable price, lists of persons who voted at any primary, special, or general election held in the four preceding years to (i) candidates for election or political party nomination to further their candidacy, (ii) political party committees or officials thereof for political purposes only, (iii) political action committees that have filed a current statement of organization with the Department of Elections pursuant to § 24.2-949.2 or with the Federal Elections Commission pursuant to federal law, for political purposes only, (iv) incumbent officeholders to report to their constituents, and (v) members of the public or a nonprofit organization seeking to promote voter participation and registration by means of a communication or mailing without intimidation or pressure exerted on the recipient, for that purpose only. Such lists shall be furnished to no one else and shall be used only for campaign and political purposes and for reporting to constituents. Unless such lists are not available due to a pending recount or election contest, the general registrar shall submit the list of persons who voted to the Department of Elections within 14 days after each election. The general registrars of localities using nonelectronic pollbooks shall submit the list of persons who voted to the Department of Elections within seven days after the pollbooks are released from the possession of the clerk of court. The Department of Elections shall make available such lists no later than seven days after receiving them from the general registrar.

B. The Department of Elections shall furnish to the Chief Election Officer of another state, on request and at a reasonable price, lists of persons who voted at any primary, special, or general election held for the four preceding years. Such lists shall be used only for the purpose of maintenance of voter registration systems and shall be transmitted in accordance with security policies approved by the State Board of Elections.

C. In no event shall any list furnished under this section contain the social security number, or any part thereof, of any registered voter, except for a list furnished to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems.

D. Any list furnished under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

1970, c. 462, § 24.1-23; 1971, Ex. Sess., c. 119; 1972, c. 620; 1973, c. 30; 1974, cc. 369, 428; 1975, c. 515; 1976, c. 616; 1978, c. 778; 1983, c. 348; 1993, cc. 144, 641; 1994, c. 250; 1995, c. 314; 1996, c. 251; 2001, cc. 612, 626; 2003, c. 1015; 2004, cc. 184, 410; 2007, c. 318; 2009, c. 318; 2012, c. 664; 2013, c. 446; 2015, c. 712; 2016, cc. 18, 492.

§ 24.2-407. Statement for persons receiving lists of persons registered or voting; penalties

Any person receiving lists pursuant to § 24.2-405, 24.2-406, 24.2-706, or 24.2-710 shall sign the following statement:

"I understand that the lists requested are the property of the State Board of Elections of the Commonwealth of Virginia, and I hereby state or agree, subject to felony penalties for making false statements pursuant to § 24.2-1016, that (i) I am a person authorized by § 24.2-405, 24.2-406, 24.2-706, or 24.2-710 of the Code of Virginia to receive a copy of the lists described; (ii) the lists will be used only for the purposes prescribed and for no other use; and (iii) I will not permit the use or copying of the lists by persons not authorized by the Code of Virginia to obtain them.

Signature of Purchaser _____."

1970, c. 462, § 24.1-23; 1971, Ex. Sess., c. 119; 1972, c. 620; 1973, c. 30; 1974, cc. 369, 428; 1975, c. 515; 1976, c. 616; 1978, c. 778; 1983, c. 348; 1993, c. 641; 2010, c. 812.

§ 24.2-407.1. Prohibition on disclosure of social security numbers or parts thereof

It shall be unlawful for any person who has obtained, under § 24.2-405 or 24.2-406 or any prior law, a list of persons registered or voting which contained social security numbers, or any parts thereof, to disclose any voter's social security number, or any part thereof, to any other person. Any person maintaining a system containing social security numbers, or any parts thereof, obtained from the Board or the Department of Elections shall delete or destroy the portion of his records containing those numbers, except for a list furnished to a court of the Commonwealth or of the United States for jury selection purposes, a commissioner of the revenue, as defined in § 58.1-3100, or a treasurer, as defined in § 58.1-3123, for tax assessment, collection, and enforcement purposes, or the Chief Election Officer of another state, permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for the purpose of matching voter registration lists.

1994, c. 656; 2007, c. 318; 2010, c. 452; 2015, c. 712.

§ 24.2-408. State Registrar of Vital Records to transmit monthly lists of decedents to Department of Elections

The State Registrar of Vital Records shall transmit to the Department of Elections by electronic means a monthly list of all persons of the age of seventeen years or more who shall have died in the Commonwealth subsequent to its previous monthly list. The lists shall be in a format specified by the Department and shall contain the deceased's name; address; county, city, or town of residence; social security number, if any; and date and place of his birth and of his death. The Department shall maintain a permanent record of the information in the lists as part of the voter registration system. The general registrars shall have access to the information in the lists to carry out their duties pursuant to § 24.2-427. Information in the lists shall be confidential and consistent with the requirements of § 32.1-271.

1970, c. 462, § 24.1-25; 1972, c. 620; 1975, c. 515; 1993, c. 641; 1999, c. 117; 2015, c. 740.

§ 24.2-409. Central Criminal Records Exchange to transmit lists of felony convictions to Department of Elections

The Central Criminal Records Exchange shall transmit to the Department of Elections by electronic means (i) a monthly list of all persons convicted of a felony during the preceding month and (ii) an annual list of all persons who have been convicted of a felony, regardless of when the conviction occurred. The list shall be in a format mutually agreed upon by the Commissioner of Elections and the Department of State Police and shall contain the convicted person's name; address; county, city, or town of residence; social security number, if any; date and place of birth; and date of conviction. The Department shall maintain a permanent record of the information in the lists as part of the voter registration system. Upon receipt of the monthly list, the Department shall compare, on a monthly basis, the contents of the list to the list of all registered voters maintained on the voter registration system and shall notify the appropriate general registrar of the felony conviction of any registered voter. Upon receipt of the annual list, the Department shall compare the contents of the list to the list of all registered voters maintained on the voter registration system and shall notify the appropriate general registrar of the felony conviction of any registered voter. The general registrars shall have access to the information in the lists to carry out their duties pursuant to § 24.2-427.

1970, c. 462, § 24.1-26; 1972, c. 620; 1975, c. 515; 1993, c. 641; 1999, c. 117; 2013, c. 491; 2015, c. 740.

§ 24.2-409.1. Department of Elections to transmit information pertaining to persons convicted of a felony in federal court

Upon receipt of a notice of a felony conviction sent by a United States attorney pursuant to the National Voter Registration Act (52 U.S.C. § 20501 et seq.), the Department shall notify the appropriate general registrar of the conviction.

1996, cc. 72, 73; 2015, c. 740.

§ 24.2-410. Clerks of circuit courts to furnish lists of certain adjudications

The clerk of each circuit court shall furnish monthly to the Department of Elections a complete list of all persons adjudicated incapacitated pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 or whose incapacity has been recognized pursuant to § 64.2-2115, and therefore "mentally incompetent" for purposes of this title unless the court order specifically provides otherwise, during the preceding month or a statement that no adjudications have occurred that month. The list shall contain each such person's name; address; county, city, or town of residence; social security number, if any; date and place of birth; and date of adjudication. The Commissioner of Elections and the Executive Secretary shall determine the procedure for furnishing such lists, which may be by electronic means. The Department shall transmit the information from the list to the appropriate general registrars.

1976, c. 616, § 24.1-26.1; 1993, c. 641; 1998, c. 582; 2011, c. 518; 2015, c. 740.

§ 24.2-410.1. Citizenship status; Department of Motor Vehicles to furnish lists of noncitizens

A. The Department of Motor Vehicles shall include on the application for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card, or renewal thereof issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, as a predicate to offering a voter registration application pursuant to § 24.2-411.1, a statement asking the applicant if he is a United States citizen. If the applicant indicates a noncitizen status, the Department of Motor Vehicles shall not offer that applicant the opportunity to apply for voter registration. If the applicant indicates that he is a United States citizen and that he wishes to register to vote or change his voter registration address, the statement that he is a United States citizen shall become part of the voter registration application offered to the applicant. Information on citizenship status shall not be a determinative factor for the issuance of any document pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

B. Additionally, the Department of Motor Vehicles shall furnish monthly to the Department of Elections a complete list of all persons who have indicated a noncitizen status to the Department of Motor Vehicles in obtaining a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card, or renewal thereof issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2. The Department of Elections shall transmit the information from the list to the appropriate general registrars. Information in the lists shall be confidential and available only for official use by the Department of Elections and general registrars.

C. For the purposes of this section, the Department of Motor Vehicles is not responsible for verifying the claim of any applicant who indicates United States citizen status when applying for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card, or renewal thereof issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

2006, cc. 926, 940; 2015, c. 740.

Article 3 - LOCATIONS AND TIMES FOR REGISTRATION

§ 24.2-411. Office of the general registrar

Each local governing body shall furnish the general registrar with a clearly marked and suitable office which shall be the principal office for voter registration. The office shall be owned or leased by the city or county, or by the state for the location of Department of Motor Vehicles facilities, adequately furnished, and located within the city or within the county or a city in which the county courthouse is located. The governing body shall provide property damage liability and bodily injury liability coverage for the office and shall furnish the general registrar with necessary postage, stationery, equipment, and office supplies. The telephone number shall be listed in the local telephone directory separately or under the local governmental listing under the designation "Voter Registration."

No private business enterprise shall be conducted in the general registrar's office.

The general registrar's office in counties with a population under 10,000 and in cities with a population under 7,500 shall be open a minimum of three days each week and additional days as required by the general appropriation act. The general registrar's office in all other counties and cities shall be open a minimum of five days each week. The specific days of normal service each week for general registrars shall be determined by the Commissioner of Elections.

Additional hours, if any, that the general registrar's office is open for voter registration may be determined and set by the general registrar or the electoral board.

The general registrar may close the office of the general registrar (i) for off-site training purposes for no more than four consecutive or cumulative days each year, provided that notice of the closure is posted on the official website of the county or city and in no fewer than two public places at least 72 hours before such closure, and (ii) quarterly to provide training in the office for a period not to exceed four hours without providing notice. However, no closure permitted by clause (i) or clause (ii) shall occur (a) within the seven days immediately preceding and immediately following an election, (b) during the period for absentee voting required by subsection A of § 24.2-701, (c) on the final registration day pursuant to § 24.2-414, or (d) on a deadline specified in the Campaign Finance Disclosure Act of 2006 (§ 24.2-945 et seq.).

Code 1950, §§ 24-52, 24-52.1, 24-55, 24-59 through 24-61, 24-65, 24-66, 24-71 through 24-76, 24-90, 24-93, 24-94, 24-101, 24-111, 24-118.1; 1954, c. 691; 1958, c. 576; 1962, cc. 422, 475, 536; 1963, Ex. Sess., c. 2; 1964, c. 608; 1968, cc. 97, 141; 1970, c. 462, §§ 24.1-43, 24.1-46, 24.1-49; 1972, c. 620; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1976, cc. 12, 616; 1978, c. 778; 1979, c. 329; 1980, c. 639; 1981, c. 425; 1982, cc. 290, 650; 1983, cc. 398, 511; 1984, c. 480; 1985, cc. 197, 530; 1986, c. 558; 1988, cc. 305, 528; 1989, c. 743; 1991, cc. 42, 136; 1993, c. 641; 1997, cc. 650, 666; 2000, cc. 512, 556; 2015, c. 740; 2016, c. 13.

§ 24.2-411.1. Offices of the Department of Motor Vehicles

A. The Department of Motor Vehicles shall provide the opportunity to register to vote to each person who comes to an office of the Department of Motor Vehicles to:

1. Apply for, replace, or renew a driver's license;

2. Apply for, replace, or renew a special identification card; or

3. Change an address on an existing driver's license or special identification card.

B. The method used to receive an application for voter registration shall avoid duplication of the license portion of the license application and require only the minimum additional information necessary to enable registrars to determine the voter eligibility of the applicant and to administer voter registration and election laws. A person who does not sign the registration portion of the application shall be deemed to have declined to register at that time. The voter application shall include a statement that, if an applicant declines to register to vote, the fact the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

Each application form distributed under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO $2,500."

Any completed application for voter registration submitted by a person who is already registered shall serve as a written request to update his registration record. Any change of address form submitted for purposes of a motor vehicle driver's license or special identification card shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes. If the information from the notification of change of address for voter registration indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the registered voter. The notification and the registered voter's registration record shall be transmitted as directed by the Department of Elections to the appropriate general registrar who shall send confirmation documents of the transfer to the voter pursuant to § 24.2-424. The Department of Motor Vehicles and Department of Elections shall cooperate in the prompt transmittal by electronic or other means of the notification to the appropriate general registrar.

C. The completed voter registration portion of the application shall be transmitted as directed by the Department of Elections not later than five business days after the date of receipt. The Department of Motor Vehicles and Department of Elections shall cooperate in the prompt transmittal by electronic or other means of the voter registration portion of the application to the appropriate general registrar.

D. The Department of Elections shall maintain statistical records on the number of applications to register to vote with information provided from the Department of Motor Vehicles.

E. A person who provides services at the Department of Motor Vehicles shall not disclose, except as authorized by law for official use, the social security number, or any part thereof, of any applicant for voter registration.

F. The Department of Motor Vehicles shall provide assistance as required in providing voter photo identification cards as provided in subdivision A 3 of § 24.2-404.

1996, cc. 72, 73; 2007, c. 318; 2012, c. 662; 2013, c. 725; 2015, c. 740.

§ 24.2-411.2. State-designated voter registration agencies

A. The following agencies are designated as voter registration agencies in compliance with the National Voter Registration Act (52 U.S.C. § 20501 et seq.) and shall provide voter registration opportunities at their state, regional, or local offices, depending upon the point of service:

1. Agencies whose primary function is to provide public assistance, including agencies that provide benefits under the Temporary Assistance for Needy Families program; Special Supplemental Food Program for Women, Infants, and Children; Medicaid program; or Food Stamps program;

2. Agencies whose primary function is to provide state-funded programs primarily engaged in providing services to persons with disabilities;

3. Armed Forces recruitment offices; and

4. The regional offices of the Department of Game and Inland Fisheries and the offices of the Virginia Employment Commission in the Northern Virginia Planning District 8.

B. The Commissioner of Elections, with the assistance of the Office of the Attorney General, shall compile and maintain a list of the specific agencies covered by subdivisions A 1 and A 2 that, in the legal opinion of the Attorney General, must be designated to meet the requirements of the National Voter Registration Act. The Commissioner of Elections shall notify each agency of its designation and thereafter notify any agency added to or deleted from the list.

C. At each voter registration agency, the following services shall be made available on the premises of the agency:

1. Distribution of mail voter registration forms provided by the Department of Elections;

2. Assistance to applicants in completing voter registration application forms, unless the applicant refuses assistance; and

3. Receipt of completed voter registration application forms.

D. A voter registration agency, which provides service or assistance in conducting voter registration, shall make the following services available on the premises of the agency:

1. Distribution with each application for its service or assistance, or upon admission to a facility or program, and with each recertification, readmission, renewal, or change of address form, of a voter registration application prescribed by the Department of Elections that complies with the requirements of the National Voter Registration Act (52 U.S.C. § 20501 et seq.).

2. Provision, as part of the voter registration process, of a form that includes:

a. The question: "If you are not registered to vote where you live now, would you like to apply to register to vote here today?"

b. If the agency provides public assistance, the statement: "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."

c. Boxes for the applicant to check to indicate whether the applicant would like to register, declines to register to vote, or is already registered (failure to check any box being deemed to constitute a declination to register for purposes of subdivision 2 a), together with the statement (in

close proximity to the boxes and in prominent type): "IF YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

d. The statement: "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek help or accept help is yours. You may fill out the application form in private."

e. The statement: "If you believe that someone has interfered with your right to register or to decline to register to vote, or your right to privacy in deciding whether to register or in applying to register to vote, you may file a complaint with the Department of Elections." The statement shall include the address and telephone number of the Department.

f. The following statement accompanying the form which features prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO $2,500."

3. Provision to each applicant who does not decline to register to vote of the same degree of assistance with regard to the completion of the voter registration application as is provided by the office with regard to the completion of its own applications, unless the applicant refuses assistance.

E. If a voter registration agency designated under subsection A of this section provides services to a person with a disability at the person's home, the agency shall provide the voter registration services as provided for in this section.

F. A person who provides services at a designated voter registration agency shall not:

1. Seek to influence an applicant's political preference;

2. Display any material indicating the person's political preference or party allegiance;

3. Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits; or

4. Disclose, except as authorized by law for official use, the social security number, or any part thereof, of any applicant for voter registration.

Any person who is aggrieved by a violation of this subsection may provide written notice of the violation to the Department. The Department shall be authorized to cooperate with the agency to resolve the alleged violation. Nothing contained in this subsection shall prohibit an aggrieved person from filing a complaint in accordance with § 24.2-1019 against a person who commits any election law offense enumerated in §§ 24.2-1000 through 24.2-1016.

G. A completed voter registration application shall be transmitted as directed by the Department not later than five business days after the date of receipt.

H. Each state-designated voter registration agency shall maintain such statistical records on the number of applications to register to vote as requested by the Department.

1996, cc. 72, 73; 2002, c. 747; 2007, c. 318; 2013, c. 542; 2015, c. 740.

§ 24.2-412. Other locations and times for voter registration

A. In addition to voter registration locations provided for in §§ 24.2-411, 24.2-411.1, and 24.2-411.2, opportunities for voter registration may be provided at other agency offices, business offices, establishments and occasional sites open to the general public, and shall be provided as required by this section. Voter registration shall be conducted only in public places open to the general public and at preannounced hours. Assistant registrars should serve during such hours and at such places. The conduct of voter registration by the general registrar or an assistant registrar in public places at preannounced hours shall not be deemed solicitation of registration.

B. The general registrar is authorized to set within his jurisdiction ongoing locations and times for registration in local or state government agency offices or in businesses or other establishments open to the general public, subject to the approval of, and pursuant to an agreement with, the head of the government agency, the owner or manager of the business or establishment, or the designee of either. The agreement shall provide for the appointment of employees of the agency, business, or establishment to serve as assistant registrars and shall be in writing and approved by the local electoral board prior to implementation.

Employees of the agency, business, or establishment who are appointed to serve as assistant registrars may be nonresidents of the jurisdiction they are appointed to serve, provided that (i) they are qualified voters of the Commonwealth and (ii) they serve only at their place of employment within the jurisdiction they are appointed to serve.

C. The general registrar or electoral board may set additional occasional sites and times for registration within the jurisdiction. A multi-family residential building not usually open to the public may be used as an occasional registration site so long as the public has free access to the site during the time for registering voters.

Code 1950, §§ 24-74 through 24-76, 24-78; 1963, Ex. Sess., c. 2; 1970, c. 462, § 24.1-49; 1975, c. 515; 1976, c. 616; 1984, c. 480; 1985, c. 530; 1986, c. 248, § 24.1-45.2; 1987, c. 478; 1988, c. 305; 1989, c. 743; 1991, cc. 42, 136; 1993, c. 641; 1996, cc. 72, 73; 1997, cc. 523, 539.

§ 24.2-413. Accessible registration locations

The office of the general registrar, and each agency, business, and establishment set for registration pursuant to §§ 24.2-411.1, 24.2-411.2 and subsection B of § 24.2-412 shall be accessible 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 (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The Department shall provide instructions to the Department of Motor Vehicles, state-designated voter registration agen-

cies, local electoral boards and general registrars to assist them in complying with the requirements of the Acts.

In the selection of additional registration sites as provided in § 24.2-412, consideration shall be given to accessibility so that a reasonable number of accessible sites are provided and the requirements of the above cited Acts are met.

Code 1950, §§ 24-52, 24-52.1, 24-55, 24-61, 24-65, 24-66, 24-118.1; 1954, c. 691; 1962, c. 475; 1964, c. 608; 1968, cc. 97, 141; 1970, c. 462, § 24.1-43; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1976, c. 12; 1978, c. 778; 1981, c. 425; 1982, c. 290; 1983, c. 511; 1984, c. 480; 1985, c. 197; 1986, c. 558; 1988, c. 528; 1993, c. 641; 1996, cc. 72, 73; 2015, c. 740.

§ 24.2-414. Final registration day

Each general registrar shall hold a final day of registration on the day before the registration records close under § 24.2-416 for every election held in his jurisdiction. On the final day of registration, the principal office of the general registrar shall be open a minimum of eight hours. The registrar shall make a list by name of any persons in line at the time of closing and shall permit those persons to complete an application to register or to make any necessary changes to their registration records.

Code 1950, §§ 24-74 through 24-76, 24-78; 1963, Ex. Sess., c. 2; 1970, c. 462, § 24.1-49; 1975, c. 515; 1976, c. 616; 1984, c. 480; 1985, c. 530; 1988, c. 305; 1989, c. 743; 1991, cc. 42, 136; 1993, cc. 545, 619, 641; 2001, cc. 613, 632; 2008, c. 424.

§ 24.2-414.1. Closing time of registration sites on final day

The principal office of the registrar shall close for voter registration purposes at 5:00 p.m. on the final day of registration.

2013, c. 680.

§ 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 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 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, 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.

Code 1950, §§ 24-74 through 24-76, 24-78; 1963, Ex. Sess., c. 2; 1970, c. 462, § 24.1-49; 1975, c. 515; 1976, c. 616; 1984, c. 480; 1985, c. 530; 1988, c. 305; 1989, c. 743; 1991, cc. 42, 136; 1993, c. 641; 2003, c. 969; 2012, cc. 328, 486.

§ 24.2-415.1. Persons authorized to receive voter registration applications

A. Any designated employee of an office of the Department of Motor Vehicles, state-designated voter registration agency, or Armed Forces recruitment office shall be authorized to receive a voter registration application when hand delivered by the applicant during the hours that the office is open.

B. The registration date for a valid voter registration application that has been hand delivered is the date when received by any general registrar or any person authorized to receive voter registration applications pursuant to subsection A of this section.

1996, cc. 72, 73.

§ 24.2-416. Closing registration records before elections

In any county, city, or town in which an election is being held, the registration records shall be closed for the purpose of registering voters on the election day and during the period in advance of the election as provided in this section. The registration records shall be closed during the twenty-eight days before a primary or general election. Beginning January 1, 2010, the registration records shall be closed during the 21 days before a primary or general election. If the registration records have not been closed previously for a primary or general election, they shall be closed during the six days before a special election called by the Governor, Speaker of the House of Delegates, or President pro tempore of the Senate, or pursuant to rule or resolution of either house of the General Assembly and during the thirteen days before any other special election.

Code 1950, §§ 24-82, 24-83.1; 1962, c. 536; 1970, c. 462, § 24.1-50; 1973, c. 30; 1975, c. 515; 1993, c. 641; 2008, c. 424.

Article 3.1 - MAIL REGISTRATION

§ 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 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 so long as he (i) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20302 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 (52 U.S.C. § 20102(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; (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.

1996, cc. 72, 73; 2003, c. 1015.

§ 24.2-416.2. Mail voter registration application forms

Notwithstanding the provisions of §§ 24.2-418 and 24.2-418.1, the national mail voter registration application form promulgated by the Election Assistance Commission pursuant to the National Voter Registration Act (52 U.S.C. § 20501 et seq.) shall be accepted for the registration of otherwise qualified voters to vote in federal, state, and local elections. In addition to the national form promulgated by the Election Assistance Commission, the State Board of Elections shall design and distribute a state mail voter registration application form. Such state form shall include the eligibility requirements for registration as provided in this title, shall provide for a receipt for the applicant pursuant to § 24.2-418.1, and shall require each applicant to provide the information required subject to felony penalties for making false statements pursuant to § 24.2-1016.

Each state form shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO $2,500."

1996, cc. 72, 73; 2008, c. 865; 2015, c. 740.

§ 24.2-416.3. Distribution of mail voter registration application forms

A. Subject to the conditions set forth in § 24.2-416.6, the Department of Elections shall make available to any individual or group a reasonable number of mail voter registration application forms.

B. The Department shall provide a reasonable number of mail voter registration application forms to each agent of the Department of Game and Inland Fisheries authorized to sell hunting or fishing licenses in Virginia. The Department of Game and Inland Fisheries shall assist the Department by providing a list of its agents appointed to sell hunting and fishing licenses in Virginia and by instructing its agents to make the mail voter registration application forms available to persons purchasing hunting or fishing licenses.

1996, cc. 72, 73; 2011, cc. 197, 225; 2013, c. 465; 2015, c. 740.

§ 24.2-416.4. Return of mail voter registration applications

A. Notwithstanding the provisions of § 24.2-416, a mail voter registration application returned through the United States Postal Service shall be deemed to have been made as of the date of the

postmark affixed to such application by the United States Postal Service. If no such postmark is affixed or if the postmark affixed by the United States Postal Service is illegible or bears no date, such application shall be deemed to have been timely if received through the United States mail no later than five days following the time for the closing of the registration books pursuant to § 24.2-416.

B. In any other case, a completed mail voter registration application shall be deemed timely if received by any general registrar or any person authorized to receive voter registration applications pursuant to § 24.2-415.1 by 5:00 p.m. on the final day of registration provided for in § 24.2-414.

1996, cc. 72, 73; 2013, c. 680.

§ 24.2-416.5. Social security number or parts thereof not to be disclosed

Any person assisting an applicant with the completion or return of a mail voter registration application shall not copy, disclose or make any use of the social security number, or any part thereof, of the applicant except as authorized by law for official use.

1996, cc. 72, 73; 2007, c. 318.

§ 24.2-416.6. Registration by and instructions for voter registration drives

Whenever the Department of Elections, local electoral board, or general registrar's office furnishes individuals or groups multiple copies of the voter registration application, it shall provide accompanying instructions that contain a copy and explanation of § 24.2-1002.01 and the penalty for destruction of, or failure to mail or deliver, voter registration applications that have been signed. Any like instructions furnished to the public by whatever means shall contain a copy and explanation of § 24.2-1002.01 and the penalty for destruction of, or failure to mail or deliver, voter registration applications. When obtaining 25 or more voter registration applications, such individuals or groups shall be required to register with and provide to the Department, local electoral board, or general registrar's office such information as required by the Department. Such individuals or agents representing a group shall be required to receive training as approved by the State Board and sign a sworn affidavit on a form prescribed by the State Board attesting that such individuals or organizations will abide by all Virginia laws and rules regarding the registration of voters.

2005, cc. 339, 412; 2013, c. 465; 2015, c. 740.

Article 3.2 - ELECTRONIC REGISTRATION

§ 24.2-416.7. Application for voter registration by electronic means

A. Notwithstanding any other provision of law, a person who is qualified to register to vote may apply to register to vote by electronic means as authorized by the State Board by completing an electronic registration application.

B. Notwithstanding any other provision of law, a registered voter may satisfy the requirements of §§ 24.2-423 and 24.2-424 to notify the general registrar of a change of legal name or place of

residence within the Commonwealth by electronic means as authorized by the State Board by completing an electronic registration application.

C. An electronic registration application completed pursuant to this article shall require that an applicant:

1. Provide the information as required under § 24.2-418;

2. Have a Virginia driver's license or special identification card issued by the Department of Motor Vehicles;

3. Provide a social security number and Department of Motor Vehicles customer identifier number that matches the applicant's record in the Department of Motor Vehicles records;

4. Attest to the truth of the information provided;

5. Sign the application in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.); and

6. Affirmatively authorize the Department of Elections and general registrar to use the applicant's signature obtained by the Department of Motor Vehicles for voter registration purposes.

D. In order for an individual to complete a transaction under this article, the general registrar shall verify that the Department of Motor Vehicles customer identifier number, date of birth, and social security number provided by the applicant match the information contained in the Department of Motor Vehicles records.

E. The Department of Motor Vehicles shall provide to the Department of Elections a digital copy of the applicant's signature on record with the Department of Motor Vehicles.

F. The Department of Elections shall transmit to the general registrar an applicant's completed voter registration application and digital signature not later than five business days after the date of receipt.

G. Each transaction taking place under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT DURING THIS TRANSACTION CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO $2,500."

H. The Department of Elections may use additional security measures approved by the State Board to ensure the accuracy and integrity of registration transactions performed under this article.

2013, c. 520; 2015, c. 740.

Article 4 - REGISTRATION OF VOTERS

§ 24.2-417. Persons to be registered

Each registrar shall register every resident of his county or city who has the qualifications required by the Constitution of Virginia and this title and who applies for registration or transfer of his registration from another county or city in the Commonwealth at the time and in the manner required by law.

Any person, once properly registered, shall remain registered unless his registration is cancelled pursuant to Article 5 (§ 24.2-427 et seq.) of this chapter.

Code 1950, §§ 24-67, 24-68; 1952, c. 341; 1958, c. 576; 1960, c. 288; 1962, c. 536; 1963, Ex. Sess., c. 2; 1970, c. 462, §§ 24.1-47, 24.1-48; 1971, Ex. Sess., cc. 119, 205; 1972, c. 620; 1974, c. 428; 1977, c. 490; 1980, c. 639; 1989, c. 138; 1992, c. 433; 1993, c. 641; 1996, cc. 72, 73; 2000, c. 857.

§ 24.2-417.1. Registration residence requirements; presumptions in certain cases

In determining the residence as defined in § 24.2-101 and the domicile and place of abode of a participant in the American Conservation and Youth Service Corps provided for by federal law (42 U.S.C. § 12655 et seq.), there shall be a presumption that a participant in the Corps who was domiciled and had a place of abode in Virginia at the time of entering the Corps continues to be domiciled and retains the same place of abode unless the participant expressly states otherwise.

In determining the residence as defined in § 24.2-101 and domicile and place of abode of a military or merchant marine spouse or dependent, there shall be a presumption that a military or merchant marine spouse or dependent who has established physical presence and a place of abode in the Commonwealth shall also have established domicile in the Commonwealth unless the spouse or dependent expressly states otherwise. Once residence is changed, the military or merchant marine spouse or dependent may not revert to any previous residence without re-establishing new physical presence and intent to remain or return.

1995, c. 231; 2006, c. 391.

§ 24.2-418. Application for registration

A. Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed by the State Board.

The form of the application to register shall require the applicant to provide the following information: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated and disqualified to vote or convicted of a felony, and if so, whether the applicant's right to vote has been restored. The form shall contain a statement that whoever votes more than once in any election in the same or different jurisdictions is guilty of a Class 6 felony. Unless directed by the applicant or

as permitted in § 24.2-411.1 or 24.2-411.2, the registration application shall not be pre-populated with information the applicant is required to provide.

B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under this subsection.

1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331 (20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

2. 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;

3. Any party who has furnished a signed written statement by the party that he is in fear for his personal safety from another person who has threatened or stalked him, accompanied by evidence that he has filed a complaint with a magistrate or law-enforcement official against such other person;

4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2; and

5. Any active or retired federal or Virginia justice or judge and any active or retired attorney employed by the United States Attorney General or Virginia Attorney General.

C. If the applicant formerly resided in another state, the general registrar shall send the information contained in the applicant's registration application to the appropriate voter registration official or other authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-114.

Code 1950, §§ 24-28, 24-68; 1952, c. 341; 1958, c. 576; 1960, c. 288; 1962, c. 536; 1968, c. 97; 1970, c. 462, §§ 24.1-22, 24.1-48; 1971, Ex. Sess., cc. 205, 247; 1972, c. 620; 1974, c. 428; 1975, c. 515; 1977, c. 490; 1980, c. 639; 1989, c. 138; 1992, c. 433; 1993, c. 641; 1994, c. 250; 1995, c. 314; 1996, c. 251; 1997, cc. 346, 801; 2001, cc. 612, 626; 2004, c. 184; 2009, cc. 318, 865, 870, 874; 2010, cc. 795, 812; 2012, c. 491; 2013, c. 465; 2015, c. 740; 2016, cc. 630, 633.

§ 24.2-418.1. Receipt for voter registration applicants

A. The state form for the application to register to vote shall contain a receipt that shall be given to the applicant upon his completion of the form. The receipt shall be completed by the person receiving the form from the applicant and shall include the following information: the name of the office, group, or person receiving the registration application; the date that the office, group, or person received the registration application from the applicant; and the phone number of the gen-

eral registrar or the toll-free phone number of the Department of Elections that the applicant may call to confirm his registration.

B. The requirement to complete the receipt as provided in subsection A shall not be applicable when a completed form is mailed directly to or completed in the office of a general registrar or the Department.

2008, c. 865; 2015, c. 740.

§ 24.2-419. Extended time for certain persons to register by mail

The registration application of the following persons may accompany an application for an absentee ballot and shall be on a form prescribed by the State Board, on a federal postcard application, or on a federal write-in absentee ballot:

1. Any member of a uniformed service, as defined in § 24.2-452, who is on active duty;

2. Any spouse or dependent residing with a person listed in subdivision 1; and

3. Any person temporarily residing outside the United States.

The registration application from a person listed in subdivisions 1 and 2 may be accepted notwithstanding the provisions of § 24.2-416 if they are eligible to be registered and if, by reason of active duty, they are normally absent from the city or county in which they reside.

Code 1950, § 24-68; 1952, c. 341; 1958, c. 576; 1960, c. 288; 1962, c. 536; 1970, c. 462, § 24.1-48; 1971, Ex. Sess., c. 205; 1972, c. 620; 1974, c. 428; 1977, c. 490; 1980, c. 639; 1989, c. 138; 1992, c. 433; 1993, c. 641; 1995, c. 296; 2002, cc. 785, 819; 2004, c. 410; 2012, c. 353.

§ 24.2-420. Repealed

Repealed by Acts 1995, c. 296.

§ 24.2-420.1. Extended time for certain persons to register in person

A. Notwithstanding the provisions of § 24.2-416, the following persons shall be entitled to register in person up to and including the day of the election:

1. Any member of a uniformed service of the United States, as defined in § 24.2-452, who is on active duty;

2. Any person who resides temporarily outside of the United States; and

3. Any spouse or dependent residing with a person listed in subdivision 1 or 2 of this subsection.

The provisions of this subsection shall apply only to those persons who are otherwise qualified to register and who, by reason of such active duty or temporary overseas residency, either (i) are normally absent from the city or county in which they reside or (ii) have been absent from such city or county and returned to reside there during the twenty-eight days immediately preceding the election.

B. Notwithstanding the provisions of § 24.2-416, any person who was on active duty as a member of a uniformed service as defined in § 24.2-452 and discharged from the uniformed service during the sixty days immediately preceding the election, and his spouse or dependent, shall be entitled to register, if otherwise qualified, in person up to and including the day of the election.

C. The Department shall prescribe procedures for the addition of persons registered under this section to the lists of registered voters.

1995, c. 296; 2002, cc. 785, 819; 2015, c. 740.

§ 24.2-421. Repealed

Repealed by Acts 1997, cc. 523 and 539.

§ 24.2-422. Appeal of person denied registration

A. A person denied registration shall have the right to appeal, without payment of writ tax or giving security for costs, to the circuit court of the county or city in which he offers to register by filing with the clerk of the court, within ten days after the denial, a petition in writing to have his right to register determined.

The petitioner may file his petition by completing and filing a form which shall be prescribed by the State Board and which shall be used by the general registrar to notify an applicant of the denial of his application to register and of the reasons for the denial. The form shall (i) state that an applicant denied registration has the right to appeal to the circuit court of the county or city in which he offers to register, (ii) give the name and address of the clerk of the circuit court for such county or city (to be supplied by the general registrar), (iii) state that a filing fee of ten dollars must be paid when filing the petition, (iv) contain a statement by which the applicant may indicate his desire to petition the court to have his right to register determined, and (v) provide space for the applicant to state the facts in support of his right to register.

On the filing of a petition to have the right to register determined, the clerk of the court shall immediately bring the matter to the attention of the chief judge of the court for the scheduling of a hearing on the petition. The matter shall be heard and determined on the face of the petition, the answer made in writing by the general registrar, and any evidence introduced as part of the proceedings. The proceedings shall take precedence over all other business of the court and shall be heard as soon as possible.

On the filing of the petition, the clerk of the court shall immediately give notice to the attorney for the Commonwealth for his county or city, who shall appear and defend against the petition on behalf of the Commonwealth.

Judgment in favor of the petitioner shall entitle him to registration. From a judgment rendered against the petitioner, an appeal shall lie to the Supreme Court of Virginia.

B. The general registrar shall send a new application for registration to the applicant with the form prescribed in subsection A. The general registrar shall advise the applicant that he may complete

and return the new application, in lieu of filing an appeal, if the reason stated for denial is that the applicant has failed to sign the application or failed to provide a required item of information on the application. Any applicant who returns a second application and whose second application is denied shall have the right to appeal provided in subsection A.

C. The provisions of § 24.2-416, pertaining to the closing of registration records in advance of an election, shall apply to any application submitted pursuant to subsection B following a denial of registration.

Code 1950, § 24-112; 1970, c. 462, § 24.1-67; 1974, c. 428; 1985, c. 351; 1993, c. 641; 1997, c. 114; 2001, c. 627.

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

Whenever a registered voter changes his legal name, either by marriage, divorce, order of court, or otherwise, the voter shall promptly notify 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. Notice may be provided by electronic means as authorized by the State Board and signed by the voter in a manner consistent with the provisions of § 24.2-416.7 and 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.

Code 1950, § 24-81; 1970, c. 462, § 24.1-51; 1993, c. 641; 2003, c. 1015; 2013, c. 520.

§ 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. Notice may be provided by electronic means as authorized by the State Board and signed by the voter in a manner consistent with the provisions of § 24.2-416.7 and 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 sufficient notice 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) send the voter confirmation documents. 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) send the voter confirmation documents; 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, either 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 or (ii) a replacement record provided by the Department to replace damaged files in the registrar's office. If no other record is available, then the registrar of the voter's former locality shall provide written notification to the registrar of the locality in which the voter now resides that none of the required documents are available. In this instance only, the registrar of the locality in which the voter now resides shall copy the voter's record from the Virginia voter registration system and use that record in lieu of the original voter registration application. 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.

Code 1950, § 24-85; 1970, c. 462, § 24.1-52; 1971, Ex. Sess., c. 247; 1977, c. 490; 1993, c. 641; 2000, c. 857; 2001, cc. 615, 625; 2002, c. 279; 2003, c. 1015; 2013, cc. 520, 684; 2015, c. 740.

§ 24.2-425. Repealed

Repealed by Acts 2016, c 857, cl 2

Article 5 - CANCELLATION OF REGISTRATION

§ 24.2-426. Repealed

Repealed by Acts 1997, c. 805.

§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or disqualified to vote

A. Any registered voter may cancel his registration and have his name removed from the central registration records by signing an authorization for cancellation and mailing or otherwise submitting the signed authorization to the general registrar. When submitted by any means other than when notarized or in person, such cancellation must be made at least 22 days prior to an election in order to be valid in that election. The general registrar shall acknowledge receipt of the authorization and advise the voter in person or by first-class mail that his registration has been canceled within 10 days of receipt of such authorization.

B. The general registrar shall cancel the registration of (i) all persons known by him to be deceased or disqualified to vote by reason of a felony conviction or adjudication of incapacity; (ii) all persons known by him not to be United States citizens by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 and in accordance with the requirements of subsection B1; (iii) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has moved from the Commonwealth; and (iv) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in clauses (iii) and (iv) shall be considered as a written request from the voter to have his registration cancelled. A voter's registration may be cancelled at any time during the year in which the general registrar discovers that the person is no longer entitled to be registered. The general registrar shall mail notice of any cancellation to the person whose registration is cancelled.

B1. The general registrar shall mail notice promptly to all persons known by him not to be United States citizens by reason of a report from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 prior to cancelling their registrations. The notice shall inform the person of the report from the Department of Motor Vehicles or from the Department of Elections and allow the person to submit his sworn statement that he is a United States citizen within 14 days of the date that the notice was mailed. The general registrar shall cancel the registrations of such persons who do not respond within 14 days to the notice that they have been reported not to be United States citizens.

B2. The general registrar shall (i) process the Department's most recent list of persons convicted of felonies within 21 to 14 days before any primary or general election, (ii) cancel the registration of any registered voter shown to have been convicted of a felony who has not provided evidence that

his right to vote has been restored, and (iii) send prompt notice to the person of the cancellation of his registration. If it appears that any registered voter has made a false statement on his registration application with respect to his having been convicted of a felony, the general registrar shall report the fact to the attorney for the Commonwealth for prosecution under § 24.2-1016 for a false statement made on his registration application.

C. The general registrar may cancel the registration of any person for whom a notice has been submitted to the Department of Motor Vehicles in accordance with the Driver License Compact set out in Article 18 (§ 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that the voter has moved from the Commonwealth; provided that the registrar shall mail notice of such cancellation to the person at both his new address, as reported to the Department of Motor Vehicles, and the address at which he had most recently been registered in Virginia. No general registrar may cancel registrations under this authority while the registration records are closed pursuant to § 24.2-416. No registrar may cancel the registration under this authority of any person entitled to register under the provisions of subsection A of § 24.2-420.1, and shall reinstate the registration of any otherwise qualified voter covered by subsection A of § 24.2-420.1 who applies to vote within four years of the date of cancellation.

Code 1950, §§ 24-59, 24-60, 24-60.1, 24-71 through 24-73, 24-90, 24-93, 24-94, 24-101, 24-111; 1958, c. 576; 1962, cc. 422, 536; 1970, c. 462, § 24.1-46(12); 1972, c. 620; 1973, c. 30; 1974, c. 428; 1976, c. 616; 1979, c. 329; 1980, c. 639; 1982, c. 650; 1983, c. 398; 1984, c. 480; 1986, c. 558; 1990, c. 193; 1993, c. 641; 1996, cc. 72, 73; 1997, cc. 801, 805; 1999, c. 851; 2000, c. 857; 2001, c. 634; 2002, cc. 785, 819; 2006 cc. 926, 940; 2007, c. 318; 2008, c. 382; 2012, c. 686; 2013, c. 686; 2015, c. 740.

§ 24.2-428. Regular periodic review of registration records; notice to voters identified as having moved; placement on inactive status for failure to respond to notice

A. The Department of Elections shall establish a voter list maintenance program using the change of address information supplied by the United States Postal Service through its licensees or by other reliable sources to identify voters whose addresses may have changed. Any such program shall be regular and periodic and shall be conducted at least annually. The program shall be completed not later than ninety days prior to the date of a federal primary or federal general election.

B. If it appears from information provided by the Postal Service or by other reliable sources that a voter has moved to a different address in the same county or city in which the voter is currently registered, the Department shall provide to the general registrar the information necessary to change the registration records to show the new address, and the Department or the general registrar shall send to the new address of the voter by forwardable mail, a notice of the change, along with a postage prepaid, pre-addressed return card by which the voter may verify or correct the address information.

C. If it appears from information provided by the Postal Service or by other reliable sources that a voter has moved to a different address not in the same county or city, the Department or the general registrar shall send to the last known address of the voter by forwardable mail, a notice on a form prescribed by the Department, along with a postage prepaid and pre-addressed return card on which the voter may state his current address.

D. The registered voter shall complete and sign the return card subject to felony penalties for making false statements pursuant to § 24.2-1016.

E. The general registrar shall correct his registration records from the information obtained from the return card. If the information indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the general registrar shall transfer the registration record, along with the return card, to the appropriate general registrar who shall treat the request for a change of address as a request for transfer and shall send a voter registration card as confirmation of the transfer to the voter pursuant to § 24.2-424. If the general registrar does not receive the return card provided for in subsection C of this section within thirty days after it is sent to the voter, the registered voter's name shall be placed on inactive status. A registered voter's failure to receive the notice shall not affect the validity of the inactivation.

Code 1950, §§ 24-96, 24-97, 24-107; 1954, c. 690; 1962, c. 536; 1964, c. 538; 1970, c. 462, §§ 24.1-59, 24.1-60; 1972, c. 620; 1973, c. 30; 1975, c. 515; 1976, c. 616; 1982, c. 650; 1986, c. 241; 1990, c. 313; 1991, c. 10; 1993, c. 641; 1996, cc. 72, 73; 2000, c. 857; 2015, c. 740.

§ 24.2-428.1. Other procedures for assigning registered voters to inactive status

In addition to the voter list maintenance program provided for in § 24.2-428, the general registrar and the registered voter shall follow the confirmation notification procedures set forth in subsections C through E of § 24.2-428 if a voter provides an address on a candidate or referendum petition that differs from the address for the voter on the voter registration system or if any of the following documents sent to the registered voter are returned by the Postal Service as undeliverable:

1. An acknowledgment of registration;

2. An acknowledgment of transfer to a new address;

3. An absentee ballot or application for an absentee ballot sent or provided in accordance with Chapter 7 (§ 24.2-700 et seq.);

4. Notification to a voter after a precinct reassignment;

5. Notification of a change of address sent to a voter in accordance with subsection B of § 24.2-428; or

6. Any official voter registration or election mail.

1996, cc. 72, 73; 2001, c. 625.

§ 24.2-428.2. Return of registered voter to active status

A registered voter shall be returned to active status from inactive status if, during the period beginning on the date the voter was assigned to inactive status and ending on the day of the second general election for federal office thereafter, the voter:

1. Notifies the general registrar of a change of address within the county or city;

2. Responds to a confirmation notice with information that the voter continues to reside at the registration address;

3. Votes or attempts to vote in a primary or a special or general election and, if necessary, corrects the registration record; or

4. Transfers his registration to another county or city within the Commonwealth, pursuant to § 24.2-424 or subsection E of § 24.2-428.

If the registered voter fails to take such action on or before the day of the second general election for federal office after the voter was placed on inactive status, the general registrar shall cancel the person's voter registration.

The general registrar shall post at the courthouse or have published in a newspaper of general circulation in his county or city a list of names of persons whose registration has been cancelled pursuant to this section. He shall deliver or mail, obtaining a certificate of mailing, a certified copy of the list to the chairman of each political party in his county or city.

1996, cc. 72, 73.

§ 24.2-429. Maintenance of accurate registration records by general registrar; notice and hearing before cancellation

Whenever a registered voter is alleged to be improperly registered, except for reason of removal of residence from the precinct, either by the general registrar or by any three qualified voters of the county or city who make such an allegation to the general registrar, the registrar shall post at the courthouse or publish in a newspaper of general circulation in his county or city the name of the registered voter on a list of persons whose registrations are to be cancelled by the general registrar. The list shall be certified by the registrar and delivered or sent by mail to the county or city chairman of each political party. If sent by mail, the general registrar shall obtain a certificate of mailing. In addition to the posted or published list, the general registrar shall send a notice by mail to the last known address of each registered voter on the list, stating the reasons provided by law for the cancellation, the facts on which the cancellation is based, and when the registrar, at his office during regular office hours, will hear testimony produced for or against the right of persons named in the notice to be retained on the registration records. The hearings shall be held not less than ten days after the mailing of the notice, and in no event shall be within sixty days of the general election in November or within thirty days of any other election in the county or city.

At the hearing, the registrar shall hear the testimony produced and shall determine if the registered voter named in the notice is qualified to vote in the county or city. If the person is no

longer qualified to vote, the registrar shall cancel the voter's registration. Nothing contained in this section shall prevent the registered voter from applying to the general registrar for a transfer to his proper jurisdiction, provided the registration records are not closed as provided by law. The general registrar may continue the hearing for a period of not more than thirty days in order to complete his examination. If the registered voter so challenged fails to appear and defend his right to be registered, his registration shall be cancelled by the general registrar.

Code 1950, §§ 24-59, 24-60, 24-60.1, 24-71 through 24-73, 24-90, 24-93, 24-94, 24-97, 24-98, 24-101, 24-107, 24-108, 24-111; 1954, c. 690; 1958, c. 576; 1962, cc. 422, 536; 1964, c. 538; 1970, c. 462, §§ 24.1-46(13), 24.1-60, 24.1-61; 1972, c. 620; 1973, c. 30; 1974, c. 428; 1976, c. 616; 1979, c. 329; 1980, c. 639; 1982, c. 650; 1983, c. 398; 1984, c. 480; 1986, c. 558; 1990, c. 193; 1991, c. 10; 1993, c. 641; 1996, cc. 72, 73.

§ 24.2-430. Appeal from decision of registrar

Any person whose registration was cancelled in accordance with the decision of the general registrar pursuant to § 24.2-429, shall have the right of appeal, as provided in § 24.2-422, to the circuit court of the county or city in which he offers to register. Any qualified voter of the county or city shall have the same right of appeal from the decision of the general registrar refusing to cancel the registration of any person alleged to be improperly registered.

Code 1950, §§ 24-99, 24-109; 1970, c. 462, § 24.1-62; 1993, c. 641 .

§ 24.2-431. Petition to court objecting to registration

In addition to challenging a voter's registration before the general registrar, any three qualified voters may file with the circuit court of the county or city in which they are registered, a petition stating their objections to the registration of any person whose name is on the registration records for their county or city. However, no petition may be filed if the only objection raised is based on removal of residence from the precinct.

Code 1950, § 24-102; 1970, c. 462, § 24.1-63; 1993, c. 641; 1996, cc. 72, 73.

§ 24.2-432. Notice to person objected to and decision of court

Fifteen days' notice shall be given by the petitioners to any person whose registration is objected to pursuant to § 24.2-431, and the court shall summarily proceed to determine the right of the person to registration. The determination shall be without the necessity of formal pleadings and in preference to all other matters on the docket. An order of the court concerning registration of the voter shall not be limited by the provisions of § 24.2-416 requiring the registration records to be closed.

Code 1950, § 24-103; 1970, c. 462, § 24.1-64; 1993, c. 641 .

§ 24.2-433. Appeal from decision of court

From the judgment of the court, an appeal shall lie, as a matter of right, to the Supreme Court of Virginia. The appeal shall be placed on the privileged docket and be heard at the next ensuing session of the court.

Code 1950, § 24-104; 1970, c. 462, § 24.1-65; 1974, c. 428; 1993, c. 641 .

§ 24.2-434. Presumption if petition not brought within six months of registration
Unless the petition provided for in § 24.2-431 is filed within six months after the registration of any person, it shall be conclusively presumed in all proceedings where the right of such person to registration arises, by election officers and by judicial tribunals, or in election contests of any kind and character, that such person has complied with all the procedural requirements of the law in making an application for registration.

Code 1950, § 24-105; 1970, c. 462, § 24.1-66; 1993, c. 641 .

§ 24.2-435. Cancellation records to be retained for specified periods
The registration records of voters whose registration has been cancelled pursuant to this article shall be retained for two years from the date of cancellation by the general registrar. However, the registration records of voters whose registration has been cancelled because the voter has moved to another state or the voter has submitted changes to his registration records shall be retained for four years.

Code 1950, §§ 24-59, 24-60, 24-60.1, 24-71 through 24-73, 24-90, 24-93, 24-94, 24-96, 24-101, 24-111; 1958, c. 576; 1962, cc. 422, 536; 1970, c. 462, §§ 24.1-46(12), 24.1-59; 1972, c. 620; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1976, c. 616; 1979, c. 329; 1980, c. 639; 1982, c. 650; 1983, c. 398; 1984, c. 480; 1986, cc. 241, 558; 1990, cc. 193, 313; 1993, c. 641; 2003, c. 238.

Article 6 - TEMPORARY REGISTRATION FOR PRESIDENTIAL ELECTIONS

§§ 24.2-436 through 24.2-439. Repealed
Repealed by Acts 2001, cc. 616 and 628.

Article 7 - TEMPORARY ABSENTEE REGISTRATION FOR FEDERAL ELECTIONS

§§ 24.2-440 through 24.2-443. Repealed
Repealed by Acts 2012, c. 353, cl. 2.

Article 7.1 - TEMPORARY REGISTRATION FOR CERTAIN OVERSEAS VOTERS

§§ 24.2-443.1 through 24.2-443.4. Repealed
Repealed by Acts 2012, c. 353, cl. 2.

Article 8 - REGISTRATION RECORDS GENERALLY

§ 24.2-444. Duties of general registrars and Department of Elections as to voter registration records; public inspection; exceptions
A. Registration records shall be kept and preserved by the general registrar in compliance with §§ 2.2-3803, 2.2-3808, and 24.2-114. The Department 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, address, year of birth, gender and all election districts applicable to each registered voter.

The lists shall be opened to public inspection at the office of the general registrar when the office is open for business. New lists shall be provided not less than 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 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. The Department shall provide to each general registrar lists of persons denied registration for public inspection. Such lists may be provided electronically through the Virginia voter registration system and produced in whole or in part upon a request for public inspection.

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 pursuant to §§ 24.2-427, 24.2-428 and 24.2-428.1, including lists of the names and addresses of all persons to whom notices are sent, and information concerning whether each person has responded to the notice as of the date that inspection of the records is made.

C. No list provided by the Department under subsection A nor any record made available for public inspection under subsection B shall contain any of the following information: (i) an individual's social security number, or any part thereof; (ii) the residence address of an individual who has furnished a post office box address in lieu of his residence address as authorized by subsection B of § 24.2-418; (iii) the declination by an individual to register to vote and related records; (iv) the identity of a voter registration agency through which a particular voter is registered; or (v) the day and month of birth of an individual. No voter registration records other than the lists provided by the Department under subsection A and the records made available under subsection B shall be open to public inspection.

Code 1950, § 24-113; 1970, c. 462, § 24.1-56; 1993, c. 641; 1994, c. 656; 1996, cc. 72, 73; 2001, cc. 612, 626; 2003, c. 1015; 2007, cc. 311, 318; 2008, c. 379; 2009, c. 318; 2012, c. 353; 2015, c. 740.

§ 24.2-445. Registration records controlling in event of conflict

In the event of a conflict as to whether a person is registered to vote, the registration and voting records in the possession of the general registrar shall be controlling.

1970, c. 462, § 24.1-28; 1993, c. 641 .

§ 24.2-446. Reconstruction of destroyed registration records

Whenever the registration records of a county or city have been destroyed by fire or otherwise, the Department shall provide substitute active registration records obtained from the Virginia voter registration system.

For active registration records not retrievable from the system, the general registrar shall give notice that he is reconstructing such records by posting the notice at ten places in the jurisdiction or publishing it once in a newspaper having general circulation in the jurisdiction.

In the reconstruction, the registrar shall place on the registration records the names of all voters known by him who have been previously registered, or who can show by evidence satisfactory to the registrar that their names were on the old records and who still reside in the county or city.

Code 1950, § 24-91; 1970, c. 462, § 24.1-58; 1993, c. 641; 2015, c. 740.

§ 24.2-447. Persons registered prior to this title

Any person validly registered to vote as of December 1, 1993, shall continue to be registered subject to the provisions of this title.

Code 1950, § 24-117; 1970, c. 462, § 24.1-69; 1993, c. 641 .

Chapter 4.1 - UNIFORM MILITARY AND OVERSEAS VOTERS ACT

§ 24.2-451. Short title

This chapter may be cited as the Uniform Military and Overseas Voters Act.

2012, c. 353.

§ 24.2-452. Definitions

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

1. "Covered voter" means:

a. A uniformed-service voter or an overseas voter who is registered to vote in this state;

b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements, including subdivision 2 of § 24.2-700;

c. An overseas voter who, before leaving the United States, was last eligible to vote in this state and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements;

d. An overseas voter who, before leaving the United States, would have been last eligible to vote in this state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements; or

e. An overseas voter who was born outside the United States, is not described in subdivision c or d, and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements, if:

(1) The last place where a parent or legal guardian of the voter was, or under this chapter would have been, eligible to vote before leaving the United States is within this state; and

(2) The voter has not previously registered to vote in any other state.

2. "Dependent" means an individual recognized as a dependent by a uniformed service.

3. "Federal postcard application" means the application prescribed under § 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2).

4. "Federal write-in absentee ballot" means the ballot described in § 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, that may be used in all elections in which the voter is eligible to vote as provided in § 24.2-702.1.

5. "Military-overseas ballot" means:

a. A federal write-in absentee ballot;

b. A ballot specifically prepared or distributed for use by a covered voter in accordance with this title; or

c. A ballot cast by a covered voter in accordance with this title.

6. "Overseas voter" means a United States citizen who is outside the United States.

7. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

8. "Uniformed service" means:

a. Active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States;

b. The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

c. The Virginia National Guard.

9. "Uniformed-service voter" means an individual who is qualified to vote and is:

a. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;

b. A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

c. A member on activated status of the National Guard; or

d. A spouse or dependent of a member referred to in this definition.

10. "United States," used in the territorial sense, means the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

2012, c. 353; 2015, c. 313.

§ 24.2-453. Restriction of ballot eligibility

To be eligible to vote in state and local elections, the application of an overseas voter who has given up his place of abode in Virginia must show that the applicant is employed overseas or the spouse or dependent of a person employed overseas.

2012, c. 353.

§ 24.2-454. Elections covered

The voting procedures in this chapter apply to:

1. A general, special, or primary election for federal office;

2. A general, special, or primary election for statewide or state legislative office or state referendum measure; and

3. A general, special, or primary election for local constitutional or government office or local referendum measure conducted under Chapter 6 (§ 24.2-600 et seq.) for which absentee voting is available for other voters.

2012, c. 353.

§ 24.2-455. Role of Commissioner of Elections

A. The Commissioner of Elections is the state official responsible for implementing this chapter and Virginia's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301 et seq.

B. The Commissioner shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots. The Commissioner may delegate the responsibility under this subsection only to the state office designated in compliance with § 102(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20302(b)(1).

C. The Commissioner shall coordinate with local electoral boards to establish an appropriate system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information under this chapter.

D. The Commissioner shall:

1. Develop standardized absentee-voting materials, including privacy and transmission envelopes, authentication materials, and voting instructions to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in this state; and

2. To the extent reasonably possible, coordinate with other states to carry out this subsection.

E. The Commissioner shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of an overseas-military ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in

absentee ballot, as modified to be consistent with this chapter. The Commissioner shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

2012, c. 353; 2013, c. 542.

§ 24.2-456. Overseas voter's registration address

In registering to vote, an overseas voter who is eligible to vote in this state shall use and must be assigned to the voting precinct of the address of the last place of residence of the voter in this state or, in the case of a voter described by subdivision 1 e of § 24.2-452, the address of the last place of residence in this state of the parent or legal guardian of the voter. If that address is no longer a recognized residential address, the voter must be assigned an address for voting purposes.

2012, c. 353.

§ 24.2-457. Methods of registering to vote

A. To apply to register to vote, in addition to any other approved method, a covered voter may use a federal postcard application.

B. A covered voter may use the declaration accompanying a federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the applicable deadline for registration. If the declaration is received after that date, it must be treated as an application to register to vote for subsequent elections.

C. The electoral board shall ensure that the system described in subsection C of § 24.2-455 is capable of accepting both a federal postcard application and any other approved registration application sent to the appropriate election official. The voter may use the system or any other approved method to register to vote.

2012, c. 353.

§ 24.2-458. Methods of applying for military-overseas ballot

A. A covered voter who is registered to vote in this state may apply for a military-overseas ballot using either the regular absentee ballot application in use in the voter's jurisdiction under Chapter 7 (§ 24.2-700 et seq.) or the federal postcard application.

B. A covered voter who is not registered to vote in this state may use a federal postcard application to apply simultaneously to register to vote under § 24.2-457 and for a military-overseas ballot.

C. The electoral board shall ensure that the system described in subsection C of § 24.2-455 is capable of accepting the submission of both a federal postcard application and any other approved military-overseas ballot application sent to the appropriate election official. The voter may use the system or any other approved method to apply for a military-overseas ballot.

D. A covered voter may use the declaration accompanying a federal write-in absentee ballot as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot.

E. To receive the benefits of this chapter, a covered voter must inform the appropriate election official that the voter is a covered voter. Methods of informing the appropriate election official that a voter is a covered voter include:

1. The use of a federal postcard application or federal write-in absentee ballot;

2. The use of an overseas address on an approved voter registration application or ballot application; and

3. The inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a covered voter.

F. This chapter does not preclude a covered voter from voting under Chapter 7 (§ 24.2-700 et seq.).

2012, c. 353.

§ 24.2-459. Timeliness and scope of application for military-overseas ballot

An application for a military-overseas ballot is timely if received by the seventh day before the election or the last day for other voters in this state to apply for an absentee ballot for that election. An application for a military-overseas ballot for a primary election, whether or not timely, is effective as an application for a military-overseas ballot for the general election.

2012, c. 353.

§ 24.2-460. Transmission of unvoted ballots

A. For an election described in § 24.2-454 for which this state has not received a waiver pursuant to § 579 of the Military and Overseas Voter Empowerment Act, 52 U.S.C. § 20302(g)(2), not later than 45 days before the election, the election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit a ballot and balloting materials to all covered voters who by that date submit a valid military-overseas ballot application.

B. A covered voter may request that a ballot and balloting materials be sent to the voter as authorized in § 24.2-706.

C. If a ballot application from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to voters, the official charged with distributing a ballot and balloting materials shall transmit them to the voter not later than three business days after the application arrives.

2012, c. 353.

§ 24.2-461. Federal write-in absentee ballot

A covered voter may use a federal write-in absentee ballot to vote for all offices and ballot measures in an election described in § 24.2-454.

2012, c. 353.

§ 24.2-462. Receipt of voted ballot

A valid military-overseas ballot must be counted if it is delivered to the address that the appropriate state or local election office has specified by the close of the polls on the date of the election except as provided in § 24.2-709.

2012, c. 353.

§ 24.2-463. Declaration

A military-overseas ballot must include or be accompanied by a declaration signed by the voter that a material misstatement of fact in completing the ballot may be grounds for a conviction of perjury under the laws of the United States or this state.

2012, c. 353.

§ 24.2-464. Confirmation of receipt of application and voted ballot

The Commissioner, in coordination with local election officials, shall implement a free-access system by which a covered voter may determine whether:

1. The voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted; and

2. The voter's military-overseas ballot has been received and the current status of the ballot.

2012, c. 353; 2013, c. 542.

§ 24.2-465. Publication of election notice

At least 100 days before a regularly scheduled election and as soon as practicable before an election not regularly scheduled, the Department of Elections shall make election information available for each jurisdiction, to be used in conjunction with a federal write-in absentee ballot. The election notice must contain a list of all of the ballot measures and federal, state, and local offices that as of that date are expected to be on the ballot on the date of the election. The notice also must contain, or enable access to, specific instructions for how a voter is to indicate on the federal write-in absentee ballot the voter's choice for each office to be filled and for each ballot measure to be contested. Specific instructions may include a website address or a telephone number.

2012, c. 353; 2015, c. 313.

§ 24.2-466. Sending and updating notices

A. A covered voter may request and upon such request the Department of Elections shall provide a copy of an election notice without cost to the voter. The Department of Elections shall send the notice to the voter using the method requested and to the address provided by the voter.

B. As soon as ballot styles are verified pursuant to § 24.2-612 and not later than the date ballots are required to be transmitted to voters under §§ 24.2-460 and 24.2-612, the Department of Elec-

tions shall update the notice with the certified candidates for each office and ballot measure questions and make the updated notice publicly available.

C. A local election jurisdiction that maintains a website shall make the election notice prepared under § 24.2-465 and updated versions of the election notice regularly available on the website.

2012, c. 353; 2015, c. 313.

§ 24.2-467. Prohibition of nonsubstantive requirements

A. If a voter's mistake or omission in the completion of a document under this chapter does not prevent determining whether a covered voter is eligible to vote, the mistake or omission does not invalidate the document. Failure to satisfy a nonsubstantive requirement, such as using paper or envelopes of a specified size or weight, does not invalidate a document submitted under this chapter. In a federal write-in absentee ballot authorized by this chapter, if the intention of the voter is discernible under this state's uniform definition of what constitutes a vote, an abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party must be accepted as a valid vote.

B. Notarization is not required for the execution of a document under this chapter. An authentication, other than the declaration specified in § 24.2-463 or the declaration on the federal postcard application and federal write-in absentee ballot, is not required for execution of a document under this chapter. The declaration and any information in the declaration may be compared with information on file to ascertain the validity of the document.

2012, c. 353.

§ 24.2-468. Equitable relief

A court may issue an injunction or grant other equitable relief appropriate to ensure substantial compliance with, or enforce, this chapter on application by:

1. A covered voter alleging a grievance under this chapter; or

2. An election official in this state.

2012, c. 353.

§ 24.2-469. Uniformity of application and constructions

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

2012, c. 353.

§ 24.2-470. Relation to Electronic Signatures in Global and National Commerce Act

This chapter modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit, or supersede § 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in § 103(b) of that act, 15 U.S.C. § 7003 (b).

2012, c. 353.

Chapter 5 - CANDIDATES FOR OFFICE

Article 1 - QUALIFICATIONS AND REQUIREMENTS OF ALL CANDIDATES

§ 24.2-500. Qualification of candidates

In order to qualify as a candidate for any office of the Commonwealth, or of its governmental units, a person must be qualified to vote for and hold that office. In order to hold any office of the Commonwealth or its governmental units, elective by the people, the candidate must have been a resident of the Commonwealth for one year next preceding his election and be qualified to vote for that office.

Code 1950, § 24-132; 1970, c. 462, § 24.1-167; 1971, Ex. Sess., c. 226; 1973, c. 30; 1975, c. 515; 1976, c. 616; 1977, c. 490; 1978, c. 778; 1980, c. 639; 1982, c. 650; 1984, c. 480; 1987, Sp. Sess., c. 1; 1988, c. 469; 1990, cc. 476, 865; 1991, c. 137; 1993, c. 641 .

§ 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.

Code 1950, § 24-132; 1970, c. 462, § 24.1-167; 1971, Ex. Sess., c. 226; 1973, c. 30; 1975, c. 515; 1976, c. 616; 1977, c. 490; 1978, c. 778; 1980, c. 639; 1982, c. 650; 1984, c. 480; 1987, Sp. Sess., c. 1; 1988, c. 469; 1990, cc. 476, 865; 1991, c. 137; 1993, c. 641; 2003, c. 1015.

§ 24.2-502. Statement of economic interests as requirement of candidacy

It shall be a requirement of candidacy that a written statement of economic interests shall be filed by (i) a candidate for Governor, Lieutenant Governor, or Attorney General, a candidate for the Senate or House of Delegates, and a candidate for a constitutional office with the Virginia Conflict of Interest and Ethics Advisory Council and (ii) a candidate for member of the governing body or elected school board of any county, city, or town with a population in excess of 3,500 persons with the general registrar for the county or city. The statement of economic interests shall be that specified in § 30-111 for candidates for the General Assembly and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a candidate for reelection to the same office

who has met the requirement of annually filing a statement pursuant to § 2.2-3114, 2.2-3115, or 30-110.

The Virginia Conflict of Interest and Ethics Advisory Council shall transmit to the State Board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests. The general registrar, the clerk of the local governing body, or the clerk of the school board, as appropriate, shall transmit to the local electoral board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests.

Code 1950, § 24-132; 1970, c. 462, § 24.1-167; 1971, Ex. Sess., c. 226; 1973, c. 30; 1975, c. 515; 1976, c. 616; 1977, c. 490; 1978, c. 778; 1980, c. 639; 1982, c. 650; 1984, c. 480; 1987, Sp. Sess., c. 1; 1988, c. 469; 1990, cc. 476, 865; 1991, c. 137; 1993, c. 641; 2013, c. 542; 2014, c. 473; 2016, cc. 773, 774.

§ 24.2-503. Deadlines for filing required statements; extensions

The written statements of qualification and economic interests shall be filed by (i) primary candidates not later than the filing deadline for the primary, (ii) all other candidates for city and town offices to be filled at a May general election by 7:00 p.m. on the first Tuesday in March, (iii) candidates in special elections by the time of qualifying as a candidate, and (iv) all other candidates by 7:00 p.m. on the second Tuesday in June.

A statement shall be deemed to be timely filed if it is mailed postage prepaid to the appropriate office by registered or certified mail and if the official receipt therefor, which shall be exhibited on demand, shows mailing within the prescribed time limits.

The State Board may grant an extension of any deadline for filing either or both written statements and shall notify all candidates who have not filed their statements of the extension. Any extension shall be granted for a fixed period of time of ten days from the date of the mailing of the notice of the extension.

Code 1950, § 24-132; 1970, c. 462, § 24.1-167; 1971, Ex. Sess., c. 226; 1973, c. 30; 1975, c. 515; 1976, c. 616; 1977, c. 490; 1978, c. 778; 1980, c. 639; 1982, c. 650; 1984, c. 480; 1987, Sp. Sess., c. 1; 1988, c. 469; 1990, cc. 476, 865; 1991, c. 137; 1993, c. 641; 2000, c. 1045.

§ 24.2-503.1. Repealed

Repealed by Acts 2006, cc. 787 and 892, cl. 2.

§ 24.2-504. Persons entitled to have name printed on ballot

Only a person fulfilling all the requirements of a candidate shall have his name printed on the ballot for the election. No person shall have his name printed on the ballot for more than one office at any one election. However, a candidate for federal or statewide office, or a candidate for an office being filled in a special election, may have his name printed on the ballot for two offices at an election.

Code 1950, § 24-132; 1970, c. 462, § 24.1-167; 1971, Ex. Sess., c. 226; 1973, c. 30; 1975, c. 515; 1976, c. 616; 1977, c. 490; 1978, c. 778; 1980, c. 639; 1982, c. 650; 1984, c. 480; 1987, Sp. Sess., c. 1; 1988, c. 469; 1990, cc. 476, 865; 1991, c. 137; 1993, c. 641; 2000, cc. 513, 552; 2004, c. 881.

Article 2 - INDEPENDENT CANDIDATES

§ 24.2-505. Declaration of candidacy required of independent candidates

A. Any person, other than a candidate for a party nomination or a party nominee, who intends to be a candidate for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district shall file a declaration of candidacy with the State Board, on a form prescribed by the Board, designating the office for which he is a candidate. The written declaration shall be attested by two witnesses who are qualified voters of the Commonwealth or of the congressional district, or acknowledged before some officer authorized to take acknowledgements to deeds. The declaration shall be signed by the candidate, but if he is incapable of writing his proper signature then some mark adopted by him as his signature shall be acknowledged before some officer authorized to take acknowledgments to deeds.

The State Board shall notify the respective secretaries of the appropriate electoral boards of the qualified candidates who have so filed.

B. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate for election to the General Assembly shall file a declaration of candidacy with the general registrar of the county or city where he resides. The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates. The general registrar shall, within three days after receiving the declaration, (i) deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the general registrars of the other counties or cities, if any, in the legislative district for delivery to the secretaries of the electoral boards and (ii) deliver the declaration and such petitions to the secretary of his electoral board. He shall transmit the names of the candidates who have filed with him to the State Board immediately after the filing deadline.

C. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate at any election for any other office shall file a declaration of candidacy with the general registrar of the county or city where he resides. The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates. The general registrar shall, within three days after receiving the declaration, deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the secretaries of the electoral boards of the counties or cities whose electors vote for the office. He shall transmit the names of the candidates who have filed with him to the State Board immediately after the filing deadline.

D. If requested in writing by a candidate filing pursuant to subsection B or C, the secretary of the electoral board shall notify him of any irregularity in the declaration or petitions which can be corrected prior to the filing deadline.

Code 1950, §§ 24-130, 24-131, 24-134.1, 24-135; 1958, c. 605; 1960, c. 427; 1962, c. 536; 1964, cc. 540, 541; 1970, c. 462, § 24.1-166; 1971, Ex. Sess., cc. 119, 247; 1972, c. 620; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1976, c. 616; 1978, c. 778; 1981, c. 425; 1983, c. 461; 1984, c. 480; 1991, c. 137; 1993, c. 641; 1996, c. 270.

§ 24.2-506. Petition of qualified voters required; number of signatures required; certain towns excepted

A. The name of any candidate for any office, other than a party nominee, shall not be printed upon any official ballots provided for the election unless he shall file along with his declaration of candidacy a petition therefor, on a form prescribed by the State Board, signed by the number of qualified voters specified below after January 1 of the year in which the election is held and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself a legal resident of the Commonwealth and who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition.

Each voter signing the petition may provide on the petition the last four digits of his social security number, if any; however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on the petition.

The minimum number of signatures of qualified voters required for candidate petitions shall be as follows:

1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General, 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional district in the Commonwealth;

2. For a candidate for the United States House of Representatives, 1,000 signatures;

3. For a candidate for the Senate of Virginia, 250 signatures;

4. For a candidate for the House of Delegates or for a constitutional office, 125 signatures;

5. For a candidate for membership on the governing body or elected school board of any county or city, 125 signatures; or if from an election district not at large containing 1,000 or fewer registered voters, 50 signatures;

6. For a candidate for membership on the governing body or elected school board of any town which has more than 1,500 registered voters, 125 signatures; or if from a ward or other district not at large, 25 signatures;

7. For membership on the governing body or elected school board of any town which has 1,500 or fewer registered voters, no petition shall be required;

8. For a candidate for director of a soil and water conservation district created pursuant to Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1, 25 signatures; and

9. For any other candidate, 50 signatures.

B. The State Board shall approve uniform standards by which petitions filed by a candidate for office, other than a party nominee, are reviewed to determine if the petitions contain sufficient signatures of qualified voters as required in subsection A.

C. If a candidate, other than a party nominee, does not qualify to have his name appear on the ballot by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought, the candidate may appeal that determination within five calendar days of the issuance of the notice of disqualification pursuant to § 24.2-612 or notice from the State Board that the candidate did not meet the requirements to have his name appear on the ballot.

Appeals made by candidates for a county, city, or town office shall be filed with the electoral board. Appeals made by candidates for all other offices shall be filed with the State Board. The appeal shall be heard by the State Board or the electoral board, as appropriate, within five business days of its filing. The electoral board shall notify the State Board of any appeal that is filed with the electoral board.

The State Board shall develop procedures for the conduct of such an appeal. The consideration on appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of this title and the uniform standards approved by the State Board for the review of petitions. Immediately after the conclusion of the appeal hearing, the entity conducting the appeal shall notify the candidate and, if applicable, the State Board, of its decision in writing. The decision on appeal shall be final and not subject to further appeal.

Code 1950, § 24-133; 1970, c. 462, § 24.1-168; 1971, Ex. Sess., cc. 119, 247; 1978, c. 778; 1980, c. 639; 1982, c. 650; 1983, c. 188; 1987, c. 118; 1989, c. 141; 1992, c. 855; 1993, cc. 407, 641; 1998, cc. 152, 246; 2000, cc. 232, 252; 2001, c. 53; 2003, c. 477; 2010, c. 215; 2012, cc. 166, 538; 2013, c. 684.

§ 24.2-507. Deadlines for filing declarations and petitions of candidacy

For any office, declarations of candidacy and the petitions therefor shall be filed according to the following schedule:

1. For a general election in November, by 7:00 p.m. on the second Tuesday in June;

2. For a general election in May, by 7:00 p.m. on the first Tuesday in March;

3. For a special election held at the same time as a November general election, either (i) at least 81 days before the election or (ii) if the special election is being held at the second November election after the vacancy occurred, by 7:00 p.m. on the second Tuesday in June before that November election;

4. For a special election held at the same time as a May general election, by 7:00 p.m. on the first Tuesday in March; or

5. For a special election held at a time other than a general election, (i) at least 60 days before the election or (ii) within five days of any writ of election or order calling a special election to be held less than 60 days after the issuance of the writ or order.

Code 1950, §§ 24-130, 24-131, 24-134.1, 24-135; 1958, c. 605; 1960, c. 427; 1962, c. 536; 1964, cc. 540, 541; 1970, c. 462, § 24.1-166; 1971, Ex. Sess., cc. 119, 247; 1972, c. 620; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1976, c. 616; 1978, c. 778; 1981, c. 425; 1983, c. 461; 1984, c. 480; 1991, c. 137; 1993, c. 641; 2010, cc. 449, 542, 645; 2011, c. 599.

Article 3 - NOMINATIONS OF CANDIDATES BY POLITICAL PARTIES

§ 24.2-508. Powers of political parties in general

Each political party shall have the power to (i) make its own rules and regulations, (ii) call conventions to proclaim a platform, ratify a nomination, or for any other purpose, (iii) provide for the nomination of its candidates, including the nomination of its candidates for office in case of any vacancy, (iv) provide for the nomination and election of its state, county, city, and district committees, and (v) perform all other functions inherent in political party organizations.

Code 1950, §§ 24-363, 24-364; 1970, c. 462, § 24.1-172; 1971, Ex. Sess., c. 119; 1973, c. 30; 1975, c. 515; 1978, c. 778; 1993, c. 641 .

§ 24.2-509. Party to determine method of nominating its candidates for office; exceptions

A. The duly constituted authorities of the state political party shall have the right to determine the method by which a party nomination for a member of the United States Senate or for any statewide office shall be made. The duly constituted authorities of the political party for the district, county, city, or town in which any other office is to be filled shall have the right to determine the method by which a party nomination for that office shall be made.

B. Notwithstanding subsection A, the following provisions shall apply to the determination of the method of making party nominations. A party shall nominate its candidate for election for a General Assembly district where there is only one incumbent of that party for the district by the method designated by that incumbent, or absent any designation by him by the method of nomination determined by the party. A party shall nominate its candidates for election for a General Assembly district where there is more than one incumbent of that party for the district by a primary unless all the incumbents consent to a different method of nomination. A party, whose candidate at the immediately preceding election for a particular office other than the General

Assembly (i) was nominated by a primary or filed for a primary but was not opposed and (ii) was elected at the general election, shall nominate a candidate for the next election for that office by a primary unless all incumbents of that party for that office consent to a different method.

When, under any of the foregoing provisions, no incumbents offer as candidates for reelection to the same office, the method of nomination shall be determined by the political party.

For the purposes of this subsection, any officeholder who offers for reelection to the same office shall be deemed an incumbent notwithstanding that the district which he represents differs in part from that for which he offers for election.

Code 1950, §§ 24-348, 24-361, 24-363, 24-364; 1970, c. 462, §§ 24.1-171, 24.1-172; 1971, Ex. Sess., c. 119; 1973, c. 30; 1975, c. 515; 1978, c. 778; 1993, c. 641 .

§ 24.2-510. Deadlines for parties to nominate by methods other than primary

For any office, nominations by political parties by methods other than a primary shall be made and completed in the manner prescribed by law according to the following schedule:

1. For a general election in November, by 7:00 p.m. on the second Tuesday in June;

2. For a general election in May, by 7:00 p.m. on the first Tuesday in March;

3. For a special election held at the same time as a November general election, either (i) at least 81 days before the election or (ii) if the special election is held at the second November election after the vacancy occurred, by 7:00 p.m. on the second Tuesday in June before that November election;

4. For a special election held at the same time as a May general election, by 7:00 p.m. on the first Tuesday in March; or

5. For a special election held at a time other than a general election, (i) at least 60 days before the election or (ii) within five days of any writ of election or order calling a special election to be held less than 60 days after the issuance of the writ or order.

In the case of all general elections a party shall nominate its candidate for any office by a nonprimary method only within the 47 days immediately preceding the primary date established for nominating candidates for the office in question. This limitation shall have no effect, however, on nominations for special elections or pursuant to § 24.2-539.

Code 1950, §§ 24-130, 24-131, 24-134.1, 24-135, 24-363, 24-364; 1958, c. 605; 1960, c. 427; 1962, c. 536; 1964, cc. 540, 541; 1970, c. 462, §§ 24.1-166, 24.1-172; 1971, Ex. Sess., cc. 119, 247; 1972, c. 620; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1976, c. 616; 1978, c. 778; 1981, c. 425; 1983, c. 461; 1984, c. 480; 1991, c. 137; 1993, c. 641; 2010, cc. 449, 542, 645; 2011, c. 599.

§ 24.2-511. Party chairman or official to certify candidates to State Board and general registrars; failure to certify

A. The state, district, or other appropriate party chairman shall certify the name of any candidate who has been nominated by his party by a method other than a primary for any office to be elected by the qualified voters of (i) the Commonwealth at large, (ii) a congressional district or a General Assembly district, or (iii) political subdivisions jointly electing a shared constitutional officer, along with the date of the nomination of the candidate, to the State Board not later than five days after the last day for nominations to be made. The State Board shall notify the general registrars of the names of the candidates to appear on the ballot for such offices.

B. The party chairman of the district or political subdivision in which any other office is to be filled shall certify the name of any candidate for that office who has been nominated by his party by a method other than a primary to the State Board and to the general registrars of the cities and counties in which the name of the candidate will appear on the ballot not later than five days after the last day for nominations to be made. Should the party chairman fail to make such certification, the State Board shall declare that the candidate is the nominee of the particular party and direct that his name be treated as if certified by the party chairman.

C. In the case of a nomination for any office to be filled by a special election, the party chairman shall certify the name of any candidate (i) by the deadline to nominate the candidate or (ii) not later than five days after the deadline if it is a special election held at the second November election after the vacancy occurred.

D. No further notice of candidacy or petition shall be required of a candidate once the party chairman has certified his name to the State Board.

E. In no case shall the individual who is a candidate for an office be the person who certifies the name of the party candidate for that same office. In such case the party shall designate an alternate official to certify its candidate.

Code 1950, §§ 24-134, 24-345.3; 1952, c. 509; 1954, c. 523; 1956, Ex. Sess., c. 1; 1958, c. 309; 1959, Ex. Sess., c. 17; 1960, c. 383; 1962, c. 536; 1964, c. 539; 1970, c. 462, § 24.1-169; 1972, c. 620; 1978, c. 778; 1982, c. 650; 1993, c. 641; 2006, c. 83; 2014, c. 473; 2016, cc. 18, 492.

Article 4 - CONDUCT OF PRIMARIES

§ 24.2-512. Primaries to be conducted in accordance with article

A primary when held shall be conducted in all respects under the provisions of this article. All references in this chapter to primaries shall be deemed to mean those elections held for the purpose of nominating candidates as authorized by this article.

Code 1950, § 24-347; 1970, c. 462, § 24.1-170; 1993, c. 641 .

§ 24.2-513. Provisions as to general elections applicable

All the provisions and requirements of the laws of this Commonwealth in relation to the holding of elections shall apply to all primaries insofar as they are consistent with this article.

Code 1950, § 24-356; 1952, c. 4; 1964, c. 545; 1970, c. 462, § 24.1-178; 1993, c. 641 .

§ 24.2-514. To what nominations this article applies

This article shall apply to the nomination of candidates for offices by a direct primary held on the regular dates established in § 24.2-515 for the conduct of primaries, and to no other nominations.

A primary is not authorized under this article to nominate presidential electors, nor to nominate candidates to fill vacancies unless the candidates for nomination to fill vacancies are to be voted for on the regular date set by this article for primaries.

Code 1950, §§ 24-348, 24-361; 1970, c. 462, § 24.1-171; 1993, c. 641 .

§ 24.2-515. Presidential election year primaries

Primaries for the nomination of candidates for offices to be voted on at the general election date in November shall be held on the second Tuesday in June next preceding such election, except that beginning with the year 2012 and in presidential election years thereafter, primaries to choose among presidential candidates may be held as provided in Article 7 (§ 24.2-544 et seq.). Primaries for the nomination of candidates for offices to be voted on at the general election date in May shall be held on the first Tuesday in March next preceding such election.

Code 1950, § 24-349; 1952, c. 4; 1970, c. 462, § 24.1-174; 1971, Ex. Sess., c. 119; 1975, c. 515; 1993, c. 641; 1999, c. 972; 2003, cc. 815, 823; 2011, cc. 570, 584.

§ 24.2-515.1. Schedule for primaries in the year 2001 and each tenth year thereafter

Primaries for the nomination of candidates for the offices listed in Section 4 of Article VII of the Constitution of Virginia to be voted on at the general election in November 2001 and each tenth year thereafter shall be held on the second Tuesday in June next preceding such election notwithstanding any special primary schedule enacted for any other office.

1993, c. 355, § 24.1-174.1; 1993, c. 641 .

§ 24.2-516. Party to furnish names of chairmen and notify State Board of adoption of direct primary

Each political party within the Commonwealth shall furnish to the State Board the names and addresses of its state, county, and city party chairmen in January of each year, and during the remainder of the year it shall notify the Board of any changes in such names and addresses.

At least 135 days prior to the regular date for a primary, the Board shall inquire of each state chairman and each county and city chairman whether a direct primary has been adopted. The Board shall advise each chairman that notification to the Board of the adoption of a direct primary is required and must be filed with the Board not more than 125 days and not less than 105 days before the date set for the primaries.

Each chairman shall file timely written notice with the Board whether or not a primary has been adopted and identify each office for which a primary has been adopted. The requirement to notify the Board of the adoption of a direct primary shall be satisfied when the Board receives by the deadline (i) written notice from the appropriate party chairman or (ii) a copy of the written notice

from an incumbent officeholder to his party chairman of the incumbent's selection, pursuant to § 24.2-509, of the primary as the method of nomination.

Code 1950, § 24-351; 1962, c. 536; 1964, c. 545; 1970, c. 462, § 24.1-176; 1972, c. 620; 1981, c. 425; 1990, c. 199; 1993, c. 641; 2010, cc. 449, 645.

§ 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. Within five days of the issuance of the order by the State Board, each secretary shall post a copy of the notice 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 have notice of the election published at least once in a newspaper of general circulation in the county or city.

Code 1950, § 24-352; 1952, c. 212; 1970, c. 462, § 24.1-177; 1972, c. 620; 1993, c. 641; 2012, cc. 328, 486.

§ 24.2-518. County and city treasurers to pay primary expenses; certain uses of machinery by party

The treasurer of the county or city in which the elections are held shall pay the costs of primary elections.

A political party may hold an election to select the members of its party committee at the same time and in the same places as a primary election without fee or charge for making use of the electoral machinery, provided that a primary to nominate the party's candidate for an office is in fact conducted on that primary date. Such elections for party committee members may be conducted by paper ballots or by voting machines in the discretion of the local electoral board.

The proper political party committee shall pay the costs of using the election machinery at any other time for the purpose of conducting other nominating procedures adopted pursuant to the rules of that party, if such use is authorized by the officials having custody of the machinery.

Code 1950, §§ 24-349, 24-364.1; 1952, c. 4; 1958, c. 580; 1970, c. 462, §§ 24.1-174, 24.1-180; 1971, Ex. Sess., c. 119; 1975, c. 515; 1982, c. 650; 1993, c. 641 .

§ 24.2-519. Qualification of primary candidates

In order to qualify as a candidate at any primary, a person must be legally qualified to hold the office for which he is a candidate and be qualified to vote in the primary in which he seeks to be a candidate.

Code 1950, § 24-369; 1970, c. 462, § 24.1-183; 1971, Ex. Sess., c. 226; 1974, c. 428; 1977, c. 490; 1993, c. 641 .

§ 24.2-520. Declaration of candidacy required

A candidate for nomination by primary for any office shall be required to file a written declaration of candidacy on a form prescribed by the State Board. The declaration shall include the name of the political party of which the candidate is a member, a designation of the office for which he is a candidate, and a statement that, if defeated in the primary, his name is not to be printed on the ballots for that office in the succeeding general election. The declaration shall be acknowledged before some officer who has the authority to take acknowledgments to deeds, or attested by two witnesses who are qualified voters of the election district.

Code 1950, §§ 24-370 through 24-372; 1960, c. 427; 1970, c. 462, § 24.1-184; 1978, cc. 239, 778; 1983, c. 461; 1993, c. 641 .

§ 24.2-521. Petition required to accompany declaration; number of signatures required

A candidate for nomination by primary for any office shall be required to file with his declaration of candidacy a petition for his name to be printed on the official primary ballot, on a form prescribed by the State Board, signed by the number of qualified voters specified below after January 1 of the year in which the election is held or before or after said date in the case of a March primary, and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself a legal resident of the Commonwealth and who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition.

Each voter signing the petition may provide on the petition the last four digits of his social security number, if any; however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on the petition.

The minimum number of signatures of qualified voters required for primary candidate petitions shall be as follows:

1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General, 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional district in the Commonwealth;

2. For a candidate for the United States House of Representatives, 1,000 signatures;

3. For a candidate for the Senate of Virginia, 250 signatures;

4. For a candidate for the House of Delegates or for a constitutional office, 125 signatures;

5. For a candidate for membership on the governing body of any county or city, 125 signatures; or if from an election district not at large containing 1,000 or fewer registered voters, 50 signatures;

6. For a candidate for membership on the governing body of any town which has more than 1,500 registered voters, 125 signatures; or if from a ward or other district not at large, 25 signatures;

7. For membership on the governing body of any town which has 1,500 or fewer registered voters, no petition shall be required; and

8. For any other candidate, 50 signatures.

Code 1950, § 24-373; 1952, c. 523; 1970, c. 462, § 24.1-185; 1971, Ex. Sess., cc. 119, 247; 1972, c. 620; 1978, c. 778; 1980, c. 639; 1982, c. 650; 1983, c. 188; 1989, c. 141; 1992, c. 855; 1993, cc. 407, 641; 1998, cc. 152, 246; 2000, cc. 232, 252; 2003, c. 477; 2010, c. 215; 2012, cc. 166, 538.

§ 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 ninety-second day and not later than 5:00 p.m. of the seventy-fifth day before the primary.

B. Except as provided in subsection C, candidates for nomination shall file their declarations, petitions, and receipts with the chairman or chairmen of the several committees of the respective parties.

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

The State Board shall transmit the material so filed to the state chairman of the party of the candidate within 72 hours and not later than the seventy-fourth day before the primary. The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate.

Code 1950, §§ 24-370 through 24-372, 24-374; 1960, c. 427; 1970, c. 462, §§ 24.1-184, 24.1-186; 1978, cc. 239, 778, § 24.1-186.1; 1983, c. 461; 1993, c. 641; 2003, c. 1015; 2010, cc. 449, 645; 2013, c. 443.

§ 24.2-523. Candidates to pay fee before filing

Every candidate for nomination for any office at any primary shall, before he files his declaration of candidacy, pay a fee equal to two percent of one year's minimum salary attached to the office for which he is candidate in effect in the year in which he files.

In case of an office for which compensation is paid in whole or in part by fees, the amount to be paid by a candidate as his contribution for the payment of the expenses of the primary shall be fixed by the proper committee of the respective parties.

If there is no salary or fee attached to the office, the fee for primary expenses shall be five dollars. This provision includes candidates for party committees in § 24.2-518.

Code 1950, §§ 24-398 through 24-400; 1970, c. 462, § 24.1-198; 1976, c. 616; 1993, c. 641 .

§ 24.2-524. To whom fees paid; refund of fees

A. Candidates for United States Senators, for representatives in Congress, and for the offices of Governor, Lieutenant Governor, and Attorney General shall pay the primary fee to the State Board

of Elections. The primary fees shall be credited by the Board to a fund to be known as the "state primary fee fund."

The Board shall refund the fee by warrant upon the state primary fee fund in the event the prospective candidate does not become a candidate, becomes a candidate and is not opposed, or must refile for any reason. All other primary fees paid to the Board shall be paid or placed to the credit of the fund out of which the Board pays the Commonwealth's expenses for the primary.

B. All other candidates shall pay the fee to the treasurer, or director of finance if there is no treasurer, of the city or county in which they reside. The treasurer or director of finance shall pay back the fee in the event the prospective candidate does not become a candidate, or becomes a candidate and must refile for any reason. In the event the candidate is unopposed, the State Board or the local electoral board, as appropriate, shall notify, no less than 60 days before the primary, the treasurer or director of finance to whom the fee was paid that the candidate is unopposed and shall provide the name and mailing address for returning the fee to the candidate. The treasurer or director of finance promptly shall return the fee to the candidate. All other primary fees paid a county or city treasurer or director of finance shall be paid or placed to the credit of the fund of the county or city out of which the expenses of the primary were paid by the county or city.

C. A receipt for the payment of the fee must be attached to the declaration of candidacy; otherwise the declaration shall not be received or filed.

Code 1950, § 24-401; 1962, c. 462; 1971, Ex. Sess., c. 247, § 24.1-199; 1982, c. 650; 1988, c. 192; 1993, c. 641; 2005, c. 748; 2010, cc. 449, 645.

§ 24.2-525. Persons entitled to have name printed on ballot

Only a person meeting all the qualifications and fulfilling all the requirements of a candidate, and who has complied with the rules and regulations of his party, shall have his name printed on the ballot provided for the primary election. No person shall have his name printed on the ballot for more than one office at any one primary election. However, a candidate for federal or statewide office, or a candidate for an office being filled in a special election, may have his name printed on the ballot for two offices at a primary election.

Code 1950, §§ 24-369 through 24-372; 1960, c. 427; 1970, c. 462, §§ 24.1-183, 24.1-184; 1971, Ex. Sess., c. 226; 1974, c. 428; 1977, c. 490; 1978, cc. 239, 778; 1983, c. 461; 1993, c. 641; 2000, cc. 513, 552; 2004, c. 881.

§ 24.2-526. Primary not to be held when less than two candidates declare

Whenever within the time prescribed by this article there is only one declaration of candidacy in a political party for the nomination for any office, the person filing the declaration shall be declared the nominee of the party for the office for which he has announced his candidacy and his name shall not be printed on the ballot for the primary. Whenever within the time prescribed by this article there is no declaration of candidacy in a political party for the nomination for any office, the

appropriate committee of the party may provide for an alternative method of nominating a candidate.

Code 1950, § 24-350; 1970, c. 462, § 24.1-175; 1983, c. 483; 1993, c. 641 .

§ 24.2-527. Chairman or official to furnish State Board and general registrars with names of candidates and certify petition signature requirements met

A. It shall be the duty of the chairman or chairmen of the several committees of the respective parties to furnish the name of any candidate for nomination for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district or of a General Assembly district to the State Board, and to furnish the name of any candidate for any other office to the State Board and to the general registrars charged with the duty of preparing and printing the primary ballots. In furnishing the name of any such candidate, the chairman shall certify that a review of the filed candidate petitions found the required minimum number of signatures of qualified voters for that office to have been met. The chairman shall also certify the order and date and time of filing for purposes of printing the ballots as prescribed in § 24.2-528, provided that the State Board shall determine the order and date and time of filing for candidates for United States Senator, Governor, Lieutenant Governor, and Attorney General for such purposes. Each chairman shall comply with the provisions of this section not less than 70 days before the primary.

B. In no case shall the individual who is a candidate for an office be the person who certifies the names of candidates for a primary for that same office. In such case the party shall designate an alternate official to certify the candidates.

Code 1950, § 24-375; 1970, c. 462, § 24.1-187; 1976, c. 616; 1978, c. 239; 1979, c. 329; 1993, c. 641; 2006, c. 83; 2010, cc. 449, 645; 2013, c. 443; 2016, cc. 18, 492.

§ 24.2-528. No primary candidate to be nominated by convention

No party which has adopted the method of making a nomination for an office by primary pursuant to § 24.2-509 shall nominate by a convention any candidate to be voted for at that primary.

Code 1950, § 24-366; 1970, c. 462, § 24.1-173; 1993, c. 641 .

§ 24.2-529. Primary ballots

The primary ballots for the several parties taking part in a primary shall be composed, arranged, printed, delivered, and provided in the same manner as the general election ballots except that at the top of each official primary ballot shall be printed in plain black type the name of the political party and the words "Primary Election." The names of the candidates for various offices shall appear on the ballot in an order determined by the priority of the time of filing 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 or the State Board as in the case of a tie vote for the office. No write-in shall be permitted on ballots in primary elections.

Code 1950, § 24-376; 1970, c. 462, § 24.1-188; 1971, Ex. Sess., c. 119; 1993, c. 641 .

§ 24.2-530. Who may vote in primary

All persons qualified to vote, pursuant to §§ 24.2-400 through 24.2-403, may vote at the primary. No person shall vote for the candidates of more than one party.

Code 1950, § 24-367; 1970, c. 462, § 24.1-182; 1971, Ex. Sess., c. 205; 1976, c. 616; 1993, c. 641 .

§ 24.2-531. Pollbooks used during primaries

There shall be pollbooks in the form set forth in § 24.2-611 provided for use during any primary.

Code 1950, § 24-377; 1970, c. 462, § 24.1-189; 1980, c. 639; 1981, c. 425; 1993, c. 641; 2003, c. 1015; 2010, c. 812; 2014, cc. 540, 576.

§ 24.2-532. Abstracts of votes; law-enforcement officer to obtain returns not forwarded

As soon as the electoral board shall determine the persons who have received the highest number of votes for nomination to any such office, the secretary of the board shall immediately make out abstracts and certificates of the votes cast as provided in § 24.2-675 and forward certified copies thereof to the State Board. The secretary in addition shall place certified copies thereof in an envelope and forward them in person or by certified mail (i) for members of the House of Representatives of the United States, to the chairman of the congressional district committee, (ii) for members of the General Assembly, to the chairman of the Senate or House of Delegates district committee, and (iii) for county and city and district officers, to the chairman of the county or city. "Chairman" means the chairman of the political party under whose auspices the primary is held.

If the abstract of votes shall not have been received by the State Board from any county or city within six days after any state primary election, the Board shall dispatch a law-enforcement officer to obtain them as provided in § 24.2-678.

Code 1950, §§ 24-388, 24-390; 1952, c. 4; 1970, c. 462, §§ 24.1-191, 24.1-193; 1976, c. 616; 1993, c. 641 .

§ 24.2-533. Repealed

Repealed by Acts 2010, c. 812, cl. 3.

§ 24.2-534. Returns tabulated by State Board; when nominee declared

As soon as possible after receipt of the certified abstract and not later than fourteen days after the day of the election, the State Board shall open and tabulate the returns. Upon completion of the tabulation the Board shall declare the nominee in the manner and form as it does in general elections.

Code 1950, § 24-389; 1952, c. 4; 1970, c. 462, § 24.1-192; 1978, c. 778; 1993, c. 641 .

§ 24.2-535. Vote required to nominate

Any candidate for party nomination to any office who receives a plurality of the votes cast by his party shall be the nominee of his party for that office and his name shall be printed on the official ballots used in the election for which the primary was held.

Code 1950, § 24-359; 1952, c. 4; 1964, c. 616; 1970, c. 462, § 24.1-179; 1993, c. 641 .

§ 24.2-536. Procedure when a vacancy in office occurs less than 75 days before primary date

Whenever, by reason of the death, resignation, or removal of the incumbent, a vacancy in any office occurs less than 75 but more than 45 days before the regular date for the holding of a primary, the properly constituted party authorities may permit the filing of declarations and petitions of candidacy for nomination for that office in the primary. Notice of the vacancy and the right to file declarations and petitions of candidacy for nomination to fill it shall be advertised by the party committee or committees in at least one newspaper of general circulation within the Commonwealth if it is an office filled by election by the people at large, and in the manner prescribed by the properly constituted party authorities in the case of all other offices. No declaration and petitions of candidacy shall be filed with the committee or committees until such advertisement is made, nor within 35 days prior to the date for holding the primary. Declarations and petitions of candidacy filed pursuant to this section shall comply in every respect, except for the time of filing, with the requirements established generally for such declarations and petitions in this article.

If more than one person qualifies, the party chairman shall promptly certify their names to the State Board and the appropriate electoral boards as having qualified under the provisions of this section. The electoral boards having charge of the printing of the official ballots for the primary shall either:

1. Cause to be printed on the ballot the name of each person so certified; or

2. If the official ballots have already been printed, cause separate ballots to be printed for the office for which the persons have qualified pursuant to this section.

In the event that only one person qualifies as a candidate under the provisions of this section, the person so qualifying shall be declared the nominee of his party for that office and his name shall not be printed on the primary ballot.

In the event that no person qualifies as a candidate under the provisions of this section, or that the vacancy occurs less than 45 days before the primary, the appropriate committee of the political party shall determine the time and method of nominating its candidate for the office.

Code 1950, § 24-362; 1970, c. 462, § 24.1-194; 1993, c. 641; 2010, cc. 449, 645.

§ 24.2-537. Procedure when nominee by default dies or withdraws or nomination is set aside prior to primary

A. If any person who would have been nominated as the candidate of a political party for any office in any general election by reason of the fact that he was the only person who filed the required declaration of and petition for candidacy dies or withdraws as the party candidate, or his nomination is set aside for any reason, 45 days or more before the day on which the primary would have been held if two or more candidates had qualified, the appropriate committee of the political party shall determine the time and method of nominating its candidate for the office.

B. If the party committee determines that the party's nominee shall be elected at the scheduled primary, any person desiring to become a candidate for nomination by the party at that primary who is otherwise qualified may file a declaration of and petition for his candidacy with the proper chairman of his party committee. No person whose nomination has been set aside for fraud knowingly participated in by the candidate, or other person who knowingly participated in such fraud, shall be deemed qualified. The declaration and petition shall comply in every respect with the requirements established generally for such declarations and petitions in this article, except that the declaration and petition shall be filed at least 35 days before the day on which the primary is to be held.

If more than one person qualifies, the party chairman shall promptly certify their names to the State Board and the appropriate electoral boards as having qualified under the provisions of this section. The electoral boards having charge of the printing of the official ballots for the primary election shall either:

1. Cause to be printed thereon the name of every person so certified; or

2. If the official ballots have already been printed, cause separate ballots to be printed for the office for which two or more persons have qualified pursuant to the provisions of this section.

In the event that only one person qualifies as a candidate in accordance with the provisions of this section, the person so qualifying shall be declared the nominee of his party for that office and his name shall not be printed on the primary ballot.

In the event that no person qualifies as a candidate pursuant to the provisions of this section, or that the death or withdrawal or setting aside of candidacy of any such party nominee should occur at a time which is less than 45 days prior to any such primary, the appropriate committee of the political party shall determine the time and method of nominating its candidate for the office.

C. No party shall nominate any person whose nomination has been set aside for fraud knowingly participated in by the candidate, or any other person who knowingly participated in such fraud.

Code 1950, § 24-391; 1970, c. 462, § 24.1-195; 1983, c. 483; 1993, c. 641; 2010, cc. 449, 645.

§ 24.2-538. Procedure when opposed candidate for nomination dies prior to primary

If any person who is a candidate for nomination by a political party at a primary election, and who, along with one or more other candidates, has qualified to have his name printed on the official ballot for the primary, dies 45 days or more before the day on which the primary is to be held, any person otherwise qualified who desires to be a candidate at that primary may file a declaration of and petition for his candidacy with the proper chairman of his party committee. The declaration and petition shall comply in every respect with the requirements established generally for such declarations and petitions by this article, except that the declaration and petition shall be filed at least 35 days before the day on which the primary is to be held.

The party chairman or chairmen shall promptly certify the names of every such person to the State Board and appropriate electoral boards as having qualified under the provisions of this section. Every electoral board having charge of the printing of official ballots for the primary election shall either:

1. Cause to be printed thereon the name of every person so certified; or

2. If the official ballots have already been printed, cause separate ballots to be printed for the office containing the names of those candidates other than the decedent who have theretofore qualified and the names of those certified to it as having qualified pursuant to the provisions of this section. The board may, in its discretion, cause to be stricken from the ballots already printed the title of the office involved and the names of all candidates for nomination for the office appearing thereon.

Whenever any additional candidate shall qualify pursuant to this section, no ballots theretofore cast by absentee vote for a candidate for such office shall be counted, but any person who has so voted shall be entitled to receive a new ballot and to vote for his choice among all the candidates for such office.

Code 1950, § 24-392; 1970, c. 462, § 24.1-196; 1976, c. 616; 1993, c. 641; 2010, cc. 449, 645.

Article 5 - DEATH, WITHDRAWAL, OR DISQUALIFICATION OF PARTY NOMINEE

§ 24.2-539. Party may nominate when nominee dies, withdraws, or nomination is set aside; duty of party chairman

Should the nominee of any party die, withdraw, or have his nomination set aside for any reason, the party may nominate to fill the vacancy in accordance with its own rules. A candidate who has been disqualified for failing to meet the filing requirements of Article 1 (§ 24.2-500 et seq.) of this chapter shall not be renominated. No party shall renominate any person whose nomination has been set aside for fraud knowingly participated in by the candidate. The party chairman or chairmen shall promptly certify the name of any such nominee to the appropriate electoral boards and the nominee shall promptly comply with the filing requirements of Article 1 of this chapter.

Code 1950, §§ 24-234, 24-235, 24-365; 1952, c. 4; 1970, c. 462, §§ 24.1-110, 24.1-197; 1976, c. 616; 1980, c. 639; 1984, c. 480; 1990, c. 476; 1992, c. 828; 1993, c. 641 .

§ 24.2-540. Other parties may also nominate; independent candidates

Any other political party may also nominate and file the required notice of a new candidate pursuant to § 24.2-539 if the candidate who died, withdrew, or had his nomination set aside was unopposed by that party. A nonparty candidate shall also be permitted to file a notice of candidacy whether or not the candidate who died, withdrew, or had his nomination set aside was opposed by a nonparty or party candidate.

Any such party or nonparty candidate shall file any statement or petition required of him by Article 1 (§ 24.2-500 et seq.) or Article 2 (§ 24.2-505 et seq.) of this chapter.

Code 1950, §§ 24-234, 24-235; 1970, c. 462, § 24.1-110; 1976, c. 616; 1980, c. 639; 1984, c. 480; 1990, c. 476; 1992, c. 828; 1993, c. 641 .

§ 24.2-541. Printing of names on ballot

In the case (i) of a candidate who has died if the notice is filed with the proper official at least 25 days before the day on which the election is to be held or (ii) of a candidate who has withdrawn or had his nomination set aside if the notice is filed with the proper official at least 60 days before the day on which the election is to be held, the electoral board or boards having charge of the printing of the ballots for such election shall either:

1. Cause to be printed thereon the name of every person qualifying as provided in this article; or

2. If ballots for the election have already been printed, cause separate ballots to be printed for the office on which shall be printed the name of every person qualifying as provided in this article and of any other party or nonparty candidate for the same office who had already qualified to have his name printed on the ballot. In addition, the electoral board may cause to be stricken from the earlier printed ballots the title of the office involved and the names of all candidates for that office appearing thereon.

If the candidate so dying, withdrawing or having his nomination set aside is a candidate for an office to which more than one person is to be elected and none of the candidates was opposed prior to such death, withdrawal, or setting aside, then the ballots shall be so printed as to permit the electors to vote separately for the remaining unopposed candidate or candidates, and for such persons who filed notice of candidacy as provided in this article.

Whenever any additional candidate qualifies as provided in this article, no votes previously cast by absentee ballot for a candidate for such office shall be counted, but any person who has so voted shall be entitled to receive a new ballot and to vote for his choice among all the candidates for such office.

Code 1950, §§ 24-234, 24-235; 1970, c. 462, § 24.1-110; 1976, c. 616; 1980, c. 639; 1984, c. 480; 1990, c. 476; 1992, c. 828; 1993, c. 641; 2003, c. 476.

Article 6 - NOMINATIONS FOR PRESIDENTIAL ELECTIONS

§ 24.2-542. State Board to be furnished names of electors selected by political parties; oaths of electors

In elections for President and Vice President of the United States, the appropriate chairman or secretary of each political party shall furnish to the State Board by noon of the seventy-fourth day before the presidential election (i) the names of the electors selected by the party at its convention held for that purpose, together with the names of the political party and of the candidates for President and Vice President for whom the electors are required to vote in the Electoral College and

(ii) a copy of a subscribed and notarized oath by each elector stating that he will, if elected, cast his ballot for the candidates for President and Vice President nominated by the party that selected the elector, or as the party may direct in the event of death, withdrawal or disqualification of the party nominee. In the event of the death or withdrawal of a candidate of a political party for President or Vice President, that party may substitute the name of a different candidate before the State Board certifies to the county and city electoral boards the form of the official ballots. The State Board shall also be furnished, if it requests, with satisfactory evidence that any person undertaking to act as an elector on behalf of any political party is, in fact, duly and properly authorized to do so.

Code 1950, § 24-290.1; 1950, p. 246; 1970, c. 462, § 24.1-158; 1982, c. 650; 1984, c. 480; 1993, c. 641; 1996, c. 574; 2001, c. 630.

§ 24.2-542.1. State Board to be furnished names of electors selected by political parties; certain national conventions

Notwithstanding the provisions of § 24.2-542, (i) the state political party chairman of a political party whose national convention has been scheduled to be held after the seventy-fourth day before the presidential election, shall file by noon on the seventy-fourth day before the presidential election, with the certification of its at-large electors, a certification of the persons expected to be nominated for President and Vice President at its national convention; (ii) the State Board of Elections shall certify candidates to the local electoral boards and ballot preparation shall proceed based on the state party chairman's certifications; and (iii) the persons nominated by the party at its national convention shall be certified to the State Board no later than 5:00 p.m. on the sixtieth day before the presidential election.

2003, c. 808.

§ 24.2-543. How other groups may submit names of electors; oaths of electors

A. A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have the names of electors selected by them, including one elector residing in each congressional district and two from the Commonwealth at large, printed upon the official ballot to be used in the election of electors for President and Vice President by filing a petition pursuant to this section. The petition shall be filed with the State Board by noon of the seventy-fourth day before the presidential election. The petition shall be signed by at least 5,000 qualified voters and include signatures of at least 200 qualified voters from each congressional district. The petition shall be signed by petitioners on and after January 1 of the year of the presidential election only and contain the residence address of each petitioner. The signature of each petitioner shall be witnessed either by a person who is a constitutionally qualified candidate for President of the United States, who may witness his own petition, or by a person who is a resident of the Commonwealth and who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition. The petition shall state the names of the electors selected by the petitioners, the party name under which they desire the named electors to be

listed on the ballot, and the names of the candidates for President and Vice President for whom the electors are required to vote in the Electoral College. The persons filing the petition shall file with it a copy of a subscribed and notarized oath by each elector stating that he will, if elected, cast his ballot for the candidates for President and Vice President named in the petition, or as the party may direct in the event of death, withdrawal or disqualification of the party nominee. In order to utilize a selected party name on the ballot, the petitioners shall have had a state central committee composed of registered voters from each congressional district of the Commonwealth, a party plan and bylaws, and a duly designated chairman and secretary in existence and holding office for at least six months prior to filing the petition. The State Board may require proof that the petitioners meet these requirements before permitting use of a party name on the ballot. The party name shall not be identical with or substantially similar to the name of any political party qualifying under § 24.2-101 and then in existence.

In the event of the death or withdrawal of a candidate for President or Vice President qualified to appear on the ballot by party name, that party may substitute the name of a different candidate before the State Board certifies to the county and city electoral boards the form of the official ballots.

In the event that a group of qualified voters meets the requirements set forth in this section except that they cannot utilize a party name, the electors selected and the candidates for President and Vice President shall be identified and designated as "Independent" on the ballot. Substitution of a different candidate for Vice President may be made by the candidate for President before the State Board certifies to the county and city electoral boards the form of the official ballot.

In the event of the death or disqualification of any person listed as an elector for candidates for President and Vice President on a petition filed pursuant to this section, the party or candidate for President, as applicable, may substitute the name of a different elector. Such substitution shall not invalidate any petition of qualified voters circulated with the name of the deceased or disqualified elector provided that notice of the substitution is filed with the State Board by noon of the seventy-fourth day before the presidential election. Notice of the substitution and the name of any substitute elector shall be submitted on a form prepared by the State Board.

B. If the State Board determines that a candidate for President does not qualify to have his name appear on the ballot pursuant to this section by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought, the candidate may appeal the determination to the State Board within seven calendar days of the issuance of the notice of disqualification. The notice of disqualification shall be sent by email or regular mail to the address on file for the candidate, and such notice shall be deemed sufficient. The State Board shall hear the appeal within three business days of its filing.

The State Board shall develop procedures for the conduct of such an appeal. The consideration on appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of this title and the rules and procedures set forth by the State Board for checking petitions. Immediately after the conclusion of the appeal hearing, the State Board shall notify the candidate of its decision in writing. The decision on appeal shall be final and not subject to further appeal.

Code 1950, § 24-290.3; 1952, c. 330; 1964, c. 542; 1968, c. 284; 1970, c. 462, § 24.1-159; 1982, c. 650; 1984, c. 480; 1993, c. 641; 1994, c. 149; 1998, cc. 152, 246; 2000, cc. 232, 252; 2001, c. 630; 2003, c. 477; 2012, cc. 166, 538; 2013, cc. 521, 550, 684.

Article 7 - PRESIDENTIAL YEAR PRIMARIES

§ 24.2-544. Time presidential primaries to be held and completion of duties by officers of election; age qualifications for participation

A. Primaries for the nomination of candidates for the office of President of the United States to be voted on at the November 2012 general election and the November general election in each presidential election year thereafter shall be held on the first Tuesday in March preceding the November general election.

B. The provisions of this title shall apply to the conduct of presidential election year primaries including the time limits applicable to notices and candidate filing deadlines and the closing of registration records before the primary. The State Board shall provide a schedule for the notices and filing deadlines by the August 1 prior to the March primary including a campaign finance disclosure report filing schedule adjusted to reflect the differences between the June date for other primaries and the March date for the presidential primary and primaries for the nomination of candidates for offices to be voted on at the general election date in May.

C. Notwithstanding any other provision of law to the contrary, any officer of election who serves at any election held on the first Tuesday in March shall be required to complete his official duties relating to that election whether or not he has been reappointed to serve for the ensuing year.

D. Notwithstanding any other provision of law to the contrary, any person who is otherwise qualified and will be 18 years of age on or before the day of the next November general election shall be permitted to register in advance of and also vote in any presidential primary and any other primary held on the same day.

1999, c. 972; 2000, cc. 1, 856; 2003, cc. 815, 823; 2006, c. 205; 2011, cc. 570, 584.

§ 24.2-545. Presidential primary

A. The duly constituted authorities of the state political party shall have the right to determine the method by which the state party will select its delegates to the national convention to choose the party's nominees for President and Vice President of the United States including a presidential primary or another method determined by the party. The state chairman shall notify the State

Board of the party's determination at least 90 days before the primary date. If the party has determined that it will hold a presidential primary, each registered voter of the Commonwealth shall be given an opportunity to participate in the presidential primary of the political party, as defined in § 24.2-101, subject to requirements determined by the political party for participation in its presidential primary. The requirements may include, but shall not be limited to, the signing of a pledge by the voter of his intention to support the party's candidate when offering to vote in the primary. The requirements applicable to a party's primary shall be determined at least 90 days prior to the primary date and certified to, and approved by, the State Board.

B. Any person seeking the nomination of the national political party for the office of President of the United States, or any group organized in the Commonwealth on behalf of, and with the consent of such person, may file with the State Board petitions signed by at least 5,000 qualified voters, including at least 200 qualified voters from each congressional district in the Commonwealth, who attest that they intend to participate in the primary of the same political party as the candidate for whom the petitions are filed. Such petitions shall be filed with the State Board by the primary filing deadline. The petitions shall be on a form prescribed by the State Board and shall be sealed in one or more containers to which is attached a written statement giving the name of the presidential candidate and the number of signatures on the petitions contained in the containers. Such person or group shall also attach a list of the names of persons who would be elected delegates and alternate delegates to the political party's national convention if the person wins the primary and the party has determined that its delegates will be selected pursuant to the primary. The slate of delegates and alternates shall comply with the rules of the national and state party.

The State Board shall transmit the material so filed to the state chairman of the party of the candidate immediately after the primary filing deadline. The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate. The state chairman of the party shall, by the deadline set by the State Board, furnish to the State Board the names of all candidates who have satisfied the requirements of this section. In furnishing the name of each such candidate, the state chairman shall certify that a review of the filed candidate petitions found the required minimum number of signatures of qualified voters for that office to have been met. Whenever only one candidate for a party's nomination for President of the United States has met the requirements to have his name on the ballot, he will be declared the winner and no presidential primary for that party will be held.

C. The names of all candidates in the presidential primary of each political party shall appear on the 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 unless the party has determined another method for

allocation of delegates and alternates. 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.

1999, c. 972; 2000, c. 379; 2003, c. 1015; 2011, cc. 570, 584; 2013, cc. 443, 521, 550.

Chapter 6 - THE ELECTION

Article 1 - GENERAL PROVISIONS; POLLING PLACES

§ 24.2-600. Cost of elections

The cost of conducting elections under this title shall be paid by the counties and cities, respectively. The cost of town elections shall be paid by the towns.

Code 1950, §§ 24-172, 24-177; 1970, c. 462, §§ 24.1-93, 24.1-96; 1993, c. 641 .

§ 24.2-601. Town election process

The electoral board and general registrar of the county within which a town, or the greater part thereof, is situated shall control the election process and carry out the applicable provisions of this title concerning towns. For November elections for town offices in any town split between two or more counties, the electoral board of the county in which the lesser part of the town is located shall (i) include town offices on the ballot for the county, and (ii) report the results ascertained for those town offices to the electoral board of the county in which the greatest part of the town is located for inclusion in the results of that county pursuant to § 24.2-671.

Code 1950, §§ 24-170, 24-172, 24-175; 1970, c. 462, §§ 24.1-91, 24.1-93; 1971, Ex. Sess., c. 119; 1991, c. 137; 1993, c. 641; 2008, cc. 113, 394.

§ 24.2-602. Exemption for ballots and election materials from certain purchasing and procurement requirements

The provisions of Article 3, Division of Purchases and Supply, (§ 2.2-1109 et seq.) of Chapter 11 of Title 2.2 and of Articles 1 (§ 2.2-4300 et seq.), 2 (§ 2.2-4303 et seq.), 3 (§ 2.2-4343 et seq.), and 5 (§ 2.2-4357 et seq.) of Chapter 43, Virginia Public Procurement Act, of Title 2.2 shall not apply to contracts for equipment, software, services, the printing of ballots or statements of results, or other materials essential to the conduct of the election. The provisions of Articles 4 (§ 2.2-4347 et

seq.) and 6 (§ 2.2-4367 et seq.) of Chapter 43, Virginia Public Procurement Act, of Title 2.2 shall apply to such contracts.

1980, c. 639, § 24.1-113.1; 1981, c. 425; 1982, c. 647; 1992, c. 105; 1993, c. 641; 2004, cc. 993, 1010.

§ 24.2-603. Hours polls to be open; closing the polls

At all elections, the polls shall be open at each polling place at 6:00 a.m. on the day of the election and closed at 7:00 p.m. on the same day except as provided for central absentee voter precincts pursuant to subsection F of § 24.2-712.

At 6:45 p.m. an officer of election shall announce that the polls will close in fifteen minutes. The officers of election shall list the names of all qualified voters in line before the polling place at 7:00 p.m. and permit those voters and no others to vote after 7:00 p.m.

Code 1950, §§ 24-182, 24-184; 1950, p. 462; 1958, c. 160; 1962, c. 536; 1966, c. 116; 1970, c. 462, §§ 24.1-98, 24.1-99; 1981, c. 425; 1993, c. 641; 2008, c. 423.

§ 24.2-603.1. Postponement of certain elections; state of emergency

For purposes of this section, "election" means (i) any local or state referendum, (ii) any primary, special, or general election for local or state office except a general election for Governor, Lieutenant Governor, Attorney General and the General Assembly, (iii) any primary for federal office including any primary for the nomination of candidates for the office of President of the United States, or (iv) any federal special election to fill a vacancy in the United States Senate or the United States House of Representatives. In the event of a state of emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order, the Governor may postpone an election by executive order in areas affected by the emergency to a date, notwithstanding the provisions of § 24.2-682, not to exceed 14 days from the original date of the election.

If a local governing body determines that a longer postponement is required, it may petition a three-judge panel of the Virginia Supreme Court, to include the Chief Justice as the presiding Justice, for an extension. The Chief Justice shall choose the other two Justices by lot. The Court may postpone the election to a date it deems appropriate, notwithstanding the provisions of § 24.2-682, not to exceed 30 days from the original date of the election.

Only those persons duly registered to vote as of the original date of the election shall be entitled to vote in the rescheduled election.

If, as a direct result of the emergency, any ballots already cast at the polling places or equipment on which ballots have been cast, or any voted absentee ballots already received by the appropriate election officials or any equipment on which absentee ballots have already been cast have been destroyed or otherwise damaged so that such ballots cannot be counted manually or by a voting system, the Governor (i) shall specify that such ballots or votes previously cast by machinery or

paper need to be recast on or by the rescheduled election date so that they may be counted and (ii) shall direct the appropriate election officials to immediately send replacement absentee ballots to all absentee voters whose voted ballots are known to have been so destroyed or damaged. Such instructions may be issued by executive order separately from the executive order postponing the election. Any absentee ballots duly cast and received by the rescheduled election date and able to be counted shall be valid and counted when determining the results of the rescheduled election; however, if more than one absentee ballot is received from any voter, only the first absentee ballot received and able to be counted shall be counted. Any person who was duly registered to vote as of the original date of the election, and who has not voted, or who is permitted to recast their ballot due to the emergency, may vote by absentee ballot in accordance with the provisions of Chapter 7 (§ 24.2-700 et seq.) in the rescheduled election. Official ballots shall not be invalidated on the basis that they contain the original election date.

If the postponement of the election is ordered after voting at the polls on the original election date has already commenced, all qualified voters in a precinct in which any voted ballots, voting equipment containing voted ballots or pollbooks recording who has already voted in that precinct have been destroyed or damaged as a direct result of the emergency, so that the votes cannot be counted or it cannot be determined who has already voted, shall be allowed to vote in the rescheduled election, and no votes cast at the polls on the original election date shall be counted. If the postponement of the election is ordered after voting at the polls on the original election date has already commenced and no ballots cast at the polls, voting equipment containing voted ballots, or pollbooks recording who has already voted in that election in that precinct have been destroyed or damaged as a direct result of the emergency, only qualified voters who had not yet voted shall be eligible to vote on the rescheduled election day and all votes cast on the original and postponed election dates shall be counted at the close of the polls on the rescheduled election day.

The provisions of § 24.2-663 requiring the voiding of all ballots received from any voter who votes more than once in the same election shall not apply to ballots otherwise lawfully cast or recast pursuant to this section; however, no more than one ballot may be counted from any voter in the same election. If one ballot has already been counted, any additional ballots from the same voter shall be void and shall not be counted. The provisions of § 24.2-1004 or any other law prohibiting any voter from voting more than once in the same election, or any oath attesting to the same, shall not apply to ballots otherwise lawfully cast or recast pursuant to this section.

No results shall be tallied or votes counted in any postponed election before the closing of the polls on the rescheduled election date. Officers of election in unaffected areas shall count and report the results for the postponed election after the close of the polls on the rescheduled election date. The counting may take place at the precinct or another location determined by the local electoral board.

The State Board shall prescribe appropriate procedures to implement this section.

2002, cc. 785, 819; 2004, c. 205; 2014, cc. 540, 576.

§ 24.2-604. Prohibited activities at polls; notice of prohibited area; electioneering; presence of representatives of parties or candidates; simulated elections; observers; news media; 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 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 40 feet of any entrance to the polling place, sufficient notices which state "Prohibited Area" in two-inch type. The notices shall also state the provisions of this section in not less than 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 authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, to remain in the room in which the election is being conducted at all times. A representative may serve part of the day and be replaced by successive representatives. The officers of election shall have discretion to permit up to three authorized representatives of each political party or independent candidate in a general or special election, or up to three authorized representatives of each candidate in a primary election, to remain in the room in which the election is being conducted. The officers shall permit one such representative for each pollbook station. However, no more than one such representative for each pollbook station or three representatives of any political party or independent candidate, whichever number is larger, shall be permitted in the room at any one time. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. 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. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. 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. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to be close enough to the voter check-in table to be able to hear and see what is occurring; however, such observation shall not violate the secret vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with the orderly process of the election. Any representative who complains to

the chief officer of election that he is unable to hear or see the process may accept the chief officer's decision or, if dissatisfied, he may immediately appeal the decision to the local electoral board or general registrar. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to use a handheld wireless communications device, but shall not be allowed to use such a device to capture a digital image inside the polling place or central absentee voter precinct. The officers of election may prohibit the use of cellular telephones or other handheld wireless communications devices if such use will result in a violation of subsection A or D or § 24.2-607. Authorized representatives shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

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; (v) be in a position to see the marked ballot of any other voter; or (vi) 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 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 a polling place for no longer than 10 minutes per polling place per election day, provided that he complies with the restrictions stated in subsections A, D, and K.

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 or general registrar 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 or general registrar 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. The local electoral board, or its general registrar, may conduct a special election day program for high school students in one or more polling places designated by the electoral board or the general registrar, other than a central absentee voter precinct. Such students shall be selected by the electoral board or the general registrar in cooperation with high school authorities. 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

voters from the polling place. Each student shall receive, from a person designated by the electoral board, training on the duties, responsibilities, and prohibited conduct of election pages. Each student shall take and sign an oath as an election page, serve under the direct supervision of the chief officer of election of his assigned polling place, and observe strict impartiality at all times. Election pages may observe the electoral process and seek information from the chief officer of election and may assist in the arrangement of the voting equipment, furniture, and other materials for the conduct of the election, but shall not enter any voting booth. Election pages may, at the direction and under the direct supervision of the chief officer of election, assist in the counting of unmarked ballots prior to the opening of the polls, but shall not handle or touch ballots in any other circumstance.

I. A local electoral board or general registrar may authorize in writing the presence of additional neutral observers as may be deemed appropriate, except as otherwise prohibited or limited by this section. Such observers shall comply with the restrictions in subsections A and D and shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

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

K. The provisions of subsections A and D shall not be construed to prohibit a person who approaches or enters the polling place for the purpose of voting from wearing a shirt, hat, or other apparel on which a candidate's name or a political slogan appears or from having a sticker or button attached to his apparel on which a candidate's name or a political slogan appears. This exemption shall not apply to candidates, representatives of candidates, or any other person who approaches or enters the polling place for any purpose other than voting.

Code 1950, §§ 24-186, 24-188; 1970, c. 462, § 24.1-101; 1971, Ex. Sess., c. 119; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1984, c. 480; 1993, cc. 413, 641; 1997, c. 328; 2000, cc. 215, 268; 2003, c. 1015; 2007, c. 672; 2009, cc. 396, 494, 865, 870, 874; 2010, cc. 448, 707; 2012, cc. 754, 826; 2015, cc. 133, 575; 2016, cc. 15, 18, 491, 492.

§ 24.2-604.1. Signs for special entrances to polling places

The electoral board or the general registrar shall provide and have posted outside each polling place appropriate signs to direct people with disabilities and elderly persons to any special entrance designed for their use.

1993, c. 160, § 24.1-97.1; 1993, c. 641; 2016, cc. 18, 492.

§ 24.2-604.2. Polling places; prohibited area; emergency situations

If an emergency causes the dimensions of the prohibited area for a polling place to be perceived as increasing the risk of danger for persons outside the polling place, the electoral board may modify the distance requirements for the prohibited area, subject to the prior approval of the State Board. For purposes of this section, an "emergency" includes a state of emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States.

2003, c. 241.

§ 24.2-605. Loudspeakers prohibited at polls; penalty

Notwithstanding any contrary statute or ordinance of a county, city, or town, except for school purposes or in an emergency, no loudspeaker shall be used within 300 feet of a polling place on an election day. Any person violating this section shall be guilty of a Class 4 misdemeanor.

1976, c. 616, § 24.1-96.1; 1993, c. 641 .

§ 24.2-606. Preservation of order at elections

The officers of election, with the consent of the chief law-enforcement officer for the county or city, may designate a law-enforcement officer who shall attend at the polling place and preserve order inside and outside the polling place. If no law-enforcement officer is in attendance, the officers of election may appoint, in writing, one or more persons specially, who shall have all the powers of a law-enforcement officer in the polling place and within the prohibited area prescribed by § 24.2-604.

Code 1950, § 24-189; 1970, c. 462, § 24.1-103; 1993, c. 641 .

§ 24.2-607. Prohibited conduct; intimidation of voters; disturbance of election; how prevented; penalties

A. It shall be unlawful for any person to hinder, intimidate, or interfere with any qualified voter so as to prevent the voter from casting a secret ballot. The officers of election may order a person violating this subsection to cease such action. If such person does not promptly desist, the officers of election, or a majority of them, may order the arrest of such person by any person authorized by law to make arrests, and, by their warrant, may commit him to the county or city jail, as the case may be, for a period not exceeding twenty-four hours. Any person violating this subsection shall be guilty of a Class 1 misdemeanor.

B. No person shall conduct himself in a noisy or riotous manner at or about the polls so as to disturb the election or insult or abuse an officer of election. Any person authorized to make arrests may forthwith arrest a person engaging in such conduct and bring him before the officers of the election, and they, by their warrant, may commit him to the county or city jail, as the case may be, for a period not exceeding twenty-four hours; but they shall permit him to vote if he is so entitled.

Code 1950, §§ 24-190, 24-192; 1970, c. 462, § 24.1-104; 1993, c. 641 .

§ 24.2-608. Officers to decide order of voting

The officers of election shall promptly decide any dispute as to the order in which qualified voters may vote, deciding who first offered, or if two or more offered at the same time, selecting the one who may vote first.

Code 1950, § 24-187; 1970, c. 462, § 24.1-102; 1993, c. 641 .

§ 24.2-609. Voting booths

Each electoral board or general registrar shall provide at each polling place in the county or city one or more voting booths. At least one booth shall be an enclosure which permits the voter to vote by printed ballot in secret and is equipped with a writing surface, operative writing implements, and adequate lighting. Enclosures for voting equipment shall provide for voting in secret and be adequately lighted. "Voting booth" includes enclosures for voting printed ballots and for voting equipment.

Code 1950, §§ 24-185, 24-302; 1970, c. 462, §§ 24.1-100, 24.1-212; 1971, Ex. Sess., c. 119; 1985, c. 458; 1993, c. 641; 2014, cc. 540, 576; 2016, cc. 18, 492.

§ 24.2-610. Materials at polling places

A. The State Board shall provide copies of this title to each member of the electoral boards and to each general registrar for each precinct in the county or city. The general registrar shall furnish a copy of this title to each precinct for the use of the officers of election on election day.

B. Pursuant to subdivision A 7 of § 24.2-404, the State Board shall transmit to the general registrar of each county and city pollbooks for each precinct in which the election is to be held. The data elements printed or otherwise provided for each voter on the pollbooks shall be uniform throughout the Commonwealth.

C. The electoral board, general registrar, and officers of election shall comply with the requirements of this title and the instructions of the State Board to ensure that the pollbooks, ballots, voting equipment keys, and other materials and supplies required to conduct the election are delivered to the polling place before 6:00 a.m. on the day of the election and delivered to the proper official following the election.

Code 1950, §§ 24-115, 24-207 through 24-209, 24-256, 24-306; 1950, p. 245; 1956, c. 235; 1958, c. 605; 1962, c. 536; 1968, c. 141; 1970, c. 462, §§ 24.1-57, 24.1-107, 24.1-134, 24.1-316; 1971,

Ex. Sess., c. 119; 1972, cc. 620, 794; 1974, c. 428; 1975, c. 515, § 24.1-100.1; 1978, c. 778; 1981, c. 425; 1982, c. 650; 1985, c. 458; 1993, c. 641; 2003, c. 1015; 2016, cc. 18, 492.

§ 24.2-611. Form and signing of pollbooks; records of persons voting; electronic pollbooks

A. The following oath shall be on a form prescribed by the State Board, administered to all officers of election, and kept by the officers of election with the pollbook:

"I do solemnly swear (or affirm) that I will perform the duties for this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting this election."

The oath shall be administered to each officer of election by the general registrar, a member of the electoral board, or an officer of election designated by the general registrar and secretary of the electoral board, who shall be so identified on the form. The oath shall be signed by each officer of election and the person administering the oath. The pollbook shall be marked to identify the election for which it is used.

B. The State Board shall provide the pollbook pursuant to subdivision A 7 of § 24.2-404. The pollbook shall (i) provide a space for the officer of election to record the name and consecutive number of the voter at the time he offers to vote and (ii) be retained in accordance with the provisions governing pollbooks in this title. The State Board shall make available a numerical check sheet required to be used with pollbooks in printed form to determine the consecutive number to be recorded with the name of the voter by the officer of election. In electronic pollbooks, the consecutive number shall be entered automatically when the officer of election records that the voter has voted. When the name and number of the last qualified voter have been entered on the pollbook, the officer of election responsible for that pollbook shall sign a statement on the check sheet, or on a separate form if an electronic pollbook is used, certifying the number of qualified registrants who have voted. The State Board shall provide instructions to the local electoral boards, general registrars, and officers of election for the conduct of the election and for procedures for entering a voting record for each voter and recording each voter's name, including voters unable to enter the polling place, and for verifying the accurate entry of the voting record for each registrant on the Virginia Voter Registration System. Notwithstanding any other provision of this title, for any election held on or after November 1, 2010, all pollbooks provided by the State Board shall be in electronic form only.

C. The State Board shall incorporate safeguards to assure that the records of the election, including the pollbook, voter count sheets, or other alternative records, will provide promptly an accurate and secure record of those who have voted.

D. Any locality may expend its own funds to purchase electronic pollbooks that have been approved for use in elections by the State Board.

E. In the event that the electronic pollbooks for a precinct fail to operate properly and no alternative voter list or pollbook is available, the officers of election, in accordance with the instructions

and materials approved by the State Board, shall (i) maintain a written list of the persons voting and (ii) provide to each person voting a provisional ballot to be cast as provided in § 24.2-653.

Code 1950, § 24-257; 1970, c. 462, § 24.1-135; 1971, Ex. Sess., c. 119; 1976, c. 616; 1980, c. 639; 1981, c. 425; 1993, c. 641; 1994, c. 321; 1999, c. 810; 2000, c. 2; 2001, c. 839; 2002, cc. 66, 216, 785, 819; 2003, c. 1015; 2008, cc. 88, 424; 2010, c. 812; 2011, c. 810.

Article 2 - BALLOTS

§ 24.2-612. List of offices and candidates filed with Department of Elections and checked for accuracy; when ballots printed; number required

Immediately after the expiration of the time provided by law for a candidate for any office to qualify to have his name printed on the official ballot and prior to printing the ballots for an election, each general registrar shall forward to the Department of Elections a list of the county, city, or town offices to be filled at the election and the names of all candidates who have filed for each office. In addition, each general registrar shall forward the name of any candidate who failed to qualify with the reason for his disqualification. On that same day, the general registrar shall also provide a copy of the notice to each disqualified candidate. The notice shall be sent by email or regular mail to the address on the candidate's certificate of candidate qualification, and such notice shall be deemed sufficient. The Department of Elections shall promptly advise the general registrar of the accuracy of the list. The failure of any general registrar to send the list to the Department of Elections for verification shall not invalidate any election.

Each general registrar shall have printed the number of ballots he determines will be sufficient to conduct the election. Such determination shall be subject to the approval by the electoral board.

Notwithstanding any other provisions of this title, the Department of Elections may print or otherwise provide one statewide paper ballot style for each paper ballot style in use for presidential and vice-presidential electors for use only by persons eligible to vote for those offices only under § 24.2-402 or only for federal elections under § 24.2-453. The Department of Elections may apportion or authorize the printer or vendor to apportion the costs for these ballots among the localities based on the number of ballots ordered. Any printer employed by the Department of Elections shall execute the statement required by § 24.2-616. The Department of Elections shall designate a representative to be present at the printing of such ballots and deliver them to the appropriate general registrars pursuant to § 24.2-617. Upon receipt of such paper ballots, the electoral board or the general registrar shall affix the seal of the electoral board. Thereafter, such ballots shall be handled and accounted for, and the votes counted as the Department of Elections shall specifically direct.

The general registrar shall make printed ballots available for absentee voting not later than 45 days prior to any election or within three business days of the receipt of a properly completed absentee ballot application, whichever is later. In the case of a special election, excluding for federal offices, if time is insufficient to meet the applicable deadline established herein, then the

general registrar shall make printed ballots available as soon after the deadline as possible. For the purposes of this chapter, making printed ballots available includes mailing of such ballots or electronic transmission of such ballots pursuant to § 24.2-706 to a qualified absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700. Not later than five days after absentee ballots are made available, each general registrar shall report to the Department of Elections, in writing on a form approved by the Department of Elections, whether he has complied with the applicable deadline.

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

The general registrar shall send to the Department of Elections a statement of the number of ballots ordered to be printed, proofs of each printed ballot for verification, and copies of each final ballot. If the Department of Elections finds that, in its opinion, the number of ballots ordered to be printed by any general registrar is not sufficient, it may direct the general registrar to order the printing of a reasonable number of additional ballots.

Code 1950, §§ 24-213, 24-214; 1952, c. 4; 1954, c. 513; 1956, c. 395; 1970, c. 462, § 24.1-109; 1972, c. 620; 1980, c. 639; 1981, c. 425; 1984, c. 480; 1993, c. 641; 2003, c. 1015; 2009, c. 522; 2010, cc. 449, 645; 2011, cc. 427, 458; 2012, c. 353; 2013, c. 684; 2014, cc. 540, 576; 2015, c. 313; 2016, cc. 18, 492.

§ 24.2-612.1. Ballots; death, withdrawal, or disqualification of candidates

In the case of the death, withdrawal, or disqualification of any candidate, other than a party nominee, who has qualified to have his name printed on the ballot for any election other than a presidential or primary election, the State Board of Elections shall take into account the time available before the election and the status of the ballots for the election and shall have authority to direct the electoral boards on how to proceed to print the ballot without the candidate's name, correct the ballot to delete the candidate's name, or provide notice to voters of the death, withdrawal, or disqualification of the candidate.

The State Board shall have like authority in the case of the death, withdrawal, or disqualification of a party nominee subject to the provisions of Article 5 (§ 24.2-539 et seq.) of Chapter 5 of this title.

1995, c. 329.

§ 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 alphabetically, except that the names of candidates for school boards elected pursuant to § 22.1-57.3 shall appear on the ballot in an order determined by the priority of time of filing 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 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 furnish a sufficient number of ballots printed on plain white paper, of such form and size as will fit in the ballot frames.

Code 1950, §§ 24-215, 24-217; 1970, c. 462, §§ 24.1-111, 24.1-113; 1971, Ex. Sess., c. 119; 1972, c. 620; 1973, c. 30; 1974, c. 428; 1980, c. 639; 1981, c. 425; 1993, c. 641; 2000, cc. 282, 514, 866; 2002, c. 738; 2008, c. 544; 2010, c. 204; 2014, cc. 540, 568, 576; 2016, c. 493.

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

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

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

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

Code 1950, §§ 24-215, 24-290.4; 1952, c. 330; 1970, c. 462, §§ 24.1-111, 24.1-160; 1971, Ex. Sess., c. 119; 1972, c. 620; 1973, c. 30; 1980, c. 639; 1981, c. 425; 1982, c. 650; 1984, c. 480; 1993, c. 641; 1997, c. 209; 2002, c. 738; 2016, cc. 18, 492.

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

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

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

Code 1950, § 24-216; 1952, c. 581; 1970, c. 462, § 24.1-112; 1971, Ex. Sess., c. 119; 1993, c. 641 .

§ 24.2-616. Duties of printer; statement; penalty

The printer contracting with or employed by the electoral board or general registrar to print the ballots shall sign a statement before the work is commenced agreeing, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he will print the number of ballots requested by the electoral board or the general registrar in accordance with the instructions given by the electoral board or the general registrar; that he will print, and permit to be printed, directly or indirectly, no more than that number; that he will at once destroy all imperfect and perfect impressions other than those required to be delivered to the general registrar; that as soon as such number of ballots is printed he will distribute the type, if any, used for such work; and that he will not communicate to anyone, in any manner, the size, style, or contents of such ballots.

A similar statement shall be required of any employee or other person engaged in the work.

Code 1950, § 24-218; 1970, c. 462, § 24.1-114; 1976, c. 616; 1993, c. 641; 2016, cc. 18, 492.

§ 24.2-617. Representative of electoral board or general registrar to be present at printing; custody of ballots; electoral board or general registrar may disclose contents, style, and size

The electoral board or general registrar shall designate one person to be continuously present in the room in which the ballots are printed from the start to the end of the work and ensure that the undertakings of the printer's statement are complied with strictly. For the discharge of this duty the person, other than a board member, shall receive at least $20 per day.

As soon as the ballots are printed they shall be securely wrapped and sealed, and the designated person shall assure their delivery to the general registrar, allowing no one to examine them until delivery.

The designated person shall sign a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he has faithfully performed his duties, that the printer has complied with the requirements of law, and that only the requested number of ballots have been printed and are being delivered to the general registrar.

This section shall not be construed to prohibit any electoral board or general registrar from publishing or otherwise disclosing the contents, style, and size of ballots, which information electoral boards or general registrars are authorized to publish or otherwise disclose.

Code 1950, §§ 24-219, 24-220.1, 24-221; 1970, c. 462, § 24.1-115; 1980, c. 639; 1993, c. 641; 2016, cc. 18, 492.

§ 24.2-618. Delivery of ballots to electoral board or general registrar; checking and recording number

A member of the electoral board or the general registrar, or an employee of the board or general registrar designated by the electoral board or the general registrar, shall receive the ballots after they are printed and shall certify the number of ballots received. This certificate shall be filed with other materials for the election.

Code 1950, §§ 24-223, 24-224; 1970, c. 462, § 24.1-116; 1993, c. 641; 1997, c. 460; 2016, cc. 18, 492.

§ 24.2-619. Sealing ballots

A member of the electoral board or the general registrar, or some other person designated by the electoral board or the general registrar, shall cause the seal of the board to be affixed in his presence to every ballot printed as provided in this chapter. The seal shall be on the side reverse from that on which the names of the candidates appear. The seal may be affixed on the ballot either mechanically or manually. The member of the board, general registrar, or other person designated shall sign a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that the seal of the electoral board was affixed to the ballots in his presence in the manner prescribed by law, setting forth the name of every person taking part in the affixing of the seal, and stating that he has faithfully performed his duties. His statement shall be filed with the minutes of the board. For his services in causing the seal to be affixed to the ballots, the person designated, other than a board member or general registrar, shall receive at least $20 per day.

Any person designated to affix the seal to the ballots shall return the seal to the secretary as soon as the affixing of the seal to the ballots is completed.

Every person taking part in affixing the seal to the ballots or in placing the ballots in packages shall give his statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he has faithfully performed his duties and that he will not divulge to anyone the contents of the ballots or any part thereof. These statements shall be filed with the minutes of the board.

Code 1950, §§ 24-225, 24-228, 24-229; 1950, p. 165; 1970, c. 462, §§ 24.1-117, 24.1-118; 1971, Ex. Sess., c. 119; 1980, c. 639; 1993, c. 641; 2016, cc. 18, 492.

§ 24.2-620. Dividing ballots into packages for each precinct; delivery of absentee ballots

The electoral board or general registrar shall cause to be made, in the presence of at least one member of the board or a designee of the board, one or more packages of ballots for each precinct in the election district. Each package shall contain a number of ballots determined by the board or general registrar. Each of these packages shall be securely sealed in the presence of a member of the board or such designated person so that the ballots shall be invisible, and so that the packages cannot be readily opened without detection. On each of the packages shall be endorsed the name of the precinct for which it is intended and the number of ballots therein contained. Thereafter the packages designated for each precinct shall be delivered to the general registrar and remain in his exclusive possession until delivered by him, or by a board member, a designee of the board, or an assistant registrar, to the officers of election of each precinct as provided in § 24.2-621.

There shall be sufficient ballots for those offering to vote absentee delivered to the general registrar by the deadline stated in § 24.2-612. Any such ballots remaining unused at the close of the

polls on election day shall be sent by the general registrar to the clerk of the circuit court of the county or city.

Code 1950, §§ 24-226, 24-227; 1970, c. 462, § 24.1-119; 1971, Ex. Sess., c. 119; 1972, c. 620; 1982, c. 650; 1984, c. 480; 1993, c. 641; 1997, c. 460; 2016, cc. 18, 492.

§ 24.2-621. Delivery of packages to officers; opening packages

Before every election the secretary of the electoral board, or another board member, board employee, or the general or an assistant registrar designated by the board, shall deliver to an officer of election of each precinct the official ballots for that precinct and obtain a receipt for the package or packages and a certificate that the seals are unbroken. If the secretary or other such designated person is unable to deliver the official ballots, another member of the board shall deliver the ballots.

Before opening the polls, the officers of election shall open the sealed package and carefully count the ballots. If there is more than one package, additional packages shall be opened as needed and the ballots counted as provided in this section.

Code 1950, §§ 24-230, 24-231; 1970, c. 462, §§ 24.1-120, 24.1-121; 1993, c. 641; 1997, c. 460.

§ 24.2-622. Sample ballots

Nothing contained in this title shall be construed to prohibit: (i) the printing and circulation of sample paper ballots, which are not printed on white or yellow paper and do include thereon the words "sample ballot" in type no smaller than 24 point; (ii) the printing and circulation of sample voting 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.

Sample ballots, in whole or in part, other than the official sample ballots, shall not be printed on white or yellow paper.

All sample ballots, excepting those official sample ballots authorized by electoral boards, are advertisements for purposes of Chapter 9.5 (§ 24.2-955 et seq.). 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.

Code 1950, § 24-240; 1970, c. 462, § 24.1-122; 1974, c. 428; 1979, c. 265; 1993, c. 641; 2002, c. 487; 2003, c. 1015; 2005, c. 370; 2006, cc. 787, 892.

§ 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 container for each precinct. The container shall have a lock and key and an opening of sufficient size to admit a single folded or unfolded ballot and no more. The containers shall be kept by the electoral boards for use in the precincts.

Code 1950, § 24-241; 1970, c. 462, § 24.1-123; 1993, c. 641; 2003, c. 1015; 2014, cc. 540, 576.

§ 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 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 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 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 containers shall be kept in view of those voting within the polling place during the hours of the election.

Code 1950, §§ 24-242, 24-243; 1970, c. 462, § 24.1-124; 1972, c. 620; 1993, c. 641; 2003, c. 1015.

Article 3 - VOTING EQUIPMENT AND SYSTEMS

§ 24.2-625. Application of Title 24.2 and general law

All of the provisions of this title and general law not inconsistent with the provisions of this article shall apply to elections in counties, cities, and towns adopting and using electronic voting or counting machines.

Code 1950, § 24-315; 1970, c. 462, § 24.1-225; 1985, c. 458; 1993, c. 641; 2014, cc. 540, 576.

§ 24.2-625.1. Voting equipment security

A. Records of the State Board of Elections or of a local electoral board, to the extent such records describe protocols for maintaining the security of ballots or voting and counting equipment, or reveal the results of risk assessments of specific local electoral procedures, the release of which would compromise the security of any election, shall be confidential and excluded from inspection and copying under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

B. The State Board of Elections or a local electoral board may hold a closed meeting pursuant to the provisions of the Virginia Freedom of Information Act for the purpose of discussing protocols for maintaining the security of ballots or voting and counting equipment, or risk assessments of specific local electoral procedures, where discussion of such matters in open meeting would compromise the security of any election. Nothing in this subsection shall be construed to authorize a closed meeting to discuss any breach of security in the conduct of an election.

C. Two members of any local electoral board may conduct site visits for the sole purpose of investigating compliance with security policies and procedures. No such visit shall be deemed a meeting under the provisions of the Virginia Freedom of Information Act. However, prior to conducting such site visits, the board shall hold an open meeting, as defined in the Virginia Freedom of Information Act, and shall identify at that meeting its intention to conduct such site visits, the dates on which such visits will occur, and all polling places or other locations at which such visits will occur, withholding only information identifying secure sites at which voting and counting equipment or ballots are stored. No later than 30 days after any site visit has been conducted pursuant to this paragraph, the board shall hold an open meeting, as defined in the Virginia Freedom

of Information Act, at which it shall identify each location visited and the date on which each such location was visited, withholding only information identifying secure sites at which voting and counting equipment or ballots are stored.

D. The electoral board of each county and city that utilizes electronic voting systems shall develop and annually update written plans and procedures to ensure the security and integrity of its electronic voting systems. The general registrar and the State Board shall provide the electoral board assistance, upon request.

E. Nothing in this section shall be construed to prohibit the release of information concerning any breach of security in the conduct of an election.

2005, c. 568; 2007, c. 794.

§ 24.2-625.2. Wireless communications at polling places

There shall be no wireless communications on election day, while the polls are open, between or among voting machines within the polling place or between any voting machine within the polling place and any equipment outside the polling place. For purposes of this section, the term wireless communication shall mean the ability to transfer information via electromagnetic waves without the use of electrical conductors.

The provisions of this section shall not apply to voting machines purchased by any locality before July 1, 2007.

The provisions of this section shall not be construed to prohibit the operation of electronic poll-book devices at polling places on election day.

2007, cc. 939, 943; 2008, cc. 87, 393.

§ 24.2-626. (Effective until July 1, 2020) Governing bodies shall acquire electronic voting and counting machines

The governing body of each county and city shall provide for the use of electronic voting or counting machines, of a kind approved by the State Board, at every precinct and for all elections held in the county, the city, or any part of the county or city.

Each county and city governing body shall purchase, lease, lease purchase, or otherwise acquire such machines and may provide for the payment therefor in the manner it deems proper. Systems of different kinds may be adopted for use and be used in different precincts of the same county or city, or within a precinct or precincts in a county or city, subject to the approval of the State Board.

On and after July 1, 2007, no county or city shall acquire any direct recording electronic machine (DRE) for use in elections in the county or city except as provided herein:

1. DREs acquired prior to July 1, 2007, may be used in elections in the county or city for the remainder of their useful life.

2. Any locality that acquired DREs prior to July 1, 2007, may acquire DREs on a temporary basis to conduct an election when the existing DRE inventory is insufficient to conduct the election because all or part of its inventory is under lock or seal as required by § 24.2-659.

3. Any locality may acquire DREs from another locality within the Commonwealth, from among their existing inventories, for the expressed purpose of providing accessible voting equipment as required by § 24.2-626.1. The local electoral board shall notify the State Board when acquiring any DRE under this provision and shall certify to the State Board that the DRE acquired under this provision is necessary to meet accessible voting requirements.

4. Any locality may modify its existing DREs to comply with federal or state law requirements to provide accessible voting equipment. Any modifications made to existing DREs must be authorized by the State Board of Elections prior to modification.

Code 1950, § 242-291; 1970, c. 462, § 24.1-203; 1971, Ex. Sess., c. 119; 1972, c. 620; 1974, c. 428; 1976, c. 616; 1982, c. 650; 1985, c. 458; 1987, c. 129; 1993, c. 641; 1996, c. 258; 2000, c. 280; 2007, cc. 939, 943; 2009, cc. 751, 759; 2010, cc. 356, 533; 2011, cc. 153, 447, 481; 2014, cc. 540, 576.

§ 24.2-626. (Effective July 1, 2020) Governing bodies shall acquire electronic voting systems

A. The governing body of each county and city shall provide for the use of electronic voting systems, of a kind approved by the State Board, at every precinct and for all elections held in the county, the city, or any part of the county or city.

Each county and city governing body shall purchase, lease, lease purchase, or otherwise acquire such systems and may provide for the payment therefor in the manner it deems proper. Systems of different kinds may be adopted for use and be used in different precincts of the same county or city, or within a precinct or precincts in a county or city, subject to the approval of the State Board.

B. On and after July 1, 2020, no county or city shall use any direct recording electronic machine (DRE) in elections in the county or city.

Code 1950, § 242-291; 1970, c. 462, § 24.1-203; 1971, Ex. Sess., c. 119; 1972, c. 620; 1974, c. 428; 1976, c. 616; 1982, c. 650; 1985, c. 458; 1987, c. 129; 1993, c. 641; 1996, c. 258; 2000, c. 280; 2007, cc. 939, 943; 2009, cc. 751, 759; 2010, cc. 356, 533; 2011, cc. 153, 447, 481; 2014, cc. 540, 576; 2016, c. 464.

§ 24.2-626.1. Acquisition and use of accessible voting devices

The governing body of any county or city shall provide for the use of a voting or counting system in all elections that shall:

1. Provide for at least one voting system equipped for individuals with disabilities at each polling place, including nonvisual accessibility for the blind and visually impaired, in a manner that

provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

2. Provide alternative language accessibility when required by § 203 of the Voting Rights Act of 1965 (52 U.S.C. § 10503).

2007, cc. 939, 943.

§ 24.2-627. (Effective until July 1, 2020) Electronic voting or counting machines; number required

A. The governing body of any county or city that adopts for use at elections direct recording electronic machines shall provide for each precinct at least the following number of voting machines:

In each precinct having not more than 750 registered voters, 1;

In each precinct having more than 750 but not more than 1,500 registered voters, 2;

In each precinct having more than 1,500 but not more than 2,250 registered voters, 3;

In each precinct having more than 2,250 but not more than 3,000 registered voters, 4;

In each precinct having more than 3,000 but not more than 3,750 registered voters, 5;

In each precinct having more than 3,750 but not more than 4,500 registered voters, 6;

In each precinct having more than 4,500 but not more than 5,000 registered voters, 7.

B. The governing body of any county or city that adopts for use at elections ballot scanner machines shall provide for each precinct at least one voting booth with a marking device for each 425 registered voters or portion thereof and shall provide for each precinct at least one scanner. However, each precinct having more than 4,000 registered voters shall be provided with not less than two scanners at a presidential election, unless the governing body, in consultation with the general registrar and the electoral board, determines that a second scanner is not necessary at any such precinct on the basis of voter turnout and the average wait time for voters in previous presidential elections.

C. The local electoral board of any county or city shall be authorized to conduct any May general election, primary election, or special election held on a date other than a November general election with the number of voting or counting machines determined by the board and the general registrar to be appropriate for each precinct, notwithstanding the provisions of subsections A and B.

D. For purposes of applying this section, a general registrar may exclude persons voting absentee in his calculations, and if he does so shall send to the Department a statement of the number of voting systems to be used in each precinct. If the State Board finds that the number of voting systems is not sufficient, it may direct the general registrar to use more voting systems.

1985, c. 458, §§ 24.1-203.1, 24.1-203.2; 1993, c. 641; 1996, c. 271; 1997, cc. 304, 336; 2010, c. 214; 2014, cc. 540, 576; 2015, cc. 667, 740; 2016, cc. 18, 492.

§ 24.2-627. (Effective July 1, 2020) Electronic voting systems; number required

A. The governing body of any county or city that adopts for use at elections ballot scanner machines shall provide for each precinct at least one voting booth with a marking device for each 425 registered voters or portion thereof and shall provide for each precinct at least one scanner. However, each precinct having more than 4,000 registered voters shall be provided with not less than two scanners at a presidential election, unless the governing body, in consultation with the general registrar and the electoral board, determines that a second scanner is not necessary at any such precinct on the basis of voter turnout and the average wait time for voters in previous presidential elections.

B. The local electoral board of any county or city shall be authorized to conduct any May general election, primary election, or special election held on a date other than a November general election with the number of voting systems determined by the board and the general registrar to be appropriate for each precinct, notwithstanding the provisions of subsection A.

C. For purposes of applying this section, a general registrar may exclude persons voting absentee in his calculations, and if he does so shall send to the Department a statement of the number of voting systems to be used in each precinct. If the State Board finds that the number of voting systems is not sufficient, it may direct the general registrar to use more voting systems.

1985, c. 458, §§ 24.1-203.1, 24.1-203.2; 1993, c. 641; 1996, c. 271; 1997, cc. 304, 336; 2010, c. 214; 2014, cc. 540, 576; 2015, cc. 667, 740; 2016, cc. 18, 464, 492.

§ 24.2-628. Repealed

Repealed by Acts 2014, c. 540, cl. 2, effective April 3, 2014, and c. 576, cl. 2, effective April 4, 2014.

§ 24.2-629. State Board approval process of electronic voting systems

A. Any person, firm, or corporation, referred to in this article as the "vendor," manufacturing, owning, or offering for sale any electronic voting or counting machine 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 that 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 require, at a site of its choosing, a demonstration of

such equipment and ballots and may require that a production model of the equipment and a supply of ballots be provided to the Board for testing purposes. The Board shall also require the vendor to provide documentation of the practices recommended by the vendor to ensure the optimum security and functionality of the system.

B. The Board may approve any kind of electronic voting system that meets the following requirements:

1. It shall provide clear instructions for voters on how to mark or select their choice and cast that vote.

2. It shall provide facilities for voting for all offices at any election and on as many questions as may be submitted at any election.

3. It shall be capable of processing ballots for all parties holding a primary election on the same day, but programmable in such a way that an individual ballot cast by a voter is limited to the party primary election in which the voter chooses to participate.

4. It shall require votes for presidential and vice presidential electors to be cast for the presidential and vice presidential electors of one party by one operation. The ballot shall contain the words "Electors for" preceded by the name of the party or other authorized designation and followed by the names of the candidates for the offices of President and Vice President.

5. It shall enable the voter to cast votes for as many persons for an office as lawfully permitted, but no more. It shall prevent the voter from casting a vote for the same person more than once for the same office. However, ballot scanner machines shall not be required to prevent a voter from voting for a greater number of candidates than he is lawfully entitled to.

6. It shall enable the voter to cast a vote on any question on which he is lawfully permitted to vote, but no other.

7. It shall provide the voter with an opportunity to correct any error before a ballot is cast.

8. It shall correctly register or record and accurately count all votes cast for candidates and on questions.

9. It shall be provided with a "protective counter," whereby any operation of the machine before or after the election will be detected.

10. It shall be provided with a counter that at all times during an election shall show how many persons have voted.

11. It shall ensure voting in absolute secrecy. Ballot scanner machines shall provide for the secrecy of the ballot and a method to conceal the voted ballot.

12. It shall be programmable to allow ballots to be separated when necessary.

13. Ballot scanner machines shall report, if possible, the number of ballots on which a voter undervoted or overvoted.

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

E. In preparing the reports cited in subsections C and D, the Board shall require, as a condition of certification, that the system is comprehensively examined by individuals including at least one expert in election management and one in computer system security. The Board shall develop, in conjunction with the above listed individuals, a specific set of items to be examined and tested as part of the certification process to further elaborate on the requirements identified in this section.

F. If the Board determines that there is potential for approval of the system and prior to its final determination, the Board shall also require that the system be tested in an actual election in one

or more counties or cities. Its use at such election shall be as valid for all purposes as if it had been legally approved by the Board and adopted by the counties or cities.

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

H. A vendor whose voting system is approved for use shall provide updates concerning its recommended practices for optimum security and functionality of the system, as may be requested by the Board. Any product for which requested updates are not provided shall be deemed non-compliant and may be decertified at the discretion of the Board.

I. The Board shall have the authority to investigate, at its discretion, any voting system certified in Virginia to ensure that it continues to meet the standards outlined in subsections C and D. The Board may, at its discretion, decertify any voting system based on significant problems detected with the voting system in Virginia or on reports provided by federal authorities or other state election officials.

1985, c. 458, §§ 24.1-207.1; 1986, c. 558, § 24.1-206.3; 1993, c. 641; 1994, cc. 287, 742; 2001, cc. 640, 641; 2003, c. 1015; 2004, cc. 409, 993, 1010; 2007, c. 794; 2008, c. 703; 2014, cc. 540, 576.

§ 24.2-630. Experimental use of approved systems

With the approval of the State Board, the governing body of any county, city, or town may provide for the experimental use at an election in one or more election districts or precincts of a voting or counting system which it might legally adopt without a formal adoption thereof, and its use at such election shall be valid for all purposes.

Code 1950, § 24-295; 1970, c. 462, § 24.1-206; 1985, c. 458; 1993, c. 641 .

§ 24.2-631. Experimental use of voting systems and ballots prior to approval of the system

The State Board is authorized to approve the experimental use of voting or counting systems and ballots for the purpose of casting and counting absentee ballots in one or more counties and cities designated by the Board (i) that have established central absentee voter election districts and (ii) whose electoral board and general registrar submit to the Board for approval a plan for the use of such system and ballots. The Board is also authorized to approve the experimental use of voting or counting systems and ballots in one or more precincts in any county or city whose electoral board and general registrar submit to the Board for approval a plan for such use. The use of such systems and ballots at an election shall be valid for all purposes.

1980, c. 639, § 24.1-206.1; 1985, c. 458; 1993, c. 641; 2016, cc. 18, 492.

§ 24.2-632. Voting equipment custodians

A. For the purpose of programming and preparing voting and counting equipment, including the programming of any electronic activation devices or data storage media used to program or operate the equipment, and maintaining, testing, calibrating, and delivering it, the electoral board and general registrar shall employ one or more persons, to be known as custodians of voting equipment. The custodians shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least 30 days before each election. With the approval of the State Board, the electoral board or general registrar may contract with the voting equipment vendor or another contractor for the purpose of programming, preparing and maintaining the voting equipment. The voting equipment custodians shall instruct and supervise the vendor or contractor technicians and oversee the programming, testing, calibrating and delivering of the equipment. The vendor or contractor technicians shall be sworn to perform their duties honestly and faithfully and be informed of and subject to the misdemeanor and felony penalties provided in §§ 24.2-1009 and 24.2-1010.

The final testing of the equipment prior to each election shall be done in the presence of an electoral board member, a representative of the electoral board, or the general registrar. The electoral board or general registrar may authorize a representative to be present at the final testing only if it is impracticable for a board member or general registrar to attend, and such representative shall in no case be the custodian or a vendor or contractor technician who was responsible for programming the ballot software, electronic activation devices, or electronic data storage media.

B. Notwithstanding the provisions of subsection A, the local electoral board or general registrar may assign a board member or an assistant registrar to serve as a custodian without pay for such service. The board member or assistant registrar serving as custodian shall be fully competent, thoroughly instructed, and sworn to perform his duties honestly and faithfully, and for such purpose shall be appointed and instructed at least 30 days before each election. Whenever the presence of an electoral board member or general registrar and custodian is required by the provisions of this title, the same person shall not serve in both capacities.

Code 1950, §§ 24-296, 24-299; 1970, c. 462, § 24.1-209; 1973, c. 30; 1974, c. 428; 1981, c. 570; 1985, c. 458; 1993, c. 641; 1999, c. 219; 2004, cc. 993, 1010; 2016, cc. 18, 492.

§ 24.2-633. Notice of final testing of voting system; sealing equipment

Before the final testing of voting or counting machines for any election, the general registrar shall mail written notice (i) to the chairman of the local committee of each political party, or (ii) in a primary election, to the chairman of the local committee of the political party holding the primary, or (iii) in a city or town council election in which no candidate is a party nominee and which is held when no other election having party nominees is being conducted, to the candidates.

The notice shall state the time and place where the machine will be tested and state that the political party or candidate receiving the notice may have one representative present while the equipment is tested.

At the time stated in the notice, the representatives, if present, shall be afforded an opportunity to see that the equipment is in proper condition for use at the election. When a machine has been so examined by the representatives, it shall be sealed with a numbered seal in their presence, or if the machine cannot be sealed with a numbered seal, it shall be locked with a key. The representatives shall certify for each machine the number registered on the protective counter and the number on the seal. When no party or candidate representative is present, the custodian shall seal the machine as prescribed in this section in the presence of a member of the electoral board, the general registrar, or a designee of the electoral board or general registrar.

Code 1950, § 24-300; 1962, c. 260; 1970, c. 462, § 24.1-210; 1981, c. 425; 1985, c. 458; 1993, c. 641; 1998, c. 264; 2004, cc. 993, 1010; 2014, cc. 540, 576; 2016, cc. 18, 492.

§ 24.2-634. Locking and securing after preparation

When voting equipment has been properly prepared for an election, it shall be locked against voting and sealed, or if a voting or counting machine cannot be sealed with a numbered seal, it shall be locked with a key. The equipment keys and any electronic activation devices shall be retained in the custody of the general registrar and delivered to the officers of election as provided in § 24.2-639. After the voting equipment has been delivered to the polling places, the general registrar shall provide ample protection against tampering with or damage to the equipment.

Code 1950, § 24-301; 1970, c. 462, § 24.1-211; 1985, c. 458; 1993, c. 641; 1998, c. 264; 2004, cc. 993, 1010; 2014, cc. 540, 576; 2016, cc. 18, 492.

§ 24.2-635. Demonstration of equipment

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

Code 1950, § 24-304; 1970, c. 462, § 24.1-214; 1985, c. 458; 1993, c. 641; 2003, c. 1015; 2016, cc. 18, 492.

§ 24.2-636. Instruction as to use of equipment

No fewer than three nor more than 30 days before each election, the electoral board or general registrar shall instruct, or cause to be instructed, on the use of the equipment and his duties in connection therewith, each officer of election appointed to serve in the election who has not previously been so instructed. The board or the general registrar shall not permit any person to serve as an officer who is not fully trained to conduct an election properly with the equipment. This section shall not be construed to prevent the appointment of a person as an officer of election to fill a vacancy in an emergency.

Code 1950, § 24-303; 1970, c. 462, § 24.2-213; 1972, c. 620; 1985, c. 458; 1993, c. 641; 1998, c. 187; 2016, cc. 18, 492.

§ 24.2-637. Furniture and equipment to be at polling places

Before the time to open the polls, each electoral board shall ensure that the general registrar has the voting and counting equipment and all necessary furniture and materials at the polling places, with counters on the voting or counting devices set at zero (000), and otherwise in good and proper order for use at the election.

The general registrar shall have the custody of such equipment, furniture, and materials when not in use at an election and shall maintain the equipment in accurate working order and in proper repair.

Code 1950, §§ 24-296, 24-299; 1970, c. 462, § 24.1-209; 1973, c. 30; 1974, c. 428; 1981, c. 570; 1985, c. 458; 1993, c. 641; 2016, cc. 18, 492.

§ 24.2-638. Voting equipment to be in plain view; officers and others not permitted to see actual voting; unlocking counter compartment of equipment, etc

During the election, the exterior of the voting equipment and every part of the polling place shall be in plain view of the officers of election.

No voting or counting machines shall be removed from the plain view of the officers of election or from the polling place at any time during the election and through the determination of the vote as provided in § 24.2-657. However, an electronic voting machine that is so constructed as to be easily portable may be taken outside the polling place pursuant to subsection A of § 24.2-649 and to assist a voter age 65 or older or physically disabled so long as: (i) the voting machine remains in the plain view of two officers of election representing two political parties or, in a primary election, two officers of election representing the party conducting the primary, provided that if the use of two officers for this purpose would result in too few officers remaining in the polling place to meet legal requirements, the machine shall remain in plain view of one officer who shall be either the chief officer or the assistant chief officer; (ii) the voter casts his ballot in a secret manner unless the voter requests assistance pursuant to § 24.2-649; and (iii) there remain sufficient officers of election in the polling place to meet legal requirements. After the voter has completed voting his ballot, the officer or officers shall immediately return the voting machine to its assigned location inside the polling place. The machine number, the time that the machine was removed and the time that it was returned, the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, the names of the voters who used the machine while it was removed provided that secrecy of the ballot is maintained in accordance with guidance from the State Board, and the name or names of the officer or officers who accompanied the machine shall be recorded on the statement of results. If a polling place fails to record the information required in the previous sentence, or it is later proven that the information recorded was intentionally falsified, the local electoral board or general registrar shall dismiss at a minimum the chief officer or the assistant chief officer, or both, as appropriate, and shall

dismiss any other officer of election who is shown to have caused the failure to record the required information intentionally or by gross negligence or to have intentionally falsified the information. The dismissed officers shall not be allowed thereafter to serve as an officer or other election official anywhere in the Commonwealth. In the case of an emergency that makes a polling place unusable or inaccessible, voting or counting machines may be removed to an alternative polling place pursuant to the provisions of subsection D of § 24.2-310.

The equipment shall be placed at least four feet from any table where an officer of election is working or seated. The officers of election shall not themselves be, or permit any other person to be, in any position or near any position that will permit them to observe how a voter votes or has voted.

One of the officers shall inspect the face of the voting machine after each voter has cast his vote and verify that the ballots on the face of the machine are in their proper places and that the machine has not been damaged. During an election, the door or other covering of the counter compartment of the voting or counting machine shall not be unlocked or open or the counters exposed except for good and sufficient reasons, a statement of which shall be made and signed by the officers of election and attached to the statement of results. No person shall be permitted in or about the polling place except the voting equipment custodian, vendor, or contractor technicians and other persons authorized by this title.

Code 1950, § 24-305; 1962, c. 260; 1970, c. 462, § 24.1-215; 1985, c. 458; 1993, c. 641; 2004, cc. 978, 993, 1006, 1010; 2009, c. 494; 2014, cc. 540, 576; 2016, cc. 18, 492.

§ 24.2-639. (Effective until July 1, 2020) Duties of officers of election

The officers of election of each precinct at which voting or counting machines are used shall meet at the polling place by 5:15 a.m. on the day of the election and arrange the equipment, furniture, and other materials for the conduct of the election. The officers of election shall verify that all required equipment, ballots, and other materials have been delivered to them for the election. The officers shall post at least two instruction cards for direct recording electronic machines conspicuously within the polling place.

The keys to the equipment and any electronic activation devices that are required for the operation of electronic voting equipment shall be delivered, prior to the opening of the polls, to the officer of election designated by the electoral board or general registrar in a sealed envelope on which has been written or printed the name of the precinct for which it is intended. The envelope containing the keys and any electronic activation devices shall not be opened until all of the officers of election for the precinct are present at the polling place and have examined the envelope to see that it has not been opened. The equipment shall remain locked against voting until the polls are formally opened and shall not be operated except by voters in voting.

Before opening the polls, each officer shall examine the equipment and see that no vote has been cast and that the counters register zero. The officers shall conduct their examination in the presence of the following party and candidate representatives: one authorized representative of each

political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, if such representatives are available. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, 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. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. 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 any counter, other than a protective or private counter, on a ballot scanner or direct recording electronic machine is found not to register zero, the officers of election shall immediately notify the general registrar, who shall, if possible, substitute a machine in good working order that has been prepared and tested pursuant to § 24.2-634. No ballot scanner or direct recording electronic machine shall be used if any counter, other than a protective or private counter, is found not to register zero.

Code 1950, § 24-306; 1970, c. 462, § 24.1-216; 1972, c. 620; 1985, c. 458; 1993, c. 641; 1998, c. 264; 2003, c. 1015; 2004, cc. 993, 1010; 2010, c. 448; 2014, cc. 540, 576; 2015, c. 133; 2016, cc. 18, 492.

§ 24.2-639. (Effective July 1, 2020) Duties of officers of election

The officers of election of each precinct at which voting systems are used shall meet at the polling place by 5:15 a.m. on the day of the election and arrange the equipment, furniture, and other materials for the conduct of the election. The officers of election shall verify that all required equipment, ballots, and other materials have been delivered to them for the election. The officers shall post at least two instruction cards for direct recording electronic machines conspicuously within the polling place.

The keys to the equipment and any electronic activation devices that are required for the operation of electronic voting equipment shall be delivered, prior to the opening of the polls, to the officer of election designated by the electoral board or general registrar in a sealed envelope on which has been written or printed the name of the precinct for which it is intended. The envelope containing the keys and any electronic activation devices shall not be opened until all of the officers of election for the precinct are present at the polling place and have examined the envelope to see that it has not been opened. The equipment shall remain locked against voting until the polls are formally opened and shall not be operated except by voters in voting.

Before opening the polls, each officer shall examine the equipment and see that no vote has been cast and that the counters register zero. The officers shall conduct their examination in the presence of the following party and candidate representatives: one authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, if such representatives are available. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, 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. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. 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 any counter, other than a protective or private counter, on a ballot scanner is found not to register zero, the officers of election shall immediately notify the general registrar, who shall, if possible, substitute a machine in good working order, that has been prepared and tested pursuant to § 24.2-634. No ballot scanner shall be used if any counter, other than a protective or private counter, is found not to register zero.

Code 1950, § 24-306; 1970, c. 462, § 24.1-216; 1972, c. 620; 1985, c. 458; 1993, c. 641; 1998, c. 264; 2003, c. 1015; 2004, cc. 993, 1010; 2010, c. 448; 2014, cc. 540, 576; 2015, c. 133; 2016, cc. 18, 464, 492.

§ 24.2-640. Repealed

Repealed by Acts 2014, c. 540, cl. 2, effective April 3, 2014, and c. 576, cl. 2, effective April 4, 2014.

§ 24.2-641. Sample ballot

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

Code 1950, § 24-298; 1970, c. 462, § 24.1-208; 1985, c. 458; 1993, c. 641; 2014, cc. 540, 576; 2016, cc. 18, 492.

§ 24.2-642. Inoperative equipment

A. When any voting or counting machine becomes inoperative in whole or in part while the polls are open, the officers of election shall immediately notify the electoral board or general registrar.

If possible, the electoral board or general registrar shall dispatch a qualified technician to the polling place to repair the inoperative machine. All repairs shall be made in the presence of two officers of election representing the two political parties or, in the case of a primary election for only one party, two officers representing that party. If the machine cannot be repaired on site, the general registrar shall, if possible, substitute a machine in good order for the inoperative machine and at the close of the polls the record of both machines shall be taken and the votes shown on their counters shall be added together in ascertaining the results of the election.

No voting or counting machines, including inoperative machines, shall be removed from the plain view of the officers of election or from the polling place at any time during the election and through the determination of the vote as provided in § 24.2-657 except as explicitly provided pursuant to the provisions of this title.

No voting or counting machine that has become inoperative and contains votes may be removed from the polling place while the polls are open and votes are being ascertained. If the officers of election are unable to ascertain the results from the inoperative machine after the polls close in order to add its results to the results from the other machines in that precinct, the officers of election shall lock and seal the machine without removing the memory card, cartridge, or data storage medium and deliver the machine to either the clerk of court or registrar's office as provided for in § 24.2-659. On the day following the election, the electoral board shall meet and ascertain the results from the inoperative machine in accordance with the procedures prescribed by the machine's manufacturer and add the results to the results for the precinct to which the machine was assigned.

Nothing in this subsection shall prohibit the removal of an inoperative machine from a precinct prior to the opening of the polls or the first vote being cast on that machine. Any machine so removed shall be placed in the custody of an authorized custodian, technician, general registrar, or electoral board representative. If the inoperative machine can be repaired, it shall be retested and resealed pursuant to § 24.2-634 and may be returned to the precinct by an authorized custodian, technician, general registrar, or electoral board representative. The officers of election shall then open the machine pursuant to § 24.2-639.

B. In any precinct that uses a ballot that can be read without the use of the ballot scanner machine, if the ballot scanner machine becomes inoperative and there is no other available scanner, the uncounted ballots shall be placed in a ballot container or compartment that is used exclusively for uncounted ballots. If an operative scanner is available in the polling place after the polls have closed, such uncounted ballots shall be removed from the container and fed into the scanner, 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 a scanner is not available, the ballots may be counted manually or as directed by the electoral board.

C. 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 if (i) the inoperative machine cannot be repaired in time to continue using it at the election, (ii) a substitute machine is needed to conduct the election but is not available for use, (iii) the supply of official printed ballots that can be cast without use of the inoperative machine is not adequate, and (iv) the local electoral board approves the reprinting or reproducing of the official paper ballot. The voted ballot copies may be received by the officers of election and placed in the ballot container and counted with the votes registered on the voting or counting machines, and the result shall be declared the same as though no machine 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.

Code 1950, § 24-311; 1970, c. 462, § 24.1-221; 1981, c. 570; 1985, c. 458; 1993, c. 641; 2000, c. 282; 2003, c. 1015; 2004, cc. 978, 993, 1006, 1010; 2014, cc. 540, 576; 2016, cc. 18, 492.

Article 4 - CONDUCT OF ELECTION; ELECTION RESULTS

§ 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 the voter may give such information orally or in writing. The officer of election shall repeat, in a voice audible to party and candidate representatives present, the full name and address provided by the voter. The officer shall ask the voter to present any one of the following forms of identification: his valid Virginia driver's license, his valid United States passport, or any other photo identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card containing a photograph of the voter and issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; 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.

Any voter who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.

If the voter presents one of the forms of identification listed above, if his name is found on the pollbook in a form identical to or substantially similar to the name on the presented form of identification and the name provided by the voter, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to extend outside of the room containing the voting booths and shall remain under observation by the officers of election.

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

C. If the current residence address provided by the voter is different from the address shown on the pollbook, 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.).

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 the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

Code 1950, §§ 24-244, 24-245, 24-248, 24-252, 24-308; 1952, c. 581; 1962, c. 536; 1964, c. 593; 1970, c. 462, §§ 24.1-125, 24.1-126, 24.1-129, 24.1-218; 1971, Ex. Sess., c. 247; 1973, c. 30; 1975, c. 515; 1978, c. 778; 1981, c. 425; 1982, c. 650, § 24.1-126.1; 1984, c. 234; 1985, cc. 197, 458; 1987, c. 349; 1993, c. 641; 1995, c. 716; 1996, cc. 72, 73; 1999, c. 725; 2000, cc. 366, 451; 2003, c. 1015; 2004, c. 410; 2005, cc. 496, 539; 2011, cc. 427, 458; 2012, cc. 723, 838, 839; 2013, cc. 725, 746; 2015, cc. 134, 571; 2016, c. 399.

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

A. The qualified voter shall take the official paper ballot and enter the voting booth. After entering the voting booth, the qualified voter shall mark immediately preceding the name of each candidate for whom he wishes to vote a check () or a cross (✗ or +) or a line (-) in the square provided for such purpose, leaving unmarked the square preceding the name of each candidate for whom he does not wish to vote. Any ballot marked so that the intent of the voter is clear shall be counted.

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

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

D. No write-in vote shall be counted unless the name is entered on the ballot in conformance with this section. No write-in vote shall be counted when it is apparent to the officers of election that a voter has voted for the same person for the same office more than one time. No write-in vote shall be counted for an office for any person whose name appears on the ballot as a candidate for that office. If two or more persons are to be elected to the same office, a voter may vote for one or more persons whose names do appear on the ballot and one or more persons whose names do not appear on the ballot, provided that the total number of votes cast by him for that office does not exceed the number of persons to be elected to that office.

Code 1950, §§ 24-245, 24-252, 24-290.5, 24-307; 1952, c. 581; 1962, cc. 260, 536; 1964, c. 593; 1970, c. 462, §§ 24.1-129, 24.1-161, 24.1-217; 1973, c. 30; 1975, c. 515; 1984, c. 234; 1985, cc. 197, 458; 1987, c. 349; 1990, c. 214; 1993, c. 641; 1997, c. 100; 2013, c. 542.

§ 24.2-645. Defaced printed ballots

If any printed ballot is unintentionally or accidentally defaced and rendered unfit for voting, the voter may deliver the defaced ballot to the officer of election and receive another. The returned ballot shall be marked spoiled by the officer of election and placed in the spoiled ballot envelope.

Code 1950, § 24-238; 1970, c. 462, § 24.1-130; 1987, c. 349; 1993, c. 641; 2014, cc. 540, 576.

§ 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 paper 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 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.

Code 1950, § 24-247; 1970, c. 462, § 24.1-131; 1993, c. 641; 2003, c. 1015; 2014, cc. 540, 576.

§ 24.2-646.1. Permitted use of paper ballots

The official paper ballot shall be used by a voter to cast his vote only in one of the following circumstances:

1. The official paper ballot is the only ballot in use in the precinct.

2. The official paper ballot is used by voters voting outside the polling place pursuant to § 24.2-649.

3. The voter is casting a provisional ballot.

4. The voter is provided an official paper ballot or copy thereof pursuant to § 24.2-642 when voting equipment is inoperable or otherwise unavailable.

5. The official absentee paper ballot voted in accordance with (§ 24.2-700 et seq.).

6. The voter is provided an official paper ballot for a presidential election pursuant to § 24.2-402 or for federal elections pursuant to § 24.2-453.

2006, c. 492; 2015, c. 313.

§ 24.2-647. Voting systems; demonstration on election day

The general registrar shall provide at each polling place on election day, for the voting system in use, a model of or materials displaying a portion of its ballot face. The model or materials shall be located on the table of one of the officers or in some other place accessible to the voters. An officer of election shall instruct any voter who requests instruction before voting on the proper manner of voting. The officer may direct the voter's attention to sample ballots so that the voter may become familiar with the location of questions and names of offices and candidates.

For ballot scanner machines, an officer of election, using a demonstration ballot and machine, shall show each voter who requests, immediately on entry to the polling place, the manner in which the ballot is to be voted.

If any voter, after entering the voting booth, asks for further instructions concerning the manner of voting, two of the officers from different political parties shall give such instructions to him, but no officer shall in any manner request or seek to persuade or induce any such voter to vote for or against any particular ticket, candidate, or question. After giving such instructions and before the voter votes, the officers shall leave the voting booth, and the voter shall cast his ballot in secret.

Code 1950, § 24-309; 1970, c. 462, § 24.1-219; 1980, c. 639; 1985, c. 458; 1993, c. 641; 2014, cc. 540, 576; 2016, cc. 18, 492.

§ 24.2-648. Write-in votes on voting equipment

Write-in votes may be cast on voting equipment for any person whose name does not appear on the ballot as a candidate for the office being voted, subject to this section and the provisions of § 24.2-644 not in conflict with this section.

Each write-in vote shall be entered in the receptacle or area designated on the machine for the office being elected. A write-in vote shall be cast in its appropriate place, in accordance with the instructions for that equipment, or it shall be void and not counted.

Except on machines that provide a means to enter a name electronically, each write-in vote shall be entered by the voter in his own handwriting or hand printing.

Code 1950, § 24-307; 1962, c. 260; 1970, c. 462, § 24.1-217; 1975, c. 515; 1985, c. 458; 1990, c. 214; 1993, c. 641; 1996, c. 5; 2014, cc. 540, 576.

§ 24.2-649. Assistance for certain voters; penalties

A. Any voter age 65 or older or physically disabled may request and then shall be handed a printed 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 printed ballot in the officer's presence but in a secret manner and, obscuring his vote, return the ballot to the officer. The officer shall immediately return to the polling place and shall deposit a paper ballot in the ballot container in accordance with § 24.2-646 or a machine-readable ballot in the ballot scanner machine in accordance with the instructions of the State Board.

Any county or city that has acquired an electronic voting machine that is so constructed as to be easily portable may use the voting machine in lieu of a printed ballot for the voter requiring assistance pursuant to this subsection. However, the electronic voting machine may be used in lieu of a printed ballot only so long as: (i) the voting machine remains in the plain view of two officers of election representing two political parties, or in a primary election, two officers of election representing the party conducting the primary, provided that if the use of two officers for this purpose would result in too few officers remaining in the polling place to meet legal requirements, the voting machine shall remain in plain view of one officer who shall be either the chief officer or the

assistant chief officer and (ii) the voter casts his ballot in a secret manner unless the voter requests assistance pursuant to this section. After the voter has completed voting his ballot, the officer or officers shall immediately return the voting machine to its assigned location inside the polling place. The machine number, the time that the machine was removed and the time that it was returned, the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, and the name or names of the officer or officers who accompanied the machine shall be recorded on the statement of results.

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, provided no mark shall be required of a voter who is blind. 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. If a printed ballot is used, the officer or other person so designated shall deposit the ballot in the ballot container in accordance with § 24.2-646 or in the ballot scanner machine in accordance with the instructions of the State Board.

C. If the voter requires assistance in a language other than English and has not designated a person to assist him, an officer of election, before he assists as interpreter, shall inquire of the representatives authorized to be present pursuant to § 24.2-604 whether they have a volunteer available who can interpret for the voter. One representative interpreter for each party or candidate, insofar as available, shall be permitted to observe the officer of election communicate with the voter. The voter may designate one of the volunteer party or candidate interpreters to provide assistance. A person so designated by the voter shall meet all the requirements of this section for a person providing assistance.

D. A person who willfully violates subsection B or C is 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, and the provisions of §§ 24.2-704 and 24.2-1012 and the felony penalties for violations of the law related to providing assistance to absentee voters shall be applicable in such cases.

E. In any precinct in which an electronic voting machine is available that provides an audio ballot, the officers of election shall notify a voter requiring assistance pursuant to this section that such machine is available for him to use to vote in privacy without assistance and the officers of election shall instruct the voter on the use of the voting machine. Nothing in this section shall be construed to require a voter to use the machine unassisted.

Code 1950, §§ 24-245, 24-251, 24-252, 24-310; 1950, c. 230; 1952, c. 581; 1962, c. 536; 1964, c. 593; 1969, Ex. Sess., c. 5; 1970, c. 462, §§ 24.1-129, 24.1-132, 24.1-220; 1973, c. 30; 1975, c. 515; 1978, c. 778; 1984, cc. 234, 775; 1985, cc. 197, 458; 1986, c. 558; 1987, c. 349; 1988, c. 598; 1993, c. 641; 2003, c. 1015; 2004, cc. 993, 1010; 2005, c. 569; 2006, c. 242; 2009, c. 809; 2014, cc. 540, 576.

§ 24.2-650. Officers to sign only official papers, etc

No officer of election shall sign or otherwise mark any paper, form, or item, other than one furnished by the State Board, his electoral board, or general registrar, at his polling place during the hours that the polls are open.

1976, c. 616, § 24.1-132.1; 1993, c. 641 .

§ 24.2-651. Voter who is challenged; how challenge tried

Any qualified voter may, and the officers of election shall, challenge the vote of any person who is listed on the pollbook but is known or suspected not to be a qualified voter.

The individual making the challenge shall complete and sign the following statement on a form provided by the State Board:

"I do hereby state, subject to penalties for hindering, intimidating, or interfering with a qualified voter pursuant to § 24.2-607, that I am a qualified voter of this Commonwealth or an officer of election and that, to the best of my knowledge, information, and belief, _____ is not a qualified voter of this precinct by reason of (please check each of the following reasons that is applicable):

1. The named person is not a citizen of the United States;

2. The named person is not now 18 years of age or, in the case of a primary election or a special election held on a date other that a general election date, will not reach the age of 18 before the next general election;

3. The named person is not a resident of the Commonwealth (or, if he has not been a resident of the Commonwealth within the preceding 30 days, he is attempting to vote for an office or issue other than electors of President and Vice President of the United States);

4. The named person is not a resident of this precinct (or he has not been a resident of this precinct since the second preceding general federal election and has not continued to be a resident of this county or city and this congressional district);

5. The named person is not a resident of the town in the case of a town election;

6. The named person has been disqualified from voting by the Constitution and laws of the Commonwealth and this disqualification has not been removed by proper authority;

7. The named person is not the identical person he represents himself to be; or

8. The named person has voted in this election at this or another voting place (state when and where the named person previously voted in this election: _____)."

Upon receipt of a signed challenge from a qualified voter or officer of election, an officer of election shall explain to the challenged voter the qualifications of a voter and may examine him concerning his qualifications.

The officers of election are hereby authorized to administer the necessary oath or affirmation to any witness brought before them to testify as to the qualifications of any person offering to vote.

If the person being challenged insists that he is qualified and the challenge is not withdrawn, one of the officers shall give him a form containing the following statement:

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that I am a citizen of the United States, that I am at least 18 years of age (or will be on the _____ day of _____, ____) that I am a resident of the Commonwealth of Virginia (or that I have been a resident of this Commonwealth within the preceding 30 days and am voting only for electors of President and Vice President of the United States), and that, according to the best of my knowledge, information and belief, I am not disqualified from voting by the Constitution and laws of this Commonwealth; that my full name is _____; that in such name I was duly registered as a voter of this precinct; that I am now or at some time since the last November general election have been an actual resident of this precinct or that I have been an actual resident of this precinct at some time since the second preceding general federal election and have been and continue to be a resident of this county or city and this congressional district; if I am voting in a town election today, that I am currently a resident of that town; that I am the identical person I represent myself to be; and that I have not voted in this election at this or any voting place and will not vote in this election at any other voting place."

If the person challenged refuses to sign the statement, he shall not be permitted to vote. If, however, he signs the statement, he shall be permitted to vote on the voting system in use at the precinct, unless he is required to cast a provisional ballot pursuant to § 24.2-651.1.

When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.

If the envelope containing a voted absentee ballot has been properly signed by the voter, such ballot shall not be subject to challenge pursuant to this section.

Code 1950, §§ 24-253, 24-254, 24-325; 1970, c. 462, § 24.1-133; 1971, Ex. Sess., c. 265; 1972, c. 620; 1977, c. 490; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1983, c. 461; 1993, c. 641; 1997, c. 346; 2003, c. 1015; 2007, c. 375; 2012, cc. 838, 839.

§ 24.2-651.1. Voter who is shown as having already voted; provisional voting

Any person who offers to vote, who is listed on the pollbook, and whose name is marked to indicate that he has already voted in person in the election shall cast a provisional ballot as provided in § 24.2-653. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots.

1997, c. 915; 2000, cc. 366, 451; 2003, c. 1015; 2012, cc. 723, 838, 839.

§ 24.2-652. Voter whose name erroneously omitted from pollbook

When a person offers to vote and his name does not appear on the pollbook, the officers of election shall permit him to vote only if all of the following conditions are met:

1. An officer of election is informed by the general registrar that the voter is registered to vote, that his registration has not been cancelled, and that his name is erroneously omitted from the pollbook.

2. The voter signs a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is a qualified and registered voter of that precinct, a resident of that precinct, and his registration is not subject to cancellation pursuant to §§ 24.2-430, 24.2-431, and 24.2-432; and he provides, subject to such penalties, all the information required to identify himself including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, birthdate, and complete address.

3. The officer of election enters the identifying information for the voter on the pollbook.

When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.

Code 1950, § 24-95; 1970, c. 462, § 24.1-55; 1974, c. 428; 1975, c. 515; 1981, c. 425; 1984, c. 480; 1993, c. 641; 2003, c. 1015; 2011, c. 602.

§ 24.2-653. Voter whose name does not appear on pollbook or who is marked as having voted; handling of provisional ballots; ballots cast after normal close of polls due to court order extending polling hours

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 printed ballot in the manner provided in this section. This procedure shall also apply when required by § 24.2-643 or 24.2-651.1.

Such person shall be given a printed ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the Department of Elections, the identifying information required on the envelope, including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. The officers of election shall note on the green envelope whether or not the voter has presented one of the specified forms of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as having voted. The officers of election shall provide an application for registration to the person offering to vote in the manner provided in this section.

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

An officer of election, by a written notice given to the voter, shall (i) inform him that a determination of his right to vote shall be made by the electoral board, (ii) 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, and (iii) inform a voter voting provisionally when required by § 24.2-643 that he may submit a copy of one of the forms of identification specified in subsection B of § 24.2-643 to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election. At the meeting, the voter may request an extension of the determination of the provisional vote in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions which it deems reasonable to determine the status of a provisional vote.

B. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All provisional 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 provisional vote was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension as provided in subsection A, the meeting shall stand adjourned, not to exceed seven calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

One authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election shall be permitted to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. 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. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. 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.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

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 provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of identification specified in subsection B of § 24.2-643, the envelope containing his ballot shall not be opened and his vote shall not be counted. The provisional vote shall be counted if (a) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (b) the Department of Elections or the voter presents proof that indicates the voter submitted an application for registration to the Department of Motor Vehicles or other state-designated voter registration agency prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection A. The general registrar shall notify in

writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot placed in a ballot 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. However, any voter who cast a provisional ballot and is determined by the electoral board to have been entitled to vote shall have his name included on the list of persons who voted that is submitted to the Department of Elections pursuant to § 24.2-406.

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.

C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section.

1975, c. 515, §§ 24.1-55.1, 24.1-55.2; 1982, c. 650; 1993, c. 641; 1996, c. 8; 1997, cc. 438, 456; 2002, c. 24; 2003, cc. 984, 1015; 2004, c. 410; 2005, c. 824; 2007, c. 692; 2008, cc. 110, 559; 2010, c. 448; 2012, cc. 592, 838, 839; 2013, c. 503; 2014, cc. 486, 540, 576; 2015, cc. 133, 712.

§ 24.2-653.1. Voters who did not receive absentee ballots; provisional ballots

A. The provisions of this section shall apply when (i) a person offers to vote pursuant to § 24.2-643 at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where he is registered to vote, (ii) his name is shown on the pollbook as having applied for an absentee ballot, and (iii) for any reason he did not receive or has lost the absentee ballot. In such case, he shall be entitled to cast a provisional ballot after presenting to

the officer of election a statement signed by him that he did not receive the ballot or has lost the ballot, subject to felony penalties for making false statements as pursuant to § 24.2-1016.

B. Such person shall be given a printed ballot and be permitted to vote the provisional ballot in accordance with the provisions of § 24.2-653 and the instructions of the State Board. The electoral board shall process the ballot in accordance with the provisions of § 24.2-653 and the instructions of the State Board.

2006, c. 283; 2010, c. 348; 2014, cc. 540, 576.

§ 24.2-654. Officers to lock and seal voting equipment and ascertain vote after polls closed; statement of results

As soon as the polls are closed, the officers of election shall lock each voting and counting machine against further voting. They shall then proceed to ascertain the vote given at the election and continue without adjournment until they declare the results of the election. They shall seal the machines.

In ascertaining the vote, the officers of election shall complete a statement of results in duplicate on the form and in the manner prescribed by the State Board.

Code 1950, § 24-258, 24-259, 24-312; 1966, c. 453; 1970, c. 462, §§ 24.1-136, 24.1-222; 1974, c. 428; 1979, c. 329; 1981, c. 425; 1983, c. 461; 1985, c. 458; 1993, c. 641; 2014, cc. 540, 576.

§ 24.2-655. Representatives of political parties and candidates to be present on request

Before proceeding to ascertain the vote, the officers of election shall determine whether no more than two representatives of each political party having candidates in the election and one representative of each independent candidate or primary candidate request to be present while the absentee ballots are cast, votes are counted, and returns are completed.

Each representative shall be a qualified voter of any jurisdiction in the Commonwealth and shall present to the officers of election a written statement certifying that he is an authorized representative, signed by his party chairman for the jurisdiction in which the election is held, the independent candidate, or the candidate in a primary, as appropriate. If the party chairman for the jurisdiction in which the election is held is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the party chairman for the jurisdiction in which the election is held. Such representatives shall be entitled to be present while the votes are counted and shall remain until the returns are completed.

In case such representatives, or any of them, do not request to be present, the officers shall notify the bystanders, if any, and select one or more to be present with any available representatives of the parties or candidates so that there are as many as four bystanders and representatives present.

The representatives and bystanders lawfully present shall have an unobstructed view of the officers of election and their actions while the absentee ballots are cast, votes are counted, and returns are completed. The representatives and bystanders lawfully present are prohibited from interfering with the officers of election in any way.

Code 1950, §§ 24-260, 24-261; 1970, c. 462, § 24.1-137; 1974, c. 428; 1993, c. 641; 2006, c. 177; 2010, c. 448; 2015, c. 133.

§ 24.2-656. Repealed

Repealed by Acts 2003, c. 1015.

§ 24.2-657. (Effective until July 1, 2020) Determination of vote on voting systems

In the presence of all persons who may be present lawfully at the time, giving full view of the voting systems or printed return sheets, the officers of election shall determine and announce the results as shown by the counters or printed return sheets, including the votes recorded for each office on the write-in ballots, and shall also announce the vote on every question. The vote as registered shall be entered on the statement of results. When completed, the statement shall be compared with the number on the counters on the equipment or on the printed return sheets. If, on direct recording electronic machines, the number of persons voting in the election, or the number of votes cast for any office or on any question, totals more than the number of names on the pollbooks of persons voting on the machines, then the figures recorded by the machines shall be accepted as correct. A statement to that effect shall be entered by the officers of election in the space provided on the statement of results.

Code 1950, § 24-312; 1966, c. 453; 1970, c. 462, § 24.1-222; 1974, c. 428; 1979, c. 329; 1981, c. 425; 1983, c. 461; 1985, c. 458; 1993, c. 641; 2014, cc. 540, 576.

§ 24.2-657. (Effective July 1, 2020) Determination of vote on voting systems

In the presence of all persons who may be present lawfully at the time, giving full view of the voting systems or printed return sheets, the officers of election shall determine and announce the results as shown by the counters or printed return sheets, including the votes recorded for each office on the write-in ballots, and shall also announce the vote on every question. The vote as registered shall be entered on the statement of results. When completed, the statement shall be compared with the number on the counters on the equipment or on the printed return sheets. If, on any ballot scanner, the number of persons voting in the election, or the number of votes cast for any office or on any question, totals more than the number of names on the pollbooks of persons voting on the machines, then the figures recorded by the machines shall be accepted as correct. A statement to that effect shall be entered by the officers of election in the space provided on the statement of results.

Code 1950, § 24-312; 1966, c. 453; 1970, c. 462, § 24.1-222; 1974, c. 428; 1979, c. 329; 1981, c. 425; 1983, c. 461; 1985, c. 458; 1993, c. 641; 2014, cc. 540, 576; 2016, c. 464.

§ 24.2-658. Machines with printed return sheets; disposition of sheets

If machines that print returns are used, the printed inspection sheet and two copies of the printed return sheet containing the results of the election for each machine shall be inserted in the envelope containing the statement of results by the officers of election and sealed and returned as required by § 24.2-668.

The printed inspection sheets and one copy of the printed return sheets shall be kept with the statement of results and preserved as provided in § 24.2-669.

One copy of the printed return sheets shall be made available by the clerk of the circuit court on the day following the election and for 60 additional days for inspection and transcribing information therefrom by the public.

1981, c. 425, § 24.1-222.1; 1985, c. 458; 1993, c. 641; 2014, cc. 540, 576.

§ 24.2-659. (Effective until July 1, 2020) Locking voting and counting machines after election and delivering keys to clerk; printed returns as evidence

A. If the voting or counting machine is secured by the use of equipment keys, after the officers of election lock and seal each machine, the equipment keys 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 machine, the number on the seal, and the number of the protective counter, if one, on the machine. 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.

B. If the voting or counting machines are secured by the use of equipment keys or electronic activation devices that are not specific to a particular machine, after the officers of election lock and seal each machine, the equipment keys and electronic activation devices 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 sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held.

C. If the voting or counting machine is secured by removal of the data storage device used in that election, the officers shall remove the data storage device and proceed to lock and seal each machine. The data storage device 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 machine, the number on the seal, and the number of the protective counter, if one, on the machine. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. 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 general registrar upon request or at the expiration of the time specified by subsection F.

D. If the voting or counting machine provides for the creation of a separate master electronic back-up on a data storage device that combines the data for all of the voting or counting machines in a given precinct, that data storage device shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the name of the precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The data storage device for the individual machines may remain sealed in its individual machine until the expiration of the time specified by subsection F. The equipment keys and the electronic activation devices used at the polls shall be sealed together in a separate envelope and delivered to the clerk who shall release them to the general registrar upon request or at the expiration of the time specified by subsection F.

E. If the voting or counting machine is secured by removal of the data storage device used in that election, and the only record of votes cast for any office or on any question is saved on that data storage device and not on the machine itself, the officers shall remove the data storage device and proceed to lock and seal each machine. Each such machine shall remain locked and sealed until it is returned to the site at which voting and counting machines are stored in the locality. The data storage device 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 machine, the number on the seal, and the number of the protective counter, if one, on the machine. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The equipment keys used at the polls shall be sealed in a different envelope and delivered to the electoral board no later than noon on the day after the election.

F. The voting and counting machines described in subsections A, B, C, and D shall remain locked and sealed until the deadline to request a recount under Chapter 8 (§ 24.2-800 et seq.) has passed and, if any contest or recount is pending thereafter, until it has been concluded. Such machines and any envelope containing data storage 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 or general registrar at the direction of the State Board, in order to ensure the accuracy of the returns. In the event that machines and data storage devices are examined under clause (ii), each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such examination. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. The State Board, local electoral board, or general registrar shall provide such parties and candidates reasonable advance notice of the examination.

When recounts occur in precincts using direct recording electronic machines 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 and data storage devices to the general registrar.

G. The local electoral board or general registrar may direct the officers of election and custodians that any sealed equipment keys or data storage devices that are otherwise required by the provisions of this section to be delivered to the clerk of the circuit court shall instead be delivered to the principal office of the general registrar no later than noon on the day following the election. The general registrar shall secure and retain the sealed equipment keys and any other electronic locking or activation devices in his office and shall convey them to the clerk of the court by noon on the day following the ascertainment of the results of the election by the electoral board.

H. The provisions of this section requiring the locking and sealing of voting and counting machines shall not apply to any ballot marking device and its data storage device provided pursuant to § 24.2-626.1, where the number of persons voting in the election or the number of votes cast for any office or on any question are not recorded by the ballot marking device.

Code 1950, § 24-314; 1962, c. 230; 1966, c. 453; 1970, c. 462, § 24.1-224; 1974, c. 428; 1978, c. 778; 1985, c. 458; 1993, c. 641; 1995, c. 197; 2003, c. 1015; 2004, cc. 835, 993, 1010; 2006, c. 689; 2008, cc. 107, 385; 2014, cc. 540, 576; 2016, cc. 18, 218, 489, 492.

§ 24.2-659. (Effective July 1, 2020) Locking voting systems after election and delivering keys to clerk; printed returns as evidence

A. If the voting system is secured by the use of equipment keys, after the officers of election lock and seal each machine, the equipment keys 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 machine, the number on the seal, and the number of the protective counter, if one, on the machine. 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.

B. If the voting systems are secured by the use of equipment keys or electronic activation devices that are not specific to a particular machine, after the officers of election lock and seal each machine, the equipment keys and electronic activation devices 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 sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held.

C. If the voting system is secured by removal of the data storage device used in that election, the officers shall remove the data storage device and proceed to lock and seal each machine. The data storage device 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 machine, the

number on the seal, and the number of the protective counter, if one, on the machine. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. 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 general registrar upon request or at the expiration of the time specified by subsection F.

D. If the voting system provides for the creation of a separate master electronic back-up on a data storage device that combines the data for all of the voting systems in a given precinct, that data storage device shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the name of the precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The data storage device for the individual machines may remain sealed in its individual machine until the expiration of the time specified by subsection F. The equipment keys and the electronic activation devices used at the polls shall be sealed together in a separate envelope and delivered to the clerk who shall release them to the general registrar upon request or at the expiration of the time specified by subsection F.

E. If the voting system is secured by removal of the data storage device used in that election, and the only record of votes cast for any office or on any question is saved on that data storage device and not on the machine itself, the officers shall remove the data storage device and proceed to lock and seal each machine. Each such machine shall remain locked and sealed until it is returned to the site at which voting systems are stored in the locality. The data storage device 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 machine, the number on the seal, and the number of the protective counter, if one, on the machine. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The equipment keys used at the polls shall be sealed in a different envelope and delivered to the electoral board no later than noon on the day after the election.

F. The voting systems described in subsections A, B, C, and D shall remain locked and sealed until the deadline to request a recount under Chapter 8 (§ 24.2-800 et seq.) has passed and, if any contest or recount is pending thereafter, until it has been concluded. Such machines and any envelop containing data storage 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 or general registrar at the direction of the State Board, in order to ensure the accuracy of the returns. In the event that machines and data storage devices are examined under clause (ii) each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such examination. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. The State Board, local electoral board, or general registrar shall provide such parties and candidates reasonable advance notice of the examination.

When the required time has expired, the clerk of the circuit court shall return all voting equipment keys and data storage devices to the general registrar.

G. The local electoral board or general registrar may direct the officers of election and custodians that any sealed equipment keys or data storage devices that are otherwise required by the provisions of this section to be delivered to the clerk of the circuit court shall instead be delivered to the principal office of the general registrar no later than noon on the day following the election. The general registrar shall secure and retain the sealed equipment keys and any other electronic locking or activation devices in his office and shall convey them to the clerk of the court by noon on the day following the ascertainment of the results of the election by the electoral board.

H. The provisions of this section requiring the locking and sealing of voting systems shall not apply to any ballot marking device and its data storage device provided pursuant to § 24.2-626.1, where the number of persons voting in the election or the number of votes cast for any office or on any question are not recorded by the ballot marking device.

Code 1950, § 24-314; 1962, c. 230; 1966, c. 453; 1970, c. 462, § 24.1-224; 1974, c. 428; 1978, c. 778; 1985, c. 458; 1993, c. 641; 1995, c. 197; 2003, c. 1015; 2004, cc. 835, 993, 1010; 2006, c. 689; 2008, cc. 107, 385; 2014, cc. 540, 576; 2016, cc. 18, 218, 464, 489, 492.

§ 24.2-660. Repealed

Repealed by Acts 2004, cc. 993 and 1010.

§ 24.2-661. Detection and setting aside of double ballots

After the votes on all voting and counting equipment have been determined and recorded, the officers of election shall proceed to examine and count the paper ballots to ascertain if any double ballots have been cast, and whether the number of ballots corresponds with the number of names on the pollbooks of persons who voted on paper ballots. If two or more separate ballots are found so folded together as to represent the appearance of a single ballot they shall be laid aside until the count of the ballots is completed. If, upon a comparison of the count and the number of names of such qualified voters on the pollbooks, it appears that the two or more ballots thus folded together were cast by the same qualified voter, they shall be set aside and not counted.

Code 1950, §§ 24-262, 24-313; 1970, c. 462, §§ 24.1-138, 24.1-223; 1983, c. 461; 1985, c. 458; 1993, c. 641 .

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

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

Code 1950, § 24-263; 1970, c. 462, § 24.1-139; 1983, c. 461; 1993, c. 641; 2003, c. 1015.

§ 24.2-663. When ballot void

If a printed ballot is found to have been voted for a greater number of names for any one office than the number of persons required to fill the office, or if the title of the office is erased, the ballot shall be considered void as to all the names designated to fill such office, but no further, and the ballot shall be counted for the other offices on the ballot. In the case of a ballot scanner machine, an election official is authorized to cause the ballot scanner to receive the ballot and count it in accordance with this section. No ballot shall be void for having been voted for fewer names than authorized.

If any person votes, either in person or absentee, more than one time in an election, all ballots received from such person shall be void and, if possible, not counted. If one such ballot has already been cast, any additional ballots received from such person shall be void and not counted.

Code 1950, § 24-266; 1970, c. 462, § 24.1-140; 1978, c. 778; 1993, c. 641; 2013, c. 469; 2014, cc. 540, 576.

§ 24.2-664. Reduction in number of ballots

Whenever the number of ballots is reduced by fraudulent or void ballots below the number of names of qualified voters on the pollbooks who voted on paper ballots, the cause of such reduction shall be stated in the space provided on the statement of results.

Code 1950, § 24-624; 1970, c. 462, § 24.1-141; 1981, c. 425; 1983, c. 461; 1993, c. 641 .

§ 24.2-665. How paper ballots counted

A. When the number of paper ballots to be counted has been verified, the officers shall proceed to ascertain the number of votes cast by paper ballots for each person and for and against each question. The votes on all ballots for all offices and questions shall be counted. As soon as all ballots are counted, they shall be placed in an envelope or container labeled "counted ballots." No person other than the officers of the election shall handle the ballots.

B. Only an official ballot prepared as provided for in this title shall be counted. If any unofficial ballot is found among the official ballots, the unofficial ballot shall be put aside, not counted and appropriately noted on the statement of results.

Code 1950, §§ 24-246, 24-265; 1950, p. 165; 1970, c. 462, § 24.1-142; 1981, c. 425; 1993, c. 641 .

§ 24.2-666. Procedures to account for paper ballots

The State Board shall prescribe appropriate forms and procedures for use by the local electoral boards, general registrars, and officers of election to account for all paper ballots, used and unused.

1988, cc. 291, 318, § 24.1-143.1; 1993, c. 641 .

§ 24.2-667. Completion of statement of results

At the conclusion of determining the votes cast on voting devices and paper ballots, the officers of election shall verify that all required data has been accurately entered, sign both copies of the

statement of results, and affirm that the statement is complete and the information thereon is true and correct.

Code 1950, §§ 24-246, 24-265, 24-312; 1950, p. 165; 1966, c. 453; 1970, c. 462, §§ 24.1-142, 24.1-222; 1974, c. 428; 1979, c. 329; 1981, c. 425; 1983, c. 461; 1985, c. 458; 1993, c. 641 .

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

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

The clerk shall retain custody of the pollbooks, paper ballots, and other elections materials until the time has expired for initiating a recount, contest, or other proceeding in which the pollbooks, paper ballots, and other elections materials may be needed as evidence and there is no proceeding pending. The clerk shall (i) secure all pollbooks, paper ballots and other election materials in sealed boxes; (ii) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (iii) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (iv) upon the initiation of a recount, certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge.

After that time the clerk shall deliver the pollbooks to the general registrar who shall return the pollbooks or transfer a copy of the electronic data to the State Board as directed by § 24.2-114 for voting credit purposes. After the pollbooks are returned by the State Board, the general registrar shall retain the pollbooks in his principal office for two years from the date of the election. The clerk shall retain the statement of results and any printed inspection and return sheets for two years and may then destroy them.

B. The local electoral board or general registrar may direct that the officers of election, in lieu of conveying the materials to the clerk of the circuit court as provided in subsection A, shall convey the materials to the principal office of the general registrar on the night of the election or the morning following the election as the board directs. The general registrar shall secure and retain the materials in his office and shall convey to the clerk of the court, by noon of the day following the ascertainment of the results of the election by the electoral board, all of the election materials. The general registrar shall retain for public inspection one copy of the statement of results.

C. If an electronic pollbook is used, the data disc or cartridge containing the electronic records of the election, or, alternately, a printed copy of the pollbook records of those who voted, shall be transmitted, sealed and retained as required by this section, and otherwise treated as the pollbook for that election for all purposes subsequent to the election. Nothing in this title shall be construed to require that the equipment or software used to produce the electronic pollbook be sealed or retained along with the pollbook, provided that the records for the election have been transferred or printed according to the instructions of the State Board.

Code 1950, §§ 24-232, 24-267, 24-268, 24-270; 1970, c. 462, §§ 24.1-143, 24.1-144; 1971, Ex. Sess., c. 247; 1972, c. 620; 1973, c. 30; 1975, c. 515; 1978, c. 778; 1981, c. 425; 1992, c. 293; 1993, c. 641; 1995, c. 197; 1996, c. 8; 1997, cc. 438, 456; 2002, c. 190; 2003, c. 1015; 2004, cc. 410, 835; 2007, c. 285; 2016, cc. 18, 492.

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

The clerk to whom the counted and uncounted ballots are delivered shall, without breaking the seal, deposit them in a secure place in his office, where they shall be kept for the time required by this section. He shall not allow the ballots to be inspected except (i) by an authorized representative of the State Board or by the electoral board at the direction of the State Board to ensure the accuracy of the returns or the purity of the election, (ii) by the officers of election, and then only at the direction of the electoral board in accordance with § 24.2-672 when the provisions of § 24.2-662 have not been followed, (iii) on the order of a court before which there is pending a proceeding for a contest or recount under Chapter 8 (§ 24.2-800 et seq.) of this title or before whom there is then pending a proceeding in which the ballots are necessary for use in evidence, or (iv) for the purpose of conducting an audit as part of a post-election pilot program pursuant to § 24.2-671.l. In the event that ballots are inspected under clause (i), (ii), or (iv) of this paragraph, each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such inspection. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. The State Board or local electoral board shall provide such parties and candidates reasonable advance notice of the inspection.

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

Code 1950, §§ 24-268, 24-270; 1970, c. 462, § 24.1-144; 1973, c. 30; 1975, c. 515; 1978, c. 778; 1981, c. 425; 1992, c. 293; 1993, c. 641; 1998, c. 270; 2003, c. 1015; 2006, c. 689; 2008, c. 565.

§ 24.2-670. Clerk to send for books and ballots if not delivered by officers

If the officers of election fail to deliver the materials to the clerk of the circuit court, or to the principal office of the general registrar, as required by § 24.2-668 before the time for the electoral board to meet and open the returns, the clerk of the circuit court shall dispatch, to obtain such returns, a law-enforcement officer, who shall be subject to the same penalties and entitled to the same compensation as an officer of election for such service.

Code 1950, § 24-269; 1970, c. 462, § 24.1-145; 1993, c. 641; 1995, c. 197.

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

Each electoral board shall meet at the clerk's or general registrar's office of the county or city for which they are appointed at or before 5:00 p.m. on the day after any election. The board may adjourn to another room of sufficient size in a public building to ascertain the results, and may adjourn as needed, not to exceed seven calendar days from the date of the election. Written directions to the location of any room other than the clerk's or general registrar's office where the board will meet shall be posted at the doors of the clerk's and general registrar's offices prior to the beginning of the meeting.

The board shall open the returns delivered by the officers.

If the electoral board has exercised the option provided by § 24.2-668 for delivery of the election 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 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 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 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 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 copy of each statement of results to the clerk.

Beginning with the general election in November 2007, a report of any changes made by the local electoral board to the unofficial results ascertained by the officers of election or any subsequent

change to the official abstract of votes made by the local electoral board shall be forwarded to the State Board of Elections and the explanation of such change shall be posted on the State Board website.

Each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have representatives present when the local electoral board meets to ascertain the results of the election. Each such party and candidate shall be entitled to have at least as many representatives present as there are teams of officials working to ascertain the results, and the room in which the local electoral board meets shall be of sufficient size and configuration to allow the representatives reasonable access and proximity to view the ballots as the teams of officials work to ascertain the results. The representatives and observers lawfully present shall be prohibited from interfering with the officials in any way.

Code 1950, §§ 24-271, 24-272; 1970, c. 462, § 24.1-146; 1973, c. 30; 1981, c. 425; 1991, c. 388; 1992, c. 329; 1993, c. 641; 1996, cc. 8, 223; 2003, c. 1015; 2005, c. 824; 2006, c. 689; 2014, c. 486.

§ 24.2-671.1. Audits of ballot scanner machines

A. The State Board shall be authorized to conduct a post-election audit of one or more ballot scanner machines in one or more precincts in one or more localities with respect to an election in which the margin between the top two candidates for each office on the ballot exceeds 10 percent, with the consent of the electoral board of the locality, notwithstanding any other provision of law to the contrary. The purposes of the audits shall be to study the accuracy of ballot scanner machines.

B. No audit shall commence until after the election has been certified and the period to initiate a recount has expired without the initiation of a recount, unless such audit is being conducted as part of a voting system certification. An audit shall have no effect on the election results.

C. All audits shall be performed in accordance with the procedures prescribed by the State Board under the supervision of the local electoral board. The procedures established by the State Board shall include its procedures for conducting hand counts of ballots. Candidates and political parties may have representatives observe the audits.

D. At the conclusion of each audit, the local electoral board shall announce publicly the results of the audit of the machines in its jurisdiction. The announcement shall include a comparison of the audited election results and the initial tally for each machine audited, and an analysis of any detected discrepancies.

2008, c. 565; 2014, cc. 540, 576.

§ 24.2-672. Electoral board to correct irregularities in returns of officers of election

While ascertaining the results of an election, the electoral board may find that there are irregularities or informalities in the returns of the officers of election which can be cured by amending or correcting the returns. Then the board immediately shall summon, to appear before the board

on the date of the summons or the next date thereafter, the officers of elections required to amend the returns so that the same may conform to the law. The summons may be executed by any person authorized by law to serve summonses for witnesses.

Code 1950, § 24-275; 1970, c. 462, § 24.1-147; 1992, c. 329; 1993, c. 641 .

§ 24.2-673. Candidates having highest number of votes to receive certificate of election

Except in the case of a recount pursuant to the provisions of Chapter 8 (§ 24.2-800 et seq.) of this title, in all elections for the choice of any officer, unless it is otherwise expressly provided, the person having the highest number of votes for any office shall be deemed to have been elected to such office and shall receive the certificate of election.

Code 1950, § 24-276; 1970, c. 462, § 24.1-148; 1993, c. 641 .

§ 24.2-674. Determination by lot in case of tie

If two or more persons have an equal number of votes for any county, city, town, or district office, and a higher number than any other person, the electoral board shall proceed publicly to determine by lot which of the candidates shall be declared elected.

If any two or more persons have an equal number of votes and a higher number than any other person for member of the General Assembly or of the Congress of the United States, or elector of President and Vice President of the United States, the State Board of Elections shall proceed publicly to determine by lot which of them shall be declared elected. Reasonable notice shall be given to such candidates of the time when such elections shall be so determined; and if they, or either of them, shall fail to appear in accordance with such notice, the Board shall proceed so as to determine the election in their absence.

Any person who loses the determination by lot may petition for a recount pursuant to Article 1 (§ 24.2-800 et seq.) of Chapter 8 of this title.

Code 1950, §§ 24-277, 24-290; 1970, c. 462, § 24.1-149; 1993, c. 641 .

§ 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 is less than (i) five 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.

Code 1950, §§ 24-278 through 24-280; 1970, c. 462, § 24.1-150; 1972, c. 620; 1975, c. 515; 1976, c. 616; 1981, c. 425; 1993, c. 641; 1996, c. 223; 2003, c. 1015.

§ 24.2-676. Secretary to make out and deliver certificate of election

Immediately after the electoral board has determined the election results, the secretary shall make out certificates of election for each county, city, town, or district office other than an office shared by more than one county or city, or any combination thereof. The secretary shall make out the certificate for each of the persons who has the highest number of votes for the office, who has sufficient votes to be elected to a multi-member office, or, in case of a tie, who has been decided by lot to be elected. The secretary, or another board member or registrar designated by the secretary, shall deliver in person or the secretary shall transmit by certified mail the certificate to the person elected, as soon as such person has complied with the provisions of § 24.2-948.2.

Code 1950, § 24-282; 1970, c. 462, § 24.1-151; 1972, c. 620; 1975, c. 515; 1980, c. 639; 1983, c. 264; 1993, c. 641; 2006, cc. 787, 892.

§ 24.2-677. State Board to open and record returns; application of Freedom of Information Act

The State Board, on receipt of the certified abstracts of the votes given in the several counties and cities, shall open the abstracts and record and carefully preserve them.

The provisions of Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2, the Virginia Freedom of Information Act, shall not apply to the certified abstracts of the votes or any other documents used by the Board in ascertaining the results of any election until the results have been finally determined by the Board.

Code 1950, § 24-283; 1970, c. 462, § 24.1-152; 1971, Ex. Sess., c. 206; 1975, c. 515; 1980, c. 639; 1993, c. 641 .

§ 24.2-678. Law-enforcement officer to be sent for abstracts not forwarded

If the State Board has not received the abstracts of votes from any county or city within seven days after any election, it shall dispatch a law-enforcement officer to obtain a copy of the abstract from the official having charge thereof. That official shall immediately, on demand of the officer, make out and deliver to him the copy required, and the officer shall deliver the abstract to the State Board without delay.

Code 1950, § 24-284; 1970, c. 462, § 24.1-153; 1993, c. 641 .

§ 24.2-679. State Board to meet and make statement as to number of votes

A. The State Board shall meet on the third Monday in November to ascertain the results of the November election. If a majority of the Board is not present or if, for any other reason, the Board is unable to ascertain the results on that day, the meeting shall stand adjourned from day to day for not more than three days until a quorum is present and the Board has ascertained the results as provided in this section.

The Board shall examine the certified abstracts on file in its office and make statements of the whole number of votes given at any such election for members of the General Assembly, Governor, Lieutenant Governor and Attorney General, members of the United States Congress and electors of President and Vice President of the United States, and any officer shared by more than one county or city, or any combination thereof, or for so many of such officers as have been voted for at the election.

The statement shall show, for each office and each county, city, and election district, the whole number of votes given to each candidate and to any other person elected to office. The Board members shall certify the statements to be correct and sign the statements. The Board shall then determine those persons who received the greatest number of votes and have been duly elected to each office. The Board members shall endorse and subscribe on such statements a certificate of their determination. The Board shall record each certified statement and determination in a suitable book to be kept by it in its office.

B. The State Board shall meet as soon as possible after it receives the returns for any special election held at a time other than the November general election to ascertain the results of the special election in the manner prescribed in subsection A. If the returns have not been received within seven days of the election, the Board shall meet and adjourn from day to day until it receives the returns, ascertains the results, and makes its determination.

Code 1950, §§ 24-285, 24-286, 24-287, 24-289; 1958, c. 605; 1962, c. 536; 1970, c. 462, §§ 24.1-154, 24.1-155; 1971, Ex. Sess., c. 206; 1974, c. 428; 1980, c. 639; 1983, c. 461; 1993, c. 641; 2015, c. 740.

§ 24.2-680. Certificates of election

Subject to the requirements of § 24.2-948.2, the State Board shall without delay complete and transmit to each of the persons declared to be elected a certificate of his election, certified by it under its seal of office. In the election of a member of the United States Congress, it shall also

forward a certificate of election to the clerk of the United States Senate or House of Representatives, as appropriate. The names of members elected to the General Assembly shall be certified by the State Board to the clerk of the House of Delegates or Senate, as appropriate. The names of the persons elected Governor, Lieutenant Governor, and Attorney General shall be certified by the State Board to the clerks of the House of Delegates and Senate. The name of any officer shared by more than one county or city, or any combination thereof, shall be certified by the State Board to the clerk of the circuit court having jurisdiction in each affected county or city. The names of the persons elected to soil and water conservation districts shall be certified by the State Board to the Director of the Department of Conservation and Recreation.

Code 1950, §§ 24-287, 24-289; 1970, c. 462, § 24.1-155; 1974, c. 428; 1980, c. 639; 1983, c. 461; 1993, c. 641; 2001, c. 53; 2006, cc. 787, 892.

Article 5 - SPECIAL ELECTIONS

§ 24.2-681. How special elections superintended and determined

All special elections shall be superintended and held, notice thereof given, ballots prepared, returns made and certified, votes canvassed, results ascertained and made known, and certificates of election given, by the same officers, under the same penalties, and subject to the same regulations as prescribed for general elections, except as otherwise provided by law.

Code 1950, § 24-140; 1970, c. 462, § 24.1-164; 1973, c. 30; 1993, c. 641 .

§ 24.2-682. Times for special elections

A. Notwithstanding any charter or special act to the contrary, the following provisions govern the times for holding special elections. Every special election shall be held on a Tuesday. No special election shall be held within the 55 days prior to a general or primary election. No special election shall be held on the same day as a primary election. A special election may be held on the same day as a general election.

B. A referendum election shall be ordered at least 81 days prior to the date for which the referendum election is called.

C. A special election to fill a vacancy in any constitutional office shall be held promptly and in accordance with the requirements of subsection A.

Code 1950, §§ 24-44, 24-136, 24-137, 24-138, 24-139, 24-141, 24-346; 1956, c. 378; 1966, c. 115; 1970, c. 462, §§ 24.1-1(5)(c), 24.1-163, 24.1-165; 1971, Ex. Sess., c. 119; 1972, c. 620; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1976, c. 616; 1977, c. 30; 1978, cc. 258, 304, 778; 1979, c. 37; 1980, c. 639; 1981, c. 367; 1982, cc. 498, 650; 1983, c. 461; 1989, c. 322; 1991, c. 592; 1991, 1st Sp. Sess., c. 12; 1993, c. 641; 2000, cc. 787, 1070; 2008, cc. 107, 385; 2010, cc. 431, 542.

§ 24.2-683. Writ for special election to fill a vacancy

Whenever the Governor, Speaker of the House, President pro tempore of the Senate, or either house of the General Assembly orders a special election, he, or the person designated to act for

the house, shall issue a writ of election designating the office to be filled at the election and the time to hold the election. He shall transmit the writ to the secretary of the electoral board and the general registrar of each county or city in which the election is to be held. Each general registrar shall post a copy of the writ on the official website for the county or city or at not less than 10 public places or have notice of the election published once in a newspaper of general circulation in his jurisdiction at least 10 days before the election. If the special election is held in more than one county or city, the general registrars may act jointly to have the notice published once before the election in the affected jurisdictions.

Whenever a special election is ordered to fill a vacancy otherwise than under the preceding paragraph, the officer ordering the election shall issue his writ of election at the time the vacancy occurs, designating the office to be filled at the election and the time and place to hold the election. He shall direct and transmit the writ to the secretary of the electoral board and the general registrar of each county or city in which the election is to be held. The general registrar, or general registrars if the election will be held in more than one county or city, shall proceed to cause public notice to be given of the election in the same manner as is required in the preceding paragraph.

A copy of any order calling a special election to fill a vacancy shall be sent immediately to the State Board.

Code 1950, §§ 24-138, 24-139; 1970, c. 462, § 24.1-163; 1974, c. 428; 1975, c. 515; 1993, c. 641; 2003, c. 155; 2016, cc. 18, 492.

§ 24.2-684. How referendum elections called and held, and the results ascertained and certified

Notwithstanding any other provision of any law or charter to the contrary, the provisions of this section shall govern all referenda.

No referendum shall be placed on the ballot unless specifically authorized by statute or by charter.

Whenever any question is to be submitted to the voters of any county, city, town, or other local subdivision, the referendum shall in every case be held pursuant to a court order as provided in this section. The court order calling a referendum shall state the question to appear on the ballot in plain English as that term is defined in § 24.2-687. The order shall be entered and the election held within a reasonable period of time subsequent to the receipt of the request for the referendum if the request is found to be in proper order. The court order shall set the date for the referendum in conformity with the requirements of § 24.2-682.

A copy of the court order calling a referendum shall be sent immediately to the State Board by the clerk of the court in which the order was issued.

The ballot shall be prepared by the appropriate general registrar and distributed to the appropriate precincts. On the day fixed for the referendum, the regular election officers shall open the polls and take the sense of the qualified voters of the county, city, town, or other local subdivision, as

the case may be, on the question so submitted. The ballots for use at any such election shall be printed to state the question as follows:

"(Here state briefly the question submitted)

[ ] Yes

[ ] No"

The ballots shall be printed, marked, and counted and returns made and canvassed as in other elections. The results shall be certified by the secretary of the appropriate electoral board to the State Board, to the court ordering the election, and to such other authority as may be proper to accomplish the purpose of the election.

Code 1950, § 24-141; 1966, c. 115; 1970, c. 462, § 24.1-165; 1974, c. 428; 1975, c. 515; 1976, c. 616; 1978, cc. 258, 304; 1979, c. 37; 1980, c. 639; 1981, c. 367; 1982, cc. 498, 650; 1983, c. 461; 1991, c. 592; 1993, c. 641; 1994, c. 142; 1996, c. 297; 2016, cc. 18, 492.

§ 24.2-684.1. Requirements for voter petitions to call for referendum elections

In addition to other applicable requirements of law, the following requirements shall apply whenever a referendum election is initiated by voter petitions. The requirements of this section shall be construed to override any requirement of general or special law in conflict with this section, except requirements set out in charter provisions to govern the exercise of recall, initiative, or referendum powers in a county, city, or town.

The requirements of this section shall apply to petitions calling for any referendum which is ordered to be held on or after January 1, 1994.

1. Prior to circulating any petition for signature, an individual shall file a copy of the petition with the clerk of the circuit court for the county or city in which the referendum will be held. The individual shall be a qualified voter of the county or city and shall file, with the petition copy, a statement giving his name; residence address and, if different, his mailing address; and the name of the organization, if any, which he represents in circulating the petition. The copy of the petition shall be filed on or after the effective date of the law which authorizes the referendum for which the petition will be circulated. The clerk shall certify, within 10 days of such filing, that he has received and accepted the petition copy and statement.

2. If the referendum will be held only in a town, the copy and statement shall be filed with the clerk of the circuit court for the county in which the town, or larger portion of the town, is located, and the individual shall be a qualified voter of the town. If the referendum will be held only in part of a county, city, or town, the copy and statement shall be filed with the clerk of the appropriate circuit court, and the individual shall be a qualified voter of the part of the county, city, or town in which the referendum will be held. If the referendum will be held in more than one county, city, or town, the copy and statement shall be filed with the clerk of the circuit court of

any one of the localities in which the referendum will be held, and the individual shall be a qualified voter of that locality.

3. Each qualified voter signing a petition shall date his signature.

4. Each such voter may provide on the petition the last four digits of his social security number, if any; however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on the petition.

5. Each signature on the petition shall be witnessed by a person who is qualified to vote, or qualified to register to vote, in the referendum for which he is circulating the petition and whose affidavit to that effect, including his name, residence address and, if different, his mailing address, and the name of the organization, if any, that he represents in circulating the petition, appears on each page, front and back, of the petition.

6. The petition shall be circulated, completed, and filed with the appropriate court or authority within nine months of the date of the certification by the clerk of the circuit court pursuant to subdivision 1.

7. Each qualified voter signing the petition shall have been validly registered in the jurisdiction for which the petition is circulated at the time of signing the petition and at the time of validating the petition signatures.

8. The number of voters registered on January 1 of the year of the certification by the clerk of the circuit court pursuant to subdivision 1 shall be the basis for determining the number of signatures required on the petition in all cases in which the law authorizing the referendum provides that the number of signatures required for the petition is a percentage of the number of registered voters.

9. If the court or authority finds that the filed petitions are valid and sufficient under law, it shall proceed, as provided by law, to order or call for the referendum election. If the court or authority finds that the filed petitions are invalid for any cause, the petitions and the signatures on them shall be invalid for all purposes. The invalidity of one or more signatures on a petition page shall not be cause to invalidate the entire petition page. If the circulators of the petitions fail to file within the nine-month period provided in subdivision 6, the petitions and the signatures on them shall be invalid for all purposes.

1993, c. 996, § 24.1-165.3; 1993, c. 641; 2000, cc. 232, 252; 2011, cc. 333, 520.

§ 24.2-685. Special elections; request for abolition of constitutional offices

A. The provisions of this section shall be applicable to the holding of any referendum, elsewhere authorized by law, on the abolition of any constitutional office conducted prior to a request for a special act of the General Assembly to abolish such office.

B. Notwithstanding any other provision of general law or any special act, no referendum subject to the provisions of this section shall be held unless:

1. Petitions are filed with the circuit court of the county or city requesting that a referendum be held to authorize a request for a special act on the abolition of the named office;

2. The petitions are signed by qualified voters of the county or city equal in number to 20 percent of the total vote cast in the county or city for presidential electors in the last preceding presidential election; and

3. The petitions are filed with the court within 90 days of the first signature on the petitions, and the petitions show the date each signature was affixed.

C. Upon filing of a valid petition, the court shall order the election and state the question to be placed on the ballot in its order. The court shall order the referendum to be held at the next general election for members of the governing body of the county or city held at least 81 days after the date of the order.

D. After a referendum is conducted pursuant to this section with respect to the abolition of a particular office, no other referendum with respect to the abolition of the same office shall be held in the same county or city pursuant to this section for a period of eight years.

E. No special act authorizing the abolition of any such office shall be considered by the General Assembly without court certification that a referendum has been conducted pursuant to this section and that a majority of the qualified voters voting thereon have approved the request for a special act.

1985, c. 586, § 24.1-165.1; 1993, c. 641; 2011, c. 599.

§ 24.2-686. Special elections; petition and referendum requirements; abolition of constitutional office by change in form of government

The provisions of § 24.2-685 shall apply, mutatis mutandis, to any county seeking to change its form of government pursuant to Chapter 3 (§ 15.2-300 et seq.) of Title 15.2 if the effect of such change in form would be the abolition of an existing office created pursuant to Section 4 of Article VII of the Constitution of Virginia. In such case, the circuit court may order a referendum under § 15.2-301 only if requested by a voter petition meeting the requirements of § 24.2-685. In such case, a question in substantially the following form shall be listed first on the ballot and be followed by those provided in § 15.2-301:

"Shall the County of _____ be authorized to change its form of government to one which would eliminate the elected office(s) of _____?"

An affirmative vote on the subsequent question or questions on the ballot shall be given effect only if a majority of those voting in the referendum have voted affirmatively on the first question to authorize such a change in the form of government.

1995, cc. 761, 808, 825.

§ 24.2-687. Authorization for distribution of information on referendum elections

A. The governing body of any county, city or town may provide for the preparation and printing of an explanation for each referendum question to be submitted to the voters of the county, city or town to be distributed at the polling places on the day of the referendum election. The governing body may have the explanation published by paid advertisement in a newspaper with general circulation in the county, city or town one or more times preceding the referendum.

The explanation shall contain the ballot question and a statement of not more than 500 words on the proposed question. The explanation shall be presented in plain English, shall be limited to a neutral explanation, and shall not present arguments by either proponents or opponents of the proposal. The attorney for the county, city or town or, if there is no county, city or town attorney, the attorney for the Commonwealth shall prepare the explanation. "Plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession.

If the referendum question involves the issuance of bonds by a locality, the locality shall provide for such printed explanation. The explanation shall (i) state the estimated maximum amount of the bonds proposed to be issued, and (ii) state the proposed use of the bond proceeds, and if there is more than one use, state the proposed uses for which more than 10 percent of the total bond proceeds is expected to be used.

B. Nothing in this section shall be construed to limit a county, city or town from disseminating other neutral materials or advertisements concerning issues of public concern that are the subject of a referendum; however, the materials or advertisements shall not advocate the passage or defeat of the referendum question.

C. This section shall not be applicable to statewide referenda.

D. Any failure to comply with the provisions of this section shall not affect the validity of the referendum.

1996, c. 297; 2004, cc. 21, 399; 2006, c. 302; 2011, c. 590.

Chapter 7 - ABSENTEE VOTING

§ 24.2-700. Persons entitled to vote by absentee ballot

The following registered voters may vote by absentee ballot in accordance with the provisions of this chapter in any election in which they are qualified to vote:

1. Any person who, in the regular and orderly course of his business, profession, or occupation or while on personal business or vacation, will be absent from the county or city in which he is entitled to vote;

2. Any person who is (i) a member of a uniformed service, as defined in § 24.2-452, on active duty, (ii) temporarily residing outside of the United States, or (iii) the spouse or dependent

residing with any person listed in clause (i) or (ii), and who will be absent on the day of the election from the county or city in which he is entitled to vote;

3. Any student attending a school or institution of learning, or his spouse, who will be absent on the day of election from the county or city in which he is entitled to vote;

4. Any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of election because of his disability, illness, or pregnancy;

5. Any person who is confined while awaiting trial or for having been convicted of a misdemeanor, provided that the trial or release date is scheduled on or after the third day preceding the election. Any person who is awaiting trial and is a resident of the county or city where he is confined shall, on his request, be taken to the polls to vote on election day if his trial date is postponed and he did not have an opportunity to vote absentee;

6. Any person who is a member of an electoral board, registrar, officer of election, or custodian of voting equipment;

7. Any duly registered person who is unable to go in person to the polls on the day of the election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home;

8. Any duly registered person who is unable to go in person to the polls on the day of the election because of an obligation occasioned by his religion;

9. Any person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603;

10. Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1; or

11. Any person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639.

Code 1950, § 24-319; 1952, c. 488; 1970, c. 462, § 24.1-227; 1971, Ex. Sess., c. 119; 1972, c. 620; 1974, c. 428; 1975, c. 515; 1976, c. 616; 1981, c. 425; 1983, c. 461; 1988, c. 6; 1989, c. 320; 1993, cc. 414, 641; 1995, c. 157; 1998, c. 254; 2000, c. 378; 2001, c. 631; 2002, cc. 785, 819; 2008, cc. 425, 880; 2009, cc. 405, 873; 2010, c. 244; 2012, c. 353.

§ 24.2-701. Application for absentee ballot

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all general elections, except May general elections, and on the Saturday immediately preceding any primary election, May general election, or special election.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be made not less than three days prior to the election in which the applicant offers to vote and completed only in the office of the general registrar. The applicant shall sign the application in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the

registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of learning, the name of the school or institution of learning; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated.

Code 1950, § 24.1-228; 1970, c. 462, § 24.1-228.1; 1971, Ex. Sess., c. 119; 1972, cc. 620, 621; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1977, c. 490; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1982, c. 650; 1983, c. 461; 1988, c. 8; 1989, c. 320; 1992, c. 288; 1993, cc. 414, 641; 1996, c. 295; 1998, c. 254; 2000, cc. 378, 863; 2001, cc. 621, 631, 793; 2002, cc. 785, 819; 2003, c. 478; 2004, c. 410; 2006, c. 438; 2007, c. 315; 2008, cc. 386, 425, 880; 2009, cc. 405, 873; 2010, c. 244; 2011, cc. 427, 458; 2012, cc. 353, 612, 838, 839; 2013, cc. 535, 620, 725; 2015, cc. 314, 644, 645.

§ 24.2-702. Repealed

Repealed by Acts 2015, c. 313, cl. 2.

§ 24.2-702.1. Federal write-in absentee ballots

A. Notwithstanding any other provision of this title, a qualified absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700 may use a federal write-in absentee ballot in any election. Such ballot shall be submitted and processed in the manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) and this article.

B. Notwithstanding any other provision of this title, a federal write-in absentee ballot submitted pursuant to subsection A shall be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot, provided that the ballot is

received no later than the deadline for the return of absentee ballots as provided in § 24.2-709 for the election in which the voter offers to vote, and the application contains the following information: (i) the voter's signature; however, if the voter is unable to sign, the person assisting the voter will note this fact in the voter signature box; (ii) the voter's printed name; (iii) the county or city in which he is registered and offers to vote; (iv) the residence address at which he is registered to vote; (v) his current military or overseas address; and (vi) the signature of a witness who shall sign the same application.

C. This section shall not be construed to require that an absentee ballot be sent to the absentee voter on receipt of a federal write-in absentee ballot unless the voter has also submitted an absentee ballot application pursuant to § 24.2-701 or 24.2-703.

1993, c. 813, § 24.1-228.2:1; 1993, c. 641; 2002, cc. 785, 819; 2009, cc. 230, 310; 2010, cc. 449, 645; 2011, cc. 427, 458; 2012, c. 353; 2015, c. 313.

§ 24.2-703. Application for absentee ballots for multiple elections for uniformed and overseas voters

Any person who is eligible for a military-overseas ballot as defined in § 24.2-452 may file a single application to receive ballots for all elections in which he is eligible to vote absentee. The application shall be on a federal postcard application. An application from any person who is already registered or who is eligible for late registration under § 24.2-419 that is received by the general registrar no later than 5:00 p.m. on the seventh day prior to the election shall be considered a standing request for absentee ballots through December 31 of the year following the calendar year of the date of the application or another shorter period the voter specifies. In the event that a second or subsequent federal postcard application is received from a voter, any previous applications shall be superseded and the duration of the most recently received application shall apply.

The general registrar shall retain the application and process the applicant's request for an absentee ballot for each election in accordance with procedures established by the State Board. The applicant shall specify by party designation the primary ballots he is requesting.

If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable, no other ballots shall be sent. No ballot shall be sent to the applicant, and no voted ballot received from the applicant shall be valid, (i) for any election held after the voter has notified the registrar that the voter no longer wishes to be registered or (ii) after the registrar has received notification that the voter has registered to vote in another state.

1991, c. 603, § 24.1-228.1:1; 1993, c. 641; 2001, c. 793; 2004, c. 410; 2006, c. 438; 2010, cc. 449, 645; 2011, cc. 427, 458; 2012, c. 353.

§ 24.2-703.1. Special annual applications for absentee ballots for certain ill or disabled voters

Any person who is eligible for an absentee ballot under subdivision 4 of § 24.2-700 because of a disability or illness and who is likely to remain so eligible for the remainder of the calendar year

shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in a calendar year. His first such application shall be accompanied by a statement, on a form prescribed by the State Board and signed by the voter and his physician, provider as defined in § 37.2-403, or accredited religious practitioner, that the voter is eligible for an absentee ballot under subdivision 4 of § 24.2-700 and likely to remain so eligible for the remainder of the calendar year.

In accordance with procedures established by the State Board, the general registrar shall retain the application and form, enroll the applicant on a special absentee voter applicant list, and process the applicant's request for an absentee ballot for each succeeding election in the calendar year. The applicant shall specify by party designation the primary ballots he is requesting.

The general registrar shall send each such enrolled applicant a blank application by December 15 for each ensuing calendar year, and upon completion thereof, the applicant shall be eligible to receive ballots for all elections in which he is eligible to vote in that calendar year.

If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable, or the general registrar knows that the applicant is no longer a qualified voter, no ballot for any subsequent election shall be sent to the voter until a new application is filed and accepted.

2001, cc. 789, 850; 2008, c. 880

§ 24.2-703.2. Replacement absentee ballots for certain disabled or ill voters; penalty

A voter seeking to cast an absentee ballot may obtain a replacement absentee ballot subject to the following conditions: (i) the voter applied for an absentee ballot under subdivision 4 of § 24.2-700 because of a disability or illness; (ii) the application was approved and an absentee ballot mailed to the voter; and (iii) the voter did not receive or has lost the absentee ballot on or before the Saturday before the election. In such case, the voter may request a replacement absentee ballot by the close of business for the local elections office on the Saturday before election day and designate, in writing, a representative to obtain a replacement absentee ballot on his behalf from the general registrar and to return the properly completed ballot as directed by the general registrar no later than the close of polls on the day of election for which the absentee ballot is valid. The representative shall be age eighteen or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate. The voter and representative shall complete the form prescribed by the State Board to implement the provisions of this section. The form shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.

2002, cc. 23, 141; 2008, c. 880; 2015, cc. 644, 645.

§ 24.2-704. Applications and ballots for persons requiring assistance in voting; penalty

The application for an absentee ballot shall provide space for the applicant to indicate that he will require assistance to vote his absentee ballot by reason of blindness, disability, or inability to read or write. On receipt of an application from an applicant marked to indicate he will require assistance, the general registrar shall deliver, with the items required by § 24.2-706, the voter assistance form furnished by the State Board pursuant to § 24.2-649. The voter and any person assisting him shall complete the form by signing the request for assistance and statement required of the assistant. If the voter is unable to sign the request, the witness will note this fact on the line for signature of voter. The provisions of § 24.2-649 shall apply to absentee voting and assistance for absentee voters. Any person who willfully violates the provisions of this section or § 24.2-649 in providing assistance to a person who is voting absentee shall be guilty of a Class 5 felony.

1984, c. 775, § 24.1-228.2; 1993, c. 641; 1996, c. 295; 2006, c. 242; 2008, c. 880; 2015, cc. 644, 645.

§ 24.2-705. Emergency applications and absentee ballots for persons incapacitated or hospitalized

Any person registered and otherwise qualified to vote who becomes incapacitated on or after the seventh day preceding an election may request at any time prior to 2:00 p.m. on the day preceding the election that an emergency absentee ballot application be delivered to him. A voter who becomes hospitalized on or after the fourteenth day preceding the election and who is unable, because of his condition, to request an absentee ballot earlier than the seventh day preceding the election may request at any time prior to 2:00 p.m. on the day before an election that an emergency absentee ballot be delivered to him in the hospital. For purposes of this section, "incapacitated" means hospitalized, ill and confined to his residence, bereaved by the death of a spouse, child, or parent, or otherwise incapacitated by an emergency which is found by the general registrar to justify providing an emergency ballot application; and "hospital" means a hospital as defined in § 32.1-123 or 37.2-100 and any comparable hospital in the District of Columbia or any state contiguous to Virginia.

On receipt of the request, the general registrar shall provide an emergency absentee ballot application to the incapacitated voter's designated representative who shall deliver the application to the voter. If the voter is hospitalized, the delivery shall be made to him at the hospital; and if the voter is otherwise incapacitated, the delivery shall be made to him at his current residence address as shown on the registration records. The representative shall be age eighteen or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate.

The application shall be on a form prescribed by the State Board and shall require the applicant (i) to state the cause of his incapacity, (ii) to state that he is unable to be present at the polls on election day, and that he was either incapacitated on or after the seventh day preceding the election or hospitalized on or after the fourteenth day preceding the election and unable to request the

application earlier than the seventh day preceding the election, (iii) to designate a representative to receive, deliver and return the ballot, and (iv) to provide other information required by law for an absentee ballot application.

If the voter is hospitalized, a hospital administrative official, a licensed physician attending the applicant, or provider as defined in § 37.2-403, shall certify on the form to the hospitalization of the applicant and the applicant's inability to be present at the polls on election day. If the voter is ill and confined to his residence, a licensed physician, provider as defined in § 37.2-403, or an accredited religious practitioner attending the applicant shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. If the voter is bereaved, a licensed physician, an accredited religious practitioner, or a funeral service licensee (as defined in § 54.1-2800) shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. If the voter is otherwise incapacitated as determined by the general registrar, the general registrar shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. The applicant shall sign the application and state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct. His signature shall be witnessed by the designated representative who shall sign and return the completed application to the office of the general registrar no later than 5:00 p.m. on the day preceding the election. For the purposes of this section, "accredited religious practitioner" means a person who has been trained in spiritual healing or the other healing arts and has been so accredited by a formal religious order.

On receipt of the completed application and a determination of the qualification of the applicant to vote, the general registrar shall provide, in accordance with the applicable provisions of this chapter, an absentee ballot to the designated representative for delivery to the incapacitated voter.

The incapacitated voter shall vote the absentee ballot as provided by law and mark it in the presence of the designated representative. The representative shall complete a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that (i) he is the representative of the incapacitated voter; (ii) he personally delivered the ballot to the voter who applied for it; (iii) in his presence, the voter marked the ballot, the ballot was placed in the envelope provided, the envelope was sealed, and the statement on its reverse side was signed by the incapacitated voter; and (iv) the ballot was returned, under seal, to the general registrar at the registrar's office.

The ballot shall be counted only if the ballot is received by the general registrar prior to the close of polls, and the general registrar shall deliver the ballot to the officers of election at each appropriate precinct pursuant to § 24.2-710.

1989, c. 192, § 24.1-229.1; 1990, c. 200; 1993, cc. 420, 641; 1996, c. 224; 1997, cc. 523, 539; 1999, c. 590; 2001, c. 622; 2006, c. 297; 2008, c. 880; 2015, cc. 644, 645.

§ 24.2-705.1. Late applications and in-person absentee voting for business and medical emergencies

Any person registered and otherwise qualified to vote who becomes obligated after 12:00 noon on the Saturday before an election to be absent from his county or city on election day for a purpose pertaining to (i) his business, profession, or occupation, (ii) the hospitalization of the applicant or a member of his immediate family, or (iii) the death of a member of his immediate family, may apply for an absentee ballot and vote absentee in person pursuant to this section and subject to the following conditions:

1. The applicant applies in person for an absentee ballot on the Monday immediately preceding the election, before 2:00 p.m., at the principal office of the registrar; and

2. The applicant signs a statement, which shall be deemed part of his absentee ballot application and subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is required to leave the county or city before the opening of the polls on election day for a purpose pertaining to (i) his business, profession or occupation, (ii) the hospitalization of the applicant or a member of his immediate family, or (iii) the death of a member of his immediate family, and that he did not have notice or knowledge of such required travel prior to 12:00 noon on the immediately preceding Saturday. "Immediate family" means the children including adopted children, grandchildren, grandparents, parents, legal guardian, siblings, whether of the whole or half blood, and spouse of the applicant.

"Hospitalization" refers to confinement in a hospital as defined in § 32.1-123 or 37.2-100 and any comparable hospital in the District of Columbia or any state contiguous to Virginia.

1997, c. 464; 2001, c. 622; 2008, c. 880; 2010, c. 539.

§ 24.2-705.2. Late applications and in-person absentee voting for certain officers of election

Any officer of election, registered and otherwise qualified to vote, who is assigned after 12:00 noon on the Saturday before an election to be absent from his precinct and to serve as an officer of election in another precinct on election day, may apply for an absentee ballot and vote absentee in person pursuant to this section and subject to the following conditions:

1. The officer of election applies in person for an absentee ballot on the Monday immediately preceding the election, before 2:00 p.m., at the principal office of the registrar; and

2. The officer signs a statement, which shall be deemed part of his absentee ballot application and subject to felony penalties for making false statements pursuant to § 24.2-1016, that he has been assigned to serve in a precinct other than the precinct where he votes and that he did not have notice or knowledge of such assignment prior to 12:00 noon on the immediately preceding Saturday.

2001, c. 622.

§ 24.2-706. Duty of general registrar on receipt of application; statement of voter

On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications of the listed applicants. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The Department of Elections shall prescribe procedures for general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other evidence of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."

2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is _____ (last, first, middle); that I am now or have been at

some time since last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter _____

Date _____

Signature of witness _____"

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

3. A properly addressed envelope for the return of the ballot to the general registrar by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the Department of Elections.

If the applicant makes his application to vote in person under § 24.2-701 at a time when the printed ballots for the election are available, the general registrar, on the determination of the qualifications of the applicant to vote, shall provide to the applicant the items set forth in subdivisions 1 through 4, and no item shall be removed by the applicant from the office of the general registrar. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar may send the items set forth in subdivisions 1 through 4 to the applicant by mail, obtaining a certificate or other evidence of mailing.

If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision 2 of § 24.2-700, the general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be required. If the applicant requests that such items be sent by electronic transmission, the general registrar, at the time when the printed ballots for the election are available but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter. Such materials shall be sent using the official email address or fax number of the office of the general registrar published on the Department of Elections website. The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

When the statement prescribed in subdivision 2 has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

Code 1950, §§ 24-327, 24-332, 24-333, 24-345.6, 24-345.7; 1952, c. 509; 1956, c. 525; 1958, c. 351; 1970, c. 462, § 24.1-229; 1971, Ex. Sess., cc. 119, 247, 265; 1972, c. 620; 1974, c. 428; 1975, c. 515; 1977, c. 490; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1983, c. 461; 1988, cc. 624, 691; 1993, c. 641; 1994, cc. 633, 656; 1996, c. 253; 2000, c. 421; 2001, cc. 621, 866; 2002, cc. 785, 819; 2003, cc. 247, 478; 2004, c. 410; 2006, c. 438; 2007, c. 318; 2008, cc. 106, 300, 379; 2009, cc. 345, 405, 873; 2010, cc. 213, 316, 449, 538, 645, 812; 2011, cc. 427, 458; 2012, c. 393; 2015, cc. 313, 644, 645; 2016, cc. 16, 463.

§ 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 general registrar, and (e) seal that envelope and mail it to the office of the general registrar or deliver it personally to the general registrar. A voter's failure to provide in the statement on the back of the envelope his full middle name or his middle initial shall not be a material omission, rendering his ballot void, unless the voter failed to provide in the statement on the back of the envelope his full first and last name. A voter's failure to provide the date, or any part of the date, including the year, on which he signed the statement printed on the back of the envelope shall not be considered a material omission and shall not render his ballot void. 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 may complete the procedure in person in the office of the general registrar, or at another location or locations in the county or city approved by the electoral board, before a registrar, 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. Such location shall be deemed the equivalent of the office of the general registrar for the purpose of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar may send the items set forth in subdivisions 1 through 4 of § 24.2-706 to the applicant by mail, obtaining a certificate or other evidence of mailing.

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

The general registrar of any county or city using a central absentee voting precinct may provide for the casting of absentee ballots on voting equipment prior to election day by applicants who are

voting in person. The Department of Elections shall prescribe procedures for the use of voting equipment. The procedures shall provide for the casting of absentee ballots prior to election day by in-person applicants on voting equipment which has been certified, and is currently approved, by the Department of Elections. The procedures shall be applicable and uniformly applied by the Department of Elections to all jurisdictions using comparable voting equipment. At least two officers of election, one representing each political party, shall be present during all hours that absentee voting is available at any location at which absentee ballots are cast prior to election day.

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

Code 1950, §§ 24-334, 24-337; 1956, c. 525; 1970, c. 462, § 24.1-232; 1972, c. 620; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1978, c. 778; 1981, c. 425; 1993, c. 641; 1996, c. 393; 1997, cc. 429, 450; 2001, cc. 617, 624; 2002, cc. 785, 819; 2003, cc. 478, 1015; 2006, c. 438; 2014, cc. 453, 574, 575; 2015, cc. 313, 644, 645.

§ 24.2-708. Return of unused ballots; voting by applicant who did not receive or lost ballot; defaced ballots

A. If for any reason a person, who has applied for and received a ballot, decides not to vote absentee, he shall return the ballot unopened, in the sealed envelope in which it was sent to him, to the general registrar, before the day of the election in which the ballot was intended to be used.

The general registrar shall note on the absentee voter applicant list, opposite the name of the person returning the ballot, the fact that the ballot was returned unused and the date of the return. The general registrar shall carefully preserve all ballots returned unused and deliver them, together with other returned ballots, to the officers of election on election day. A voter who has returned his unused ballot before the day of the election as provided herein shall be entitled to vote a regular ballot in person on election day at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where the person is registered to vote, upon confirmation by the general registrar or an officer of election of the return of the unused ballot. If the general registrar or an officer of election is unable to confirm the return of the unused ballot, the voter shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1. Notwithstanding the provisions of this subsection, a voter may return his unused ballot to his proper polling place or central absentee voter precinct on election day and shall be entitled to vote a regular ballot, and his unused ballot shall be preserved with other unused ballots.

B. If for any reason a person who has applied for and has been sent an absentee ballot does not receive the ballot or loses the ballot, he shall be entitled to cast another ballot after presenting to the general registrar or officer of election a statement signed by him that he did not receive the ballot or has lost the ballot, subject to felony penalties for making false statements as pursuant to

§ 24.2-1016. If such person offers to vote at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where he is registered to vote on the day of the elections, he shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1.

C. If a person who has applied for and has been sent an absentee ballot has unintentionally or accidentally defaced and rendered the ballot unfit for voting, he shall be entitled to cast a ballot after presenting the defaced ballot to the general registrar or an officer of election. The returned ballot shall be marked spoiled by the general registrar or an officer of election and placed in a spoiled-ballot envelope to be retained with the ballots for the election. A voter who has returned his defaced ballot before the day of the election as provided herein shall be entitled to vote a regular ballot in person on election day at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where he is registered to vote, upon confirmation by the general registrar or an officer of election of the return of the defaced ballot. If the general registrar or an officer of election is unable to confirm the return of the defaced ballot, the voter shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1. A voter who returns his defaced or unfit ballot to his proper polling place or central absentee voter precinct on election day shall be entitled to vote a regular ballot, and his defaced or unfit ballot shall be preserved with other spoiled ballots.

Code 1950, §§ 24-336, 24-340.1; 1954, c. 511; 1970, c. 462, § 24.1-233; 1974, c. 428; 1978, c. 778; 1993, c. 641; 1999, c. 725; 2006, c. 283; 2010, c. 348; 2012, c. 645; 2014, c. 600; 2015, cc. 644, 645.

§ 24.2-709. Ballot to be returned in manner prescribed by law

A. Any ballot returned to the office of the general registrar in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to the general registrar before the closing of the polls. The registrar receiving the ballot shall (i) seal the ballot in an envelope with the statement or declaration of the voter, or both, attached to the outside and (ii) mark on each envelope the date, time, and manner of delivery. No returned absentee ballot shall be deemed void because the inner envelope containing the voted ballot is imperfectly sealed so long as the outside envelope containing the ballot envelope is sealed.

B. Notwithstanding the provisions of subsection A, absentee ballots (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by an absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700 shall be counted pursuant to the procedures set forth in this chapter and, if the voter is found entitled to vote, included in the election returns. The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a

copy of such abstract to the general registrar to be available for inspection when his office is open for business.

C. Notwithstanding the provisions of clause (i) of subsection B of § 24.2-427, an absentee ballot returned by a voter in compliance with § 24.2-707 and this section who dies prior to the counting of absentee ballots on election day shall be counted pursuant to the procedures set forth in this chapter if the voter is found to have been entitled to vote at the time that he returned the ballot.

Code 1950, § 24-328; 1956, c. 525; 1970, c. 462, § 24.1-230; 1971, Ex. Sess., c. 119; 1975, c. 515; 1993, c. 641; 2002, cc. 785, 819; 2006, c. 297; 2010, cc. 449, 645; 2011, c. 654; 2012, c. 353; 2014, c. 580; 2015, cc. 644, 645.

§ 24.2-709.1. Alternative procedures for counting absentee ballots

Each general registrar shall take one or more of the following measures as needed to expedite counting absentee ballots 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 optical scan counting equipment or other secure ballot container without initiating any ballot count totals. If the general registrar proceeds to open 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.

2007, cc. 171, 281; 2012, cc. 328, 486; 2013, c. 501.

§ 24.2-710. Further duties of electoral board and general registrar; absentee voter applicant lists

On receipt of an absentee ballot, the electoral board or general registrar shall mark the date of receipt in the appropriate column opposite the name and address of the voter on the absentee voter applicant list maintained in the general registrar's office. A board member or registrar shall deposit the return envelope and the unopened ballot envelope in an appropriate container provided for the purpose, in which they shall remain until the day of the election.

On the day before the election, the general registrar shall (i) make out in triplicate on a form prescribed by the State Board the absentee voter applicant list containing the names of all persons who applied for an absentee ballot through the third day before the election and (ii) by noon on the day before the election, deliver two copies of the list to the electoral board. The general registrar shall make out a supplementary list containing the names of all persons voting absentee in person pursuant to §§ 24.2-705.1 and 24.2-705.2, or applying to vote absentee pursuant to § 24.2-705, for delivery by 5:00 p.m. on the day before the election. The supplementary list shall be deemed part of the absentee voter applicant list and shall be prepared and delivered in accordance

with the instructions of the State Board. The general registrar shall maintain one copy of the list in his office for two years as a public record open for inspection upon request during regular office hours.

On the day before the election, the electoral board shall deliver one copy of the list provided to it by the general registrar to the chief officer of election for each precinct. The list shall be attested by the secretary of the electoral board who shall be responsible for the delivery of the attested lists to the chief officer of election for each precinct.

Absentee ballots shall be accepted only from voters whose names appear on the attested list.

Before the polls close on the day of the election, the electoral board shall deliver the absentee ballot containers to, and obtain a receipt from, the officers of election at each appropriate precinct. Any ballot returned to the electoral board or general registrar prior to the closing of the polls, but after the ballot container has been delivered, shall be delivered in an appropriate container to the officers of election at each appropriate precinct. The containers shall be sealed prior to delivery to the officers and shall contain the sealed absentee ballots, the accompanying return envelopes, and a copy of the absentee voter applicant list for each precinct.

If the county or city uses a central absentee voter precinct pursuant to § 24.2-712, the lists and containers shall be delivered, as provided in this section, to the officers of election for the absentee precinct.

Before noon on the day following the election, the general registrar shall deliver all applications for absentee ballots for the election, under seal, to the clerk of the circuit court for the county or city, except that the general registrar may retain all applications for absentee ballots until the electoral board has ascertained the results of the election pursuant to § 24.2-671, and has determined the validity of and counted all provisional ballots pursuant to § 24.2-653, at which point all applications shall then be delivered, under seal, to the clerk of the circuit court for the county or city. The clerk shall retain the sealed applications with the counted ballots.

The secretary of the electoral board shall deliver all absentee ballots received after the election to the clerk of the circuit court.

Upon request, the State Board shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such lists shall be used only for campaign and political purposes. In no event shall any list furnished under this section contain (i) any voter's social security number or any part thereof, (ii) any voter's day and month of birth, or (iii) the residence address of any voter who has provided a post office box address to be used on public lists pursuant to § 24.2-418.

Code 1950, §§ 24-327, 24-330, 24-332, 24-333, 24-338, 24-338.1, 24-339, 24-340, 24-341, 24-342, 24-345.6, 24-345.7, 24-345.8; 1952, c. 509; 1954, cc. 511, 523, 539; 1956, c. 525; 1958, c. 351; 1962, c. 536; 1964, c. 557; 1970, c. 462, §§ 24.1-229, 24.1-231, 24.1-234; 1971, Ex. Sess., cc.

119, 247, 265; 1972, cc. 620, 621; 1974, c. 428, § 24.1-233.1; 1975, c. 515; 1977, c. 490; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1983, c. 461; 1988, cc. 624, 691; 1991, c. 3; 1993, c. 641; 1997, c. 464; 2001, cc. 622, 799; 2006, c. 297; 2010, cc. 601, 812.

§ 24.2-711. Duties of officers of election

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

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

If a voter, whose name appears on the absentee voter applicant list, has not returned an unused ballot and offers to vote in his precinct, the officers of election in the precinct shall determine the matter pursuant to §§ 24.2-653.1 and 24.2-708.

Immediately after the close of the polls, the container of absentee ballots shall be opened by the officers of election. As each ballot envelope is removed from the container, the name of the voter shall be called and checked as if the voter were voting in person. If the voter is found entitled to vote, an officer shall mark the voter's name on the pollbook with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form. The ballot envelope shall then be opened, and the ballot deposited in the ballot container without being unfolded or examined. If the voter is found not entitled to vote, the unopened envelope shall be rejected. An unopened envelope shall not be rejected on the sole basis of a voter's failure to provide in the statement on the back of the unopened envelope his full middle name or his middle initial, unless the voter also failed to provide his full first and last name. An unopened envelope shall not be rejected on the sole basis of a voter's failure to provide the date, or any part of the date, including the year, on which he signed the statement printed on the back of the envelope. A majority of the officers shall write and sign a statement of the cause for rejection on the envelope or on an attachment to the envelope.

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

Code 1950, §§ 24-330, 24-338, 24-338.1, 24-339, 24-340, 24-341, 24-342, 24-345.8; 1952, c. 509; 1954, cc. 511, 523, 539; 1956, c. 525; 1962, c. 536; 1964, c. 557; 1970, c. 462, §§ 24.1-231, 24.1-234; 1972, c. 621; 1974, c. 428, § 24.1-233.1; 1978, c. 778; 1981, c. 425; 1988, cc. 624, 691;

1991, c. 3; 1993, c. 641; 2001, c. 799; 2002, cc. 785, 819; 2003, c. 1015; 2006, c. 283; 2013, c. 501; 2014, cc. 453, 574, 575.

§ 24.2-711.1. Absentee ballots; confirmation of receipt; notice of reason for rejection

A. The Secretary, in coordination with local election officials, shall implement a free-access system by which a voter may determine:

1. Whether the voter's application for an absentee ballot has been received and accepted; and

2. Whether the voter's absentee ballot has been received and the current status of the absentee ballot.

B. The electoral board of each county and city shall send a written explanation of the reason for rejection of an absentee ballot to the voter whose absentee ballot is rejected within 90 days of the date on which the ballot is rejected. The State Board of Elections shall promulgate instructions to implement the provisions of this section.

2002, c. 252; 2013, c. 537.

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

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

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

C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day of the election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the general registrar on or before the day of the election, he shall be allowed to vote it, and his ballot shall be delivered to the absentee voter precinct pursuant to § 24.2-710.

The officers at the absentee voter precinct shall determine any appeal by any other voter whose name appears on the absentee voter applicant list and who offers to vote in person. If the officers at the absentee voter precinct produce records showing the receipt of his application and the certificate or other evidence of mailing for the ballot, they shall deny his appeal. If the officers cannot produce such records, the voter shall be allowed to vote in person at the absentee voter precinct and have his vote counted with other 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 container shall not be opened and the counting of ballots shall not begin prior to that time. In the case of machine-readable ballots, the ballot container may be opened and the absentee ballots may be inserted in the counting machines prior to the closing of the polls in accordance with procedures prescribed by the Department of Elections, 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 promptly 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.

E. The electoral board or general registrar 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 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.

F. The general registrar may provide that the central absentee voter precinct will open after 6:00 a.m. on the day of the election provided that the office of the general registrar will be open for the receipt of absentee ballots until the central absentee voter precinct is open and that the officers of election for the central absentee voter precinct obtain the absentee ballots returned to the general registrar's office for the purpose of counting the absentee ballots at the central absentee voter precinct and provided further that the central absentee voter precinct is the same location as the office of the general registrar.

1974, c. 428, § 24.1-233.1; 1978, c. 778; 1991, c. 3; 1993, c. 641; 1994, cc. 287, 742; 1998, cc. 549, 572; 2003, c. 1015; 2006, c. 297; 2008, c. 423; 2013, c. 501; 2014, cc. 540, 552, 576; 2015, cc. 313, 644, 645; 2016, cc. 18, 492.

§ 24.2-713. Emergency authority of the Commissioner of Elections

The provisions of this section shall apply in the case of an emergency that will not allow sufficient time for the distribution and handling of absentee ballot applications and absentee ballots, in accordance with the procedures of this title, for qualified voters who are unable to vote in person because of the emergency. The Commissioner of Elections shall have the authority to designate

alternative methods and procedures to handle such applications and ballots. Nothing in this section shall authorize the counting of any absentee ballot returned after the polls have closed. For purposes of this section, "an emergency" shall mean (i) any emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44, (ii) any emergency declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by the executive order as an emergency for the purposes of this section, or (iii) any public emergency that interferes with the electoral process or the opportunity for qualified voters to exercise their right to vote as determined by the Commissioner of Elections.

1994, c. 240; 2002, cc. 785, 819; 2013, c. 542.

Chapter 8 - RECOUNTS AND CONTESTED ELECTIONS

Article 1 - RECOUNTS

§ 24.2-800. Recounts in all elections

A. The provisions of this article apply to all elections held in the Commonwealth.

B. When there is between any candidate apparently nominated or elected and any candidate apparently defeated a difference of not more than one percent of the total vote cast for the two such candidates as determined by the State Board or the electoral board, the defeated candidate may appeal from the determination of the State Board or the electoral board for a recount of the vote as set forth in this article. When there is between any write-in candidate apparently nominated or elected and any candidate apparently defeated, or between any candidate apparently nominated or elected and any write-in candidate apparently defeated, a difference of not more than five percent of the total vote cast for the two such candidates as determined by the State Board or the electoral board, the defeated candidate may appeal from the determination of the State Board or the electoral board for a recount of the vote as set forth in this article. In an election of electors for the President and Vice President of the United States, the presidential candidate shall represent the vice presidential candidate and slate of electors and be the party to the recount for purposes of this article.

C. When there is between the vote for a question and the vote against a question a difference of not more than fifty votes or one percent of the total vote cast for and against the question as determined by the State Board or the electoral board, whichever is greater, fifty or more voters qualified to vote on the question, by signing and filing their petition, may appeal from the determination of the State Board or the electoral board for a recount of the vote as set forth in this article.

1979, c. 293, § 24.1-249; 1981, c. 570; 1993, c. 641; 2009, c. 386.

§ 24.2-801. (Effective until July 1, 2020) Petition for recount; recount court

The petition for a recount of an election, other than an election for presidential electors, shall be filed within 10 days from the day the State Board or the electoral board certifies the result of the

election under § 24.2-679 or § 24.2-671, but not thereafter. The petition shall be filed in the Circuit Court of the City of Richmond in the case of any statewide office and in the circuit court of the county or city in which the candidate being challenged resides in the case of any other office. The petition shall be filed in the Circuit Court of the City of Richmond in the case of any statewide referendum and in the circuit court of any county or city comprising a part of the election district in the case of any other referendum.

The petition shall set forth the results certified by the Board or electoral board and shall request the court to have the ballots in the election recounted or, in the case of direct recording electronic machines, the vote redetermined.

In an election for office, a copy of the petition shall be served on the candidate apparently nominated or elected as provided under § 8.01-296 and within 10 days after the Board or electoral board has certified the results of such election. In a referendum, a copy of the petition shall be so served on the governing body or chief executive officer of the jurisdiction in which the election was held.

The chief judge of the circuit court in which a petition is filed shall promptly notify the Chief Justice of the Supreme Court of Virginia, who shall designate two other judges to sit with the chief judge, and the court shall be constituted and sit in all respects as a court appointed and sitting under §§ 24.2-805 and 24.2-806.

1979, c. 293, § 24.1-249; 1981, c. 570; 1993, c. 641; 2003, c. 268; 2014, cc. 540, 576.

§ 24.2-801. (Effective July 1, 2020) Petition for recount; recount court

The petition for a recount of an election, other than an election for presidential electors, shall be filed within 10 days from the day the State Board or the electoral board certifies the result of the election under § 24.2-679 or § 24.2-671, but not thereafter. The petition shall be filed in the Circuit Court of the City of Richmond in the case of any statewide office and in the circuit court of the county or city in which the candidate being challenged resides in the case of any other office. The petition shall be filed in the Circuit Court of the City of Richmond in the case of any statewide referendum and in the circuit court of any county or city comprising a part of the election district in the case of any other referendum.

The petition shall set forth the results certified by the Board or electoral board and shall request the court to have the ballots in the election recounted.

In an election for office, a copy of the petition shall be served on the candidate apparently nominated or elected as provided under § 8.01-296 and within 10 days after the Board or electoral board has certified the results of such election. In a referendum, a copy of the petition shall be so served on the governing body or chief executive officer of the jurisdiction in which the election was held.

The chief judge of the circuit court in which a petition is filed shall promptly notify the Chief Justice of the Supreme Court of Virginia, who shall designate two other judges to sit with the chief judge, and the court shall be constituted and sit in all respects as a court appointed and sitting under §§ 24.2-805 and 24.2-806.

1979, c. 293, § 24.1-249; 1981, c. 570; 1993, c. 641; 2003, c. 268; 2014, cc. 540, 576; 2016, c. 464.

§ 24.2-801.1. (Effective until July 1, 2020) Petition for recount of election for presidential electors; recount court

The petition for a recount of an election for presidential electors shall be filed no later than 5:00 p.m. on the second calendar day after the day the State Board certifies the result of the election under § 24.2-679, but not thereafter. Presidential candidates who anticipate the possibility of asking for a recount are encouraged to so notify the State Board by letter as soon as possible after election day. The petition shall be filed in the Circuit Court of the City of Richmond. If any presidential candidate is eligible to seek a recount of the results of the election for presidential electors under § 24.2-800 the State Board shall, within 24 hours of the certification of the results, notify the Circuit Court of the City of Richmond and the Supreme Court of Virginia (i) that a recount is possible, (ii) which presidential candidate is eligible to seek a recount, and (iii) of the date the results were certified. The Circuit Court of the City of Richmond shall make arrangements to receive any such filing if the office would normally be closed the entire day, or prior to 5:00 p.m., on the second calendar day after the day the State Board certified the result of the election.

The petition shall set forth the results certified by the Board and shall request the court to have the ballots in the election recounted or, in the case of direct recording electronic machines, the vote redetermined.

A copy of the petition shall be served on the presidential candidate whose electors were apparently elected as provided under § 8.01-296 and within five calendar days after the Board has certified the results of such election.

As soon as a petition is filed, the chief judge of the Circuit Court shall promptly notify the Chief Justice of the Supreme Court of Virginia, who shall designate two other judges to sit with the chief judge, and the court shall be constituted and sit in all respects as a court appointed and sitting under § 24.2-805.

Any recount of an election for presidential electors shall be held promptly and completed, in accordance with the provisions of 3 U.S.C. § 5, at least six days before the time fixed for the meeting of the electors.

2003, c. 268; 2014, cc. 540, 576.

§ 24.2-801.1. (Effective July 1, 2020) Petition for recount of election for presidential electors; recount court

The petition for a recount of an election for presidential electors shall be filed no later than 5:00 p.m. on the second calendar day after the day the State Board certifies the result of the election under § 24.2-679, but not thereafter. Presidential candidates who anticipate the possibility of asking for a recount are encouraged to so notify the State Board by letter as soon as possible after election day. The petition shall be filed in the Circuit Court of the City of Richmond. If any presidential candidate is eligible to seek a recount of the results of the election for presidential electors under § 24.2-800 the State Board shall, within 24 hours of the certification of the results, notify the Circuit Court of the City of Richmond and the Supreme Court of Virginia (i) that a recount is possible, (ii) which presidential candidate is eligible to seek a recount, and (iii) of the date the results were certified. The Circuit Court of the City of Richmond shall make arrangements to receive any such filing if the office would normally be closed the entire day, or prior to 5:00 p.m., on the second calendar day after the day the State Board certified the result of the election.

The petition shall set forth the results certified by the Board and shall request the court to have the ballots in the election recounted.

A copy of the petition shall be served on the presidential candidate whose electors were apparently elected as provided under § 8.01-296 and within five calendar days after the Board has certified the results of such election.

As soon as a petition is filed, the chief judge of the Circuit Court shall promptly notify the Chief Justice of the Supreme Court of Virginia, who shall designate two other judges to sit with the chief judge, and the court shall be constituted and sit in all respects as a court appointed and sitting under § 24.2-805.

Any recount of an election for presidential electors shall be held promptly and completed, in accordance with the provisions of 3 U.S.C. § 5, at least six days before the time fixed for the meeting of the electors.

2003, c. 268; 2014, cc. 540, 576; 2016, c. 464.

§ 24.2-802. (Effective until July 1, 2020) Procedure for recount

A. The State Board of Elections shall promulgate standards for (i) the proper handling and security of voting and counting machines, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the counting machine and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.

The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting and counting machines in use in the election district.

In preparation for the recount, the clerks of the circuit courts shall (a) secure all printed ballots and other election materials in sealed boxes; (b) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (c) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (d) certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge.

B. Within seven calendar days of the filing of the petition for a recount of any election other than an election for presidential electors, or within five calendar days of the filing of a petition for a recount of an election for presidential electors, the chief judge of the circuit court shall call a preliminary hearing at which (i) motions may be disposed of and (ii) the rules of procedure may be fixed, both subject to review by the full court. As part of the preliminary hearing, the chief judge may permit the petitioner and his counsel, together with each other party and his counsel and at least two members of the electoral board and the custodians, to examine any direct recording electronic machine of the type that prints returns when the print-out sheets are not clearly legible. The petitioner and his counsel and each other party and their counsel under supervision of the electoral board and its agents shall also have access to pollbooks and other materials used in the election for examination purposes, provided that individual ballots cast in the election shall not be examined at the preliminary hearing. The chief judge during the preliminary hearing shall review all security measures taken for all ballots and voting and counting machines and direct, as he deems necessary, all appropriate measures to ensure proper security to conduct the recount.

The chief judge, subject to review by the full court, may set the place or places for the recount and may order the delivery of election materials to a central location and the transportation of voting and counting machines to a central location in each county or city under appropriate safeguards.

After the full court is appointed under § 24.2-801 or 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally. The court shall call for the advice and cooperation of the Department, the State Board, or any local electoral board, as appropriate, and such boards or agency shall have the duty and authority to assist the court. The court shall fix procedures that shall provide for the accurate determination of votes in the election.

The determination of the votes in a recount shall be based on votes cast in the election and shall not take into account (a) any absentee ballots or provisional ballots sought to be cast but ruled invalid and not cast in the election, (b) ballots cast only for administrative or test purposes and voided by the officers of election, or (c) ballots spoiled by a voter and replaced with a new ballot.

The eligibility of any voter to have voted shall not be an issue in a recount. Commencing upon the filing of the recount, nothing shall prevent the discovery or disclosure of any evidence that could be used pursuant to § 24.2-803 in contesting the results of an election.

C. The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count

printed ballots, or in the case of direct recording electronic machines, to redetermine the vote. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. There shall be at least one team of recount officials to recount printed ballots and to redetermine the vote cast on direct recording electronic machines of the type that prints returns for the election district at large in which the recount is being held. There shall be at least one team from each locality using ballot scanner machines to insert the ballots into one or more scanners. The ballot scanner machines shall be programmed to count only votes cast for parties to the recount or for or against the question in a referendum recount. Each team shall be composed of one representative of each party.

The court may provide that if, at the time of the recount, any recount official fails to appear, the remaining recount officials present shall appoint substitute recount officials who shall possess the same qualifications as the recount officials for whom they substitute. The court may select pairs of recount coordinators to serve for each county or city in the election district who shall be members of the county or city electoral board and represent different political parties. The court shall have authority to summon such officials and coordinators. On the request of any party to the recount, the court shall allow that party to appoint one representative observer for each team of recount officials. The representative observers shall have an unobstructed view of the work of the recount officials. The expenses of its representatives shall be borne by each party.

D. The court (i) shall supervise the recount and (ii) may require delivery of any or all pollbooks used and any or all ballots cast at the election, or may assume supervision thereof through the recount coordinators and officials.

The redetermination of the vote in a recount shall be conducted as follows:

1. For paper ballots, the recount officials shall hand count the paper ballots using the standards promulgated by the State Board pursuant to subsection A.

2. For direct recording electronic machines (DREs), the recount officials shall open the envelopes with the printouts and read the results from the printouts. If the printout is not clear, or on the request of the court, the recount officials shall rerun the printout from the machine or examine the counters as appropriate.

3. For ballot scanner machines, the recount officials shall rerun all the machine-readable ballots through a scanner programmed to count only the votes for the office or issue in question in the recount and to set aside all ballots containing write-in votes, overvotes, and undervotes. The ballots that are set aside, any ballots not accepted by the scanner, and any ballots for which a scanner could not be programmed to meet the programming requirements of this subdivision, shall be hand counted using the standards promulgated by the State Board pursuant to subsection A. If the total number of machine-readable ballots reported as counted by the scanner plus the total number of ballots set aside by the scanner do not equal the total number of ballots rerun through the

scanner, then all ballots cast on ballot scanner machines for that precinct shall be set aside to be counted by hand using the standards promulgated by the State Board pursuant to subsection A. Prior to running the machine-readable ballots through the ballot scanner machine, the recount officials shall ensure that logic and accuracy tests have been successfully performed on each scanner after the scanner has been programmed. The result calculated for ballots accepted by the ballot scanner machine during the recount shall be considered the correct determination for those machine-readable ballots unless the court finds sufficient cause to rule otherwise.

There shall be only one redetermination of the vote in each precinct.

At the conclusion of the recount of each precinct, the recount officials shall write down the number of valid ballots cast, this number being obtained from the ballots cast in the precinct, or from the ballots cast as shown on the statement of results if the ballots cannot be found, for each of the two candidates or for and against the question. They shall submit the ballots or the statement of results used, as to the validity of which questions exist, to the court. The written statement of any one recount official challenging a ballot shall be sufficient to require its submission to the court. If, on all direct recording electronic machines, the number of persons voting in the election, or the number of votes cast for the office or on the question, totals more than the number of names on the pollbooks of persons voting on the voting machines, the figures recorded by the machines shall be accepted as correct.

At the conclusion of the recount of all precincts, after allowing the parties to inspect the questioned ballots, and after hearing arguments, the court shall rule on the validity of all questioned ballots and votes. After determining all matters pertaining to the recount and redetermination of the vote as raised by the parties, the court shall certify to the State Board and the electoral board or boards (a) the vote for each party to the recount and declare the person who received the higher number of votes to be nominated or elected, as appropriate, or (b) the votes for and against the question and declare the outcome of the referendum. The Department shall post on the Internet any and all changes made during the recount to the results as previously certified by it pursuant to § 24.2-679.

E. Costs of the recount shall be assessed against the counties and cities comprising the election district when (i) the candidate petitioning for the recount is declared the winner; (ii) the petitioners in a recount of a referendum win the recount; or (iii) there was between the candidate apparently nominated or elected and the candidate petitioning for the recount a difference of not more than one-half of one percent of the total vote cast for the two such candidates as determined by the State Board or electoral board prior to the recount. Otherwise the costs of the recount shall be assessed against the candidate petitioning for the recount or the petitioners in a recount of a referendum. If more than one candidate petitions for a recount, the court may assess costs in an equitable manner between the counties and cities and any such candidate if both are liable for costs under this subsection. Costs incurred to date shall be assessed against any candidate or petitioner who defaults or withdraws his petition.

F. The court shall determine the costs of the recount subject to the following limitations: (i) no per diem payment shall be assessed for salaried election officials; (ii) no per diem payment to officers of election serving as recount officials shall exceed two-thirds of the per diem paid such officers by the county or city for service on election day; and (iii) per diem payments to alternates shall be allowed only if they serve.

G. Any petitioner who may be assessed with costs under subsection E shall post a bond with surety with the court in the amount of $10 per precinct in the area subject to recount. If the petitioner wins the recount, the bond shall not be forfeit. If the petitioner loses the recount, the bond shall be forfeit only to the extent of the assessed costs. If the assessed costs exceed the bond, he shall be liable for such excess.

H. The recount proceeding shall be final and not subject to appeal.

I. For the purposes of this section:

"Overvote" means a ballot on which a voter casts a vote for a greater number of candidates or positions than the number for which he was lawfully entitled to vote and no vote shall be counted with respect to that office or issue.

"Undervote" means a ballot on which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

1979, c. 293, § 24.1-250; 1980, c. 639; 1981, c. 570; 1982, c. 650; 1983, c. 461; 1984, c. 480; 1993, c. 641; 2000, cc. 938, 1057; 2001, cc. 639, 641, 646; 2002, cc. 601, 647; 2003, c. 268; 2004, c. 410; 2006, c. 689; 2007, cc. 285, 939, 943; 2008, c. 682; 2011, c. 522; 2014, cc. 540, 576; 2015, c. 740.

§ 24.2-802. (Effective July 1, 2020) Procedure for recount

A. The State Board of Elections shall promulgate standards for (i) the proper handling and security of voting systems, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the voting system and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.

The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting systems in use in the election district.

In preparation for the recount, the clerks of the circuit courts shall (a) secure all printed ballots and other election materials in sealed boxes; (b) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (c) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (d) certify that

these security measures have been taken in whatever form is deemed appropriate by the chief judge.

B. Within seven calendar days of the filing of the petition for a recount of any election other than an election for presidential electors, or within five calendar days of the filing of a petition for a recount of an election for presidential electors, the chief judge of the circuit court shall call a preliminary hearing at which (i) motions may be disposed of and (ii) the rules of procedure may be fixed, both subject to review by the full court. The petitioner and his counsel and each other party and their counsel under supervision of the electoral board and its agents shall have access to poll-books and other materials used in the election for examination purposes, provided that individual ballots cast in the election shall not be examined at the preliminary hearing. The chief judge during the preliminary hearing shall review all security measures taken for all ballots and voting systems and direct, as he deems necessary, all appropriate measures to ensure proper security to conduct the recount.

The chief judge, subject to review by the full court, may set the place or places for the recount and may order the delivery of election materials to a central location and the transportation of voting systems to a central location in each county or city under appropriate safeguards.

After the full court is appointed under § 24.2-801 or 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally. The court shall call for the advice and cooperation of the Department, the State Board, or any local electoral board, as appropriate, and such boards or agency shall have the duty and authority to assist the court. The court shall fix procedures that shall provide for the accurate determination of votes in the election.

The determination of the votes in a recount shall be based on votes cast in the election and shall not take into account (a) any absentee ballots or provisional ballots sought to be cast but ruled invalid and not cast in the election, (b) ballots cast only for administrative or test purposes and voided by the officers of election, or (c) ballots spoiled by a voter and replaced with a new ballot.

The eligibility of any voter to have voted shall not be an issue in a recount. Commencing upon the filing of the recount, nothing shall prevent the discovery or disclosure of any evidence that could be used pursuant to § 24.2-803 in contesting the results of an election.

C. The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count printed ballots. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. There shall be at least one team from each locality using ballot scanner machines to insert the ballots into one or more scanners. The ballot scanner machines shall be programmed to count only votes cast for parties to the recount or for or against the question in a referendum recount. Each team shall be composed of one representative of each party.

The court may provide that if, at the time of the recount, any recount official fails to appear, the remaining recount officials present shall appoint substitute recount officials who shall possess the same qualifications as the recount officials for whom they substitute. The court may select pairs of recount coordinators to serve for each county or city in the election district who shall be members of the county or city electoral board and represent different political parties. The court shall have authority to summon such officials and coordinators. On the request of any party to the recount, the court shall allow that party to appoint one representative observer for each team of recount officials. The representative observers shall have an unobstructed view of the work of the recount officials. The expenses of its representatives shall be borne by each party.

D. The court (i) shall supervise the recount and (ii) may require delivery of any or all pollbooks used and any or all ballots cast at the election, or may assume supervision thereof through the recount coordinators and officials.

The redetermination of the vote in a recount shall be conducted as follows:

1. For paper ballots, the recount officials shall hand count the paper ballots using the standards promulgated by the State Board pursuant to subsection A.

2. For ballot scanner machines, the recount officials shall rerun all the machine-readable ballots through a scanner programmed to count only the votes for the office or issue in question in the recount and to set aside all ballots containing write-in votes, overvotes, and undervotes. The ballots that are set aside, any ballots not accepted by the scanner, and any ballots for which a scanner could not be programmed to meet the programming requirements of this subdivision, shall be hand counted using the standards promulgated by the State Board pursuant to subsection A. If the total number of machine-readable ballots reported as counted by the scanner plus the total number of ballots set aside by the scanner do not equal the total number of ballots rerun through the scanner, then all ballots cast on ballot scanner machines for that precinct shall be set aside to be counted by hand using the standards promulgated by the State Board pursuant to subsection A. Prior to running the machine-readable ballots through the ballot scanner machine, the recount officials shall ensure that logic and accuracy tests have been successfully performed on each scanner after the scanner has been programmed. The result calculated for ballots accepted by the ballot scanner machine during the recount shall be considered the correct determination for those machine-readable ballots unless the court finds sufficient cause to rule otherwise.

There shall be only one redetermination of the vote in each precinct.

At the conclusion of the recount of each precinct, the recount officials shall write down the number of valid ballots cast, this number being obtained from the ballots cast in the precinct, or from the ballots cast as shown on the statement of results if the ballots cannot be found, for each of the two candidates or for and against the question. They shall submit the ballots or the statement of results used, as to the validity of which questions exist, to the court. The written statement of any one recount official challenging a ballot shall be sufficient to require its submission to the court.

If, on all ballot scanners, the number of persons voting in the election, or the number of votes cast for the office or on the question, totals more than the number of names on the pollbooks of persons voting on the voting machines, the figures recorded by the machines shall be accepted as correct.

At the conclusion of the recount of all precincts, after allowing the parties to inspect the questioned ballots, and after hearing arguments, the court shall rule on the validity of all questioned ballots and votes. After determining all matters pertaining to the recount and redetermination of the vote as raised by the parties, the court shall certify to the State Board and the electoral board or boards (a) the vote for each party to the recount and declare the person who received the higher number of votes to be nominated or elected, as appropriate, or (b) the votes for and against the question and declare the outcome of the referendum. The Department shall post on the Internet any and all changes made during the recount to the results as previously certified by it pursuant to § 24.2-679.

E. Costs of the recount shall be assessed against the counties and cities comprising the election district when (i) the candidate petitioning for the recount is declared the winner; (ii) the petitioners in a recount of a referendum win the recount; or (iii) there was between the candidate apparently nominated or elected and the candidate petitioning for the recount a difference of not more than one-half of one percent of the total vote cast for the two such candidates as determined by the State Board or electoral board prior to the recount. Otherwise the costs of the recount shall be assessed against the candidate petitioning for the recount or the petitioners in a recount of a referendum. If more than one candidate petitions for a recount, the court may assess costs in an equitable manner between the counties and cities and any such candidate if both are liable for costs under this subsection. Costs incurred to date shall be assessed against any candidate or petitioner who defaults or withdraws his petition.

F. The court shall determine the costs of the recount subject to the following limitations: (i) no per diem payment shall be assessed for salaried election officials; (ii) no per diem payment to officers of election serving as recount officials shall exceed two-thirds of the per diem paid such officers by the county or city for service on election day; and (iii) per diem payments to alternates shall be allowed only if they serve.

G. Any petitioner who may be assessed with costs under subsection E shall post a bond with surety with the court in the amount of $10 per precinct in the area subject to recount. If the petitioner wins the recount, the bond shall not be forfeit. If the petitioner loses the recount, the bond shall be forfeit only to the extent of the assessed costs. If the assessed costs exceed the bond, he shall be liable for such excess.

H. The recount proceeding shall be final and not subject to appeal.

I. For the purposes of this section:

"Overvote" means a ballot on which a voter casts a vote for a greater number of candidates or positions than the number for which he was lawfully entitled to vote and no vote shall be counted with respect to that office or issue.

"Undervote" means a ballot on which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

1979, c. 293, § 24.1-250; 1980, c. 639; 1981, c. 570; 1982, c. 650; 1983, c. 461; 1984, c. 480; 1993, c. 641; 2000, cc. 938, 1057; 2001, cc. 639, 641, 646; 2002, cc. 601, 647; 2003, c. 268; 2004, c. 410; 2006, c. 689; 2007, cc. 285, 939, 943; 2008, c. 682; 2011, c. 522; 2014, cc. 540, 576; 2015, c. 740; 2016, c. 464.

Article 2 - CONTESTED ELECTIONS

§ 24.2-803. Contest of election to General Assembly

A. This section applies to any general or special election of members to the General Assembly.

B. A contest of the election of any member to the General Assembly may be initiated by an unsuccessful candidate in the election, referred to hereafter as the contestant.

To initiate a contest, the contestant shall give written notice, in the manner provided in subsection D, of his intent to contest the election to the person or persons apparently elected, referred to hereafter as the contestee, and to the Clerk of the House of Delegates if he is contesting a House election or of the Senate if he is contesting a Senate election, no later than thirty days following the date of the election or three days after the conclusion of a recount, whichever is later.

The notice shall state the grounds on which the contestant intends to contest the election. The grounds shall include (i) objections to the eligibility of the contestee based on specific allegations, (ii) objections to the conduct or results of the election accompanied by specific allegations which, if proven true, would have a probable impact on the outcome of the election, or (iii) both.

The notice shall state that an answer by the contestee must be filed with the clerk of the appropriate house within ten days following service of the notice. The contestant shall sign and verify the notice by his oath or affirmation.

At the time of filing the notice, the contestant shall post a bond with surety with the Clerk of the House of Delegates or Senate, as appropriate, in the amount of $100 per precinct contained in whole or in part in the district being contested. If the contestant wins the contest, the bond shall not be forfeited. If the contestant loses the contest, the bond shall be forfeited to the extent of the contestee's actual and documented costs of defending against the contest, including, but not limited to, reasonable attorneys' fees, expert witnesses' fees, and such costs as would be taxable in an action at law. If the assessed costs exceed the bond, the contestant shall be liable for such excess only pursuant to subsection H.

C. Within ten days after service of the contestant's notice on the contestee, the contestee shall file with the clerk of the appropriate house a written answer. His answer shall admit or deny the allegations on which the contestant relies, or state that he has no knowledge or information concerning an allegation which shall be deemed denial, and state any other defenses, in law or fact, on which he relies. The contestee shall sign and verify his answer by his oath or affirmation.

D. The notice of intent to contest shall be filed by the contestant with the clerk of the appropriate house and copies thereof served by the contestant as provided under § 8.01-296 on each contestee. The answer, petition, and any reply and copies thereof shall be filed with the appropriate clerk, and copies shall be served on the opposing party or his counsel, if any, in the manner prescribed by Rule 1:12 of the Rules of the Supreme Court of Virginia.

After service of the notice of intent, any party, after reasonable notice to the other party or parties, shall be authorized to take depositions to sustain or invalidate the election. The contestant shall complete the taking of depositions to submit with his petition at any time within twenty days following the date of the notice of intent to contest the election, and the contestee shall complete the taking of his depositions within thirty days following the date of the notice of intent to contest the election. By written stipulation of the parties, the testimony of any witness may be filed in the form of an affidavit by the witness within the same time limitations prescribed for the taking of depositions.

Subpoenas for witnesses shall be issued by the clerk of the circuit court of the county or city in which the contestee resides on the application of either party. Witnesses shall be entitled to the same allowances and privileges, and be subject to the same penalties, as witnesses summoned to attend the courts.

Every deposition shall be taken before a person authorized by law to administer oaths, who shall certify and seal the deposition in the same manner as in judicial civil proceedings, and file the same with the clerk of the appropriate house.

E. A written petition shall be filed by the contestant with the clerk of the appropriate house (i) within ten days following the filing of the notice of intent to contest the election if the contested election was held at a November general election and (ii) within ten days following the date of the filing of the notice of intent to contest the election or within two days following the commencement of the next session of the General Assembly, whichever is later, if the election was held on a different date. The contestee may file a written reply to the petition within five days following its service on him.

No affidavit may be made a part of, or filed in support of, a petition or reply thereto unless the affidavit has previously been filed with the clerk of the appropriate house, pursuant to the written stipulation of the parties or their counsel, on or before the date established by subsection D for the completion of the taking of depositions by the proponent of the affidavit.

F. If the election was held during a regular session of the General Assembly, the times for filing the notice of intent to contest, the answer, petition, and reply and for taking depositions and affidavits shall be set by the Committee on Privileges and Elections of the appropriate house. The Committee may consider the contestant's and contestee's recommendations for the procedural schedule.

G. The clerk shall refer the notice, answer, petition, reply, depositions, and affidavits to the Committee on Privileges and Elections, which documents shall constitute the record in the contest. A failure to comply in timely manner with the filing requirements of subsection B, C, D, or E shall be dispositive of the contest and have the effect of a finding for the opponent of the party failing to meet such requirements.

Unless another committee has been designated by the rules of the house to hear contest matters, the Committee on Privileges and Elections shall hear the contest and conduct such investigation as has been directed by resolution of its house. It shall report its findings and recommendations to the house for its action. The committee hearing the contest shall take up the contest no later than its first regularly scheduled meeting occurring after the filing of the record in the contest.

H. The house, in its judgment, may find for the contestant and declare him elected, find for the contestee and confirm his election, or declare the election void and order a writ of election as in other cases of vacancy. If the house finds a tie vote has occurred, it shall direct a determination by lot in accordance with § 24.2-674, but no right to a recount shall be permitted. If the house finds, by a two-thirds vote of the house that the contestant has prosecuted the election contest in bad faith, the house may order the contestant to pay to the contestee a sum, in addition to the amount of the bond posted pursuant to subsection B, that is not more than the contestee's additional actual costs of defending against the contest, including, but not limited to, reasonable attorneys' fees, expert witnesses' fees, and such costs as would be taxable in an action at law. A determination to assess costs against a contestant in excess of the amount of the bond posted pursuant to subsection B shall be made only upon the recommendation of the Committee on Privileges and Elections, or other committee designated in the rules of the house to hear the contest, adopted by the committee by a two-thirds or greater vote of the committee.

1981, c. 570, § 24.1-236.1; 1993, c. 641; 1998, c. 866; 2000, c. 1057; 2006, c. 292.

§ 24.2-804. Contest of elections of Governor, Lieutenant Governor, and Attorney General

In any election for Governor, Lieutenant Governor, or Attorney General, notice of the intent to contest the election shall be filed with the Clerk of the House of Delegates as prescribed in § 24.2-803. The provisions of § 24.2-803 shall govern standing, notice of intent to contest, answers, service of process, evidence, the petition, procedures, relief, and assessed costs except (i) that in a contest of an election held at the November general election the petition shall be filed within two days following the commencement of a special session of the General Assembly called for the purpose of hearing the contest or of the next regular session of the General Assembly, whichever first

occurs, and (ii) that the final determination shall be made by the General Assembly, both houses sitting in joint session in the hall of the House of Delegates, with the Speaker of the House of Delegates presiding.

At the time of filing the notice, the contestant shall post a bond with surety with the Clerk of the House of Delegates in the amount of $10 per precinct in the Commonwealth. If the contestant wins the contest, the bond shall not be forfeited. If the contestant loses the contest, the bond shall be forfeited and costs assessed as provided in subsections B and H of § 24.2-803.

Code 1950, §§ 24-427 through 24-429; 1970, c. 462, § 24.1-237; 1981, c. 570; 1993, c. 641; 2006, c. 292.

§ 24.2-805. Contest of elections of electors for President and Vice President or primaries for United States Senate or statewide office

In an election of electors for the President and Vice President of the United States, or a primary for the United States Senate or any statewide office, the proceeding to contest shall be in the Circuit Court of the City of Richmond before a special court composed of the chief judge of such circuit court and two circuit court judges of circuits not contiguous to the City of Richmond appointed by the Chief Justice of the Supreme Court of Virginia, or, in the event of his inability to act, then by the next senior justice, who shall at the time of appointment set the date for trial.

If the chief judge of the Circuit Court of the City of Richmond is absent, unable to sit in the proceeding, or recuses himself, the clerk of the court shall at once certify that fact to the Chief Justice. Then the Chief Justice or the associate justice acting in his stead shall appoint a third judge, who shall be, if possible, a judge of the Circuit Court of the City of Richmond or an adjoining circuit.

Notwithstanding any provision of this chapter to the contrary: (i) notice of the intent to contest an election of electors for the President and Vice President of the United States shall be filed no later than 5:00 p.m. on the second calendar day after the day the State Board certifies the result of the election under § 24.2-679, but not thereafter; (ii) a copy of the complaint shall be served by the contestant as provided under § 8.01-296 on each contestee and within five calendar days after the Board has certified the results of such election, otherwise the complaint shall not be valid; (iii) the contestee's answer shall be filed within five calendar days after the complaint is served on him; (iv) the contest shall not wait upon the results of any recount; and (v) the proceedings shall be held promptly and completed, in accordance with the provisions of 3 U.S.C. § 5, at least six days before the time fixed for the meeting of the electors.

Code 1950, § 24-393; 1952, c. 489; 1970, c. 462, § 24.1-238; 1981, c. 570; 1993, c. 641; 2003, c. 268.

§ 24.2-806. Contest of other primaries and elections

In a primary for the United States House of Representatives, the Virginia Senate, the House of Delegates, or any county, city, town, or district office, or an election to any county, city, town, or district office, the proceeding to contest shall be in the circuit court of the county or city in which

the challenged candidate resides. The proceeding shall be before a special court composed of the chief judge of such circuit court and two circuit court judges of circuits remote from the county or city in which such candidate resides, appointed by the Chief Justice of the Supreme Court of Virginia, or, in the event of his inability to act, then by the next senior justice, who shall at the time of appointment set the date for trial.

If the chief judge of the circuit court of the city or county in which the candidate resides is absent, unable to sit in the proceeding, or recuses himself, the clerk of the court shall at once certify that fact to the Chief Justice. Then the Chief Justice or the associate justice acting in his stead shall appoint a third judge, who shall be, if possible, a judge of the same or an adjoining circuit.

Code 1950, § 24-394; 1952, c. 489; 1970, c. 462, § 24.1-239; 1981, c. 570; 1987, c. 341; 1993, c. 641 .

§ 24.2-807. Contest only on complaint of unsuccessful party; contents of complaint

The provisions of this section and §§ 24.2-808 through 24.2-813 govern contests conducted pursuant to §§ 24.2-805 and 24.2-806. The contest shall be initiated only by a written complaint of one or more of the unsuccessful candidates. The complaint shall contain (i) objections to the eligibility of the contestee based on specific allegations, (ii) objections to the conduct or results of the election accompanied by specific allegations which, if proven true, would have a probable impact on the outcome of the election, or (iii) both.

In an election of electors for the President and Vice President of the United States, the presidential candidate shall represent the vice presidential candidate and slate of electors and be the party to the contest for purposes of this article.

Code 1950, §§ 24-430, 24-432; 1970, c. 462, § 24.1-240; 1973, c. 30; 1981, c. 570; 1993, c. 641 .

§ 24.2-808. Time of filing and service of complaint; enlargement or amendment of complaint

The contestant shall file his complaint in the clerk's office of the circuit court within 30 days following the date of the election in the case of a general election, and within 10 days following the date of the election in case of a primary election or special election held on a date other than that of a general election. A copy of the complaint shall be served by the contestant as provided under § 8.01-296 on each contestee; otherwise the complaint shall not be valid. For a contest conducted pursuant to § 24.2-806, the copy of the complaint shall be served by the contestant on each contestee within 30 days following the date of the election in the case of a general election and within 10 days following the date of the election in the case of a primary or special election held on a date other than that of a general election.

No enlargement or amendment of the complaint, except as to form, shall be permitted save by leave of court as provided in Rule 1:8 of the Rules of Supreme Court of Virginia.

Code 1950, § 24-434; 1952, c. 489; 1970, c. 462, § 24.1-241; 1981, c. 570; 1993, c. 641; 2016, cc. 14, 490.

§ 24.2-809. Filing answer; contents; enlargement or amendment of answer

The contestee shall, within ten days after the complaint is served on him, file in the clerk's office an answer, in which he shall admit or deny the allegations on which the contestant relies, or state that he has no knowledge or information concerning an allegation which shall be deemed denial, and state any other defenses, in law or fact, on which he relies. If no answer is filed within the time prescribed, the contestee shall not be heard to assert any claim or objection which is required by this section to be stated in the answer.

No enlargement or amendment of the answer, except as to form, shall be permitted save by leave of court as provided in Rule 1:8 of the Rules of the Supreme Court of Virginia.

Code 1950, § 24-435; 1952, c. 489; 1970, c. 462, § 24.1-242; 1981, c. 570; 1993, c. 641 .

§ 24.2-810. Taking depositions and deciding contests

After service of a copy of the complaint and after reasonable notice to the other party or parties, any party shall be authorized to take depositions to sustain or invalidate the election. The proceedings shall take precedence over all other business of the court or of any of the judges and shall be heard and determined as soon as possible. The contest shall be heard and determined without a jury, on the testimony thus taken and on any other legal testimony that may be adduced by any party. In judging the contest, the court shall proceed on the merits thereof and decide the same according to the Constitution and statutes of the Commonwealth.

Code 1950, § 24-436; 1952, c. 489; 1970, c. 462, § 24.1-243; 1981, c. 570; 1993, c. 641 .

§ 24.2-811. Costs and issuance of certificate of election

When the contest is decided, costs shall be taxed against the candidate filing the complaint if he is unsuccessful, or, if he is successful, against the counties and cities included in the area in which the election was held. A certificate of election shall be granted to the successful party, unless he has already received one.

Code 1950, §§ 24-395.3, 24-437; 1952, c. 489; 1970, c. 462, § 24.1-244; 1993, c. 641 .

§ 24.2-812. Proceedings when court decides no valid election has been held

If the court decides that there has been no valid election of any person, it shall declare the election void and the vacancy shall be filled in conformity with §§ 24.2-226 and 24.2-227.

Code 1950, § 24-438; 1970, c. 462, § 24.1-245; 1993, c. 641 .

§ 24.2-813. Proceedings in contest for nominee

In deciding any contest of a primary election, if the court can determine the candidate who has received a plurality of valid votes in the primary, it shall certify the name of that candidate to the State Board and the proper electoral board or boards. The candidate so certified shall be the party nominee and his name shall be printed on the official ballot for the election for which the primary was held. The name of no other person who was a candidate for the contested office in the primary shall be printed on the official ballots as a candidate for that office.

If the court is unable to determine which primary candidate received a plurality of valid votes or if the court decides that there has been no valid election, the party nominee shall be determined in accordance with the provisions of § 24.2-539.

Code 1950, § 24-395.1; 1952, c. 489; 1970, c. 462, § 24.1-246; 1993, c. 641 .

§ 24.2-814. Contest following recount

A candidate in a primary or an election to office, who was originally declared a winner and subsequently loses as the result of a recount, may file either (i) notice of his intent to contest the result in accordance with § 24.2-803 or § 24.2-804 or (ii) a written complaint pursuant to § 24.2-805 or § 24.2-806. Such notice or complaint shall be filed within 10 days following the date of the entry of the order of the recount court pursuant to subsection D of § 24.2-802.

In the case of a contest pursuant to § 24.2-803 or § 24.2-804, the times for filing the answer, petition, and reply and for taking depositions and affidavits shall be set by the Committee on Privileges and Elections of the appropriate house. The Committee may consider the contestant's and contestee's recommendations for the procedural schedule.

This section shall not be applicable to a contest of an election for the President and Vice President of the United States.

1988, c. 714, § 24.1-241.1; 1993, c. 641; 2001, cc. 639, 641; 2003, c. 268.

Chapter 9 - CAMPAIGN FINANCE DISCLOSURE ACT [Repealed]

§§ 24.2-900 through 24.2-930. Repealed

Repealed by Acts 2006, cc. 787 and 892.

Chapter 9.1 - CAMPAIGN FUNDRAISING; LEGISLATIVE SESSIONS [Repealed]

Chapter 9.2 - DISCLOSURE REQUIREMENTS FOR POLITICAL CAMPAIGN ADVERTISEMENTS [Repealed]

§§ 24.2-941 through 24.2-944. Repealed

Repealed by Acts 2006, cc. 787 and 892.

Chapter 9.3 - CAMPAIGN FINANCE DISCLOSURE ACT OF 2006

Article 1 - GENERAL PROVISIONS

§ 24.2-945. Elections to which chapter applicable; chapter exclusive

A. The provisions of this chapter shall apply to all elections held in Virginia, including referenda, and to nominating conventions, mass meetings, and other methods to nominate a political party candidate for public office, except nominations and elections for (i) members of the United States Congress, (ii) President and Vice President of the United States, (iii) town office in a town with a population of less than 25,000, (iv) directors of soil and water conservation districts, or (v)

political party committees. The governing body of any town with a population of less than 25,000 may provide, by ordinance, that the provisions of this chapter shall be applicable to elections for town offices in the town.

B. This chapter shall constitute the exclusive and entire campaign finance disclosure law of the Commonwealth, and elections to which the chapter applies shall not be subject to further regulation by local law.

1970, c. 462, § 24.1-251; 1972, c. 620; 1973, c. 30; 1980, c. 639; 1982, c. 650; 1993, cc. 641, 715, § 24.2-900; 2004, c. 457; 2006, cc. 787, 892; 2008, c. 359.

§ 24.2-945.1. Definitions

A. As used in this chapter, unless the context requires a different meaning:

"Authorization" means express approval or express consent by the candidate, the candidate's campaign committee, or an agent of the candidate or his campaign committee after coordination.

"Campaign committee" means the committee designated by a candidate to receive all contributions and make all expenditures for him or on his behalf in connection with his nomination or election.

"Candidate" means "candidate" as defined in § 24.2-101.

"Contribution" means money and services of any amount, in-kind contributions, and any other thing of value, given, advanced, loaned, or in any other way provided to a candidate, campaign committee, political committee, or person for the purpose of expressly advocating the election or defeat of a clearly identified candidate or to an inaugural committee for the purpose of defraying the costs of the inauguration of a Governor, Lieutenant Governor, or Attorney General. "Contribution" includes money, services, or things of value in any way provided by a candidate to his own campaign and the payment by the candidate of a filing fee for any party nomination method.

"Coordinated" or "coordination" refers to an expenditure that is made (i) at the express request or suggestion of a candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee or (ii) with material involvement of the candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee in devising the strategy, content, means of dissemination, or timing of the expenditure.

"Designated contribution" means a contribution that is designated specifically and in writing for a particular candidate or candidates and that is made using a political committee solely as a conduit.

"Expenditure" means money and services of any amount, and any other thing of value, paid, loaned, provided, or in any other way disbursed by any candidate, campaign committee, political committee, or person for the purpose of expressly advocating the election or defeat of a clearly identified candidate or by any inaugural committee for the purpose of defraying the costs of the inauguration of a Governor, Lieutenant Governor, or Attorney General.

"Federal political action committee" means any political action committee registered with the Federal Election Commission that makes contributions to candidates or political committees registered in Virginia.

"Inaugural committee" means any organization, person, or group of persons that anticipates receiving contributions or making expenditures, from other than publicly appropriated funds, for the inauguration of the Governor, Lieutenant Governor, or Attorney General and related activities.

"Independent expenditure" means an expenditure made by any person, candidate campaign committee, or political committee that is not made to, controlled by, coordinated with, or made with the authorization of a candidate, his campaign committee, or an agent of the candidate or his campaign committee. "Independent expenditure" includes an expenditure made by a candidate campaign committee (i) that is not related to the candidate's own campaign and (ii) that is not made to, controlled by, coordinated with, or made with the authorization of a different candidate, his campaign committee, or an agent of that candidate or his campaign committee.

"In-kind contribution" means the donation of goods, services, property, or other thing of value, other than money, including an expenditure controlled by, coordinated with, or made upon the authorization of a candidate, his campaign committee, or an agent of the candidate or his campaign committee, that is provided for free or less than the usual and normal charge. The basis for arriving at the dollar value of an in-kind contribution is as follows: new items are valued at retail value; used items are valued at fair market value; and services rendered are valued at the actual cost of service per hour. Services shall not be deemed to include personal services voluntarily rendered for which no compensation is asked or given.

"Out-of-state political committee" means an entity covered by § 527 of the United States Internal Revenue Code that is not registered as a political committee or candidate campaign committee in Virginia and that does not have as its primary purpose expressly advocating the election or defeat of a clearly identified candidate. The term shall not include a federal political action committee.

"Person" means any individual or corporation, partnership, business, labor organization, membership organization, association, cooperative, or other like entity.

"Political action committee" means any organization, person, or group of persons, established or maintained to receive and expend contributions for the primary purpose of expressly advocating the election or defeat of a clearly identified candidate. The term shall not include a campaign committee, federal political action committee, out-of-state political committee, political party committee, referendum committee, or inaugural committee.

"Political committee" means and includes any political action committee, political party committee, referendum committee, or inaugural committee. The term shall not include: (i) a federal political action committee or out-of-state political committee; (ii) a campaign committee; (iii) a political party committee exempted pursuant to § 24.2-950.1; or (iv) a person who receives no contributions from any source and whose only expenditures are made solely from his own funds and

are either contributions made by him which are reportable by the recipient pursuant to this chapter or independent expenditures which are reportable by him to the extent required by § 24.2-945.2, or a combination of such reportable contributions and independent expenditures.

"Political party committee" means any state political party committee, congressional district political party committee, county or city political party committee, other election district political party committee, or organized political party group of elected officials. This definition is subject to the provisions of § 24.2-950.1.

"Primary purpose" means that 50% or more of the committee's expenditures made in the form of contributions shall be made to candidate campaign committees or political committees registered in Virginia. Administrative expenditures and the transfer of funds between affiliated or connected organizations shall not be considered in determining the committee's primary purpose. The primary purpose of the committee shall not be determined on the basis of only one report or election cycle, but over the entirety of the committee's registration.

"Referendum committee" means any organization, person, group of persons, or committee, that makes expenditures in a calendar year in excess of (i) $10,000 to advocate the passage or defeat of a statewide referendum, (ii) $5,000 to advocate the passage or defeat of a referendum being held in two or more counties and cities, or (iii) $1,000 to advocate the passage or defeat of a referendum held in a single county or city.

"Residence" means "residence" or "resident" as defined in § 24.2-101.

"Statewide office" means the office of Governor, Lieutenant Governor, or Attorney General.

B. For the purpose of applying the filing and reporting requirements of this chapter, the terms "person" and "political committee," shall not include an organization holding tax-exempt status under § 501(c) (3), 501(c) (4), or 501(c) (6) of the United States Internal Revenue Code which, in providing information to voters, does not advocate or endorse the election or defeat of a particular candidate, group of candidates, or the candidates of a particular political party.

1970, c. 462, § 24.1-255; 1975, c. 515, § 24.1-254.1; 1981, c. 425, § 24.1-254.2; 1983, c. 119; 1988, c. 616; 1991, cc. 9, 474, 709, § 24.1-254.3; 1993, cc. 641, 776, 921, §§ 24.2-901, 24.2-902; 1994, c. 510; 1996, cc. 405, 1042; 2004, c. 457; 2006, cc. 771, 772, 787, 805, 892, 938; 2007, cc. 246, 831; 2008, cc. 152, 289.

§ 24.2-945.2. Persons required to file independent expenditure disclosure reports; filing deadline

A. Any person, candidate campaign committee, or political committee that makes independent expenditures, in the aggregate during an election cycle, of $1,000 or more for a statewide election or $200 or more for any other election shall maintain records and report pursuant to this chapter all such independent expenditures made for the purpose of expressly advocating the election or defeat of a clearly identified candidate.

B. Independent expenditure reports shall be due (i) within 24 hours of the time when the funds were expended or (ii) within 24 hours of the time when materials, as described in subsection A of this section, are published or broadcast to the public, whichever (i) or (ii) first occurs. The reports shall be filed with the State Board if the funds were expended to support or oppose a candidate for statewide office or the General Assembly or with the general registrar of the county or city in which the candidate resides if the funds were expended to support or oppose a candidate for local office. The report filed by a political action committee or political party committee shall include the information required for a statement of organization as listed in subdivisions A 1 through A 8 of § 24.2-949.2 or clauses 1 through 6 of § 24.2-950.2, as appropriate, unless the committee has a current statement of organization on file with the State Board.

C. Independent expenditure reports required by this section may be filed electronically pursuant to § 24.2-946.1 or in writing on a form developed by the State Board. If the report is filed in writing, the report shall be (i) received by the State Board or the general registrar, as appropriate, within 24 hours of the time when the funds were expended or (ii) transmitted to the State Board or the general registrar, as appropriate, by telephonic transmission to a facsimile device within 24 hours of the time when the funds were expended with an original copy of the report mailed to the State Board or the general registrar, as appropriate, and postmarked within 24 hours of the time when the funds were expended.

1970, c. 462, § 24.1-255; 1975, c. 515; 1981, c. 425; 1983, c. 119; 1988, c. 616; 1991, c. 9; 1993, c. 641, § 24.2-910; 1996, c. 1042; 2002, c. 468; 2006, cc. 772, 787, 892, 938; 2007, cc. 331, 831; 2008, c. 825; 2015, cc. 644, 645.

Article 2 - STATE BOARD AND LOCAL ELECTORAL BOARD RESPONSIBILITIES

§ 24.2-946. Summary of election laws; forms; instructions

A. The State Board shall summarize the provisions of the election laws relating to the Campaign Finance Disclosure Act of 2006 and provide for distribution of this summary and prescribed forms to each candidate, person, or committee on request or upon their first filing with the State Board pursuant to this chapter, whichever occurs first.

B. The Board shall designate the forms required for complying with this chapter which shall be the only such forms used in complying with the provisions of this chapter.

C. The Board shall provide, with the summary required by this section, instructions for persons filing reports pursuant to this chapter to assist them in completing the reports. The instructions shall include directions for the reporting of filing fees for any party nomination method.

D. The Board shall provide instructions for candidates who seek election for successive terms in the same office for the filing of reports within each appropriate election cycle for the office and for the aggregation of contributions within each election cycle.

E. The Board shall provide, with the summary required by this section, to each candidate, person, or committee on request or upon their first filing with the State Board pursuant to this chapter, whichever occurs first, a copy of a written explanation prepared by the Attorney General of the provisions of the Act that prohibit the personal use of campaign funds. The explanation shall cover the provisions that prohibit the personal use of campaign funds and shall delineate the differences between prohibited personal uses of campaign funds and permitted uses of the funds.

1970, c. 462, § 24.1-252; 1975, c. 515; 1983, c. 119; 1992, c. 447; 1993, c. 641, § 24.2-903; 1996, c. 405; 2006, cc. 787, 892; 2010, c. 268.

§ 24.2-946.1. Standards and requirements for electronic preparation and transmittal of campaign finance disclosure reports; database

A. The State Board shall review or cause to be developed and shall approve standards for the preparation, production, and transmittal by computer or electronic means of campaign finance reports required by this chapter. The State Board may prescribe the method of execution and certification of and the procedures for receiving electronically filed campaign finance reports required by this chapter in the office of the State Board or any local electoral board. The State Board may provide campaign finance report-creation software to filers without charge or at a reasonable cost.

B. The State Board shall accept any campaign finance report filed by candidates for the General Assembly and statewide office by computer or electronic means in accordance with the standards approved by the Board and using software meeting standards approved by it. This information shall be made available to the public promptly by the Board through the Internet.

C. By July 1, 2007, the State Board of Elections shall develop and implement a centralized system to accept reports from any candidate for local or constitutional office. Such reports shall be filed in accordance with, and using software that meets, standards approved by the State Board. The State Board shall promptly notify the general registrar of the locality in which a candidate resides and make the information contained in the report available to the general registrar.

D. The State Board shall enter or cause to be entered into a campaign finance database, available to the public through the Internet, the information from required campaign finance reports filed by computer, electronic, or other means by candidates for the General Assembly and statewide office.

E. Other campaign finance reports required by this chapter to be filed by a committee with the State Board or a general registrar, or both, may be filed electronically on terms agreed to by the committee and the Board.

1996, c. 687, § 24.2-914.1; 1997, cc. 364, 392; 1998, c. 416; 1999, c. 864; 2000, cc. 511, 555; 2003, c. 242; 2006, cc. 787, 892; 2007, cc. 151, 286; 2015, cc. 644, 645.

§ 24.2-946.2. Custody of reports; inspection and copying; exception for certain information

A. All campaign finance reports required to be filed under this chapter shall be open to inspection by any person during the business hours of the office in which they are filed. Copies shall be

produced for any person requesting them who shall pay the reasonable cost of the copies. Copies of such reports certified by the principal administrative officer in whose office they are kept shall be evidence in all courts to the same extent as the original report would be if produced and proved.

Upon request from an individual granted protected voter status under the provisions of subsection B of § 24.2-418, the State Board shall replace the individual's residence address in copies of campaign finance reports available to the public with the individual's alternative mailing address found in the Virginia voter registration system.

Nothing in this chapter shall be construed to grant public access to information not required to be entered into the campaign finance database under this chapter that candidates or committees may include in campaign finance report-creation software managed by or for the State Board.

B. The following applies to campaign finance reports filed by candidate campaign committees:

1. Every officer or general registrar, with whom reports are required to be filed by this chapter, shall file and preserve such reports and keep them as part of the office's records for at least one year after the final report is filed, or through the next general election for the office to which they pertain, whichever is later; or in the case of a candidate who has not filed a final report and seeks election to the same office in a successive election, through the next general election for the office to which they pertain.

2. The State Board shall file and preserve as part of its records the reports required to be filed with it by this chapter for at least one year after the final report is filed, or through the next general election for the office to which they pertain, whichever is later; or in the case of a candidate who has not filed a final report and seeks election to the same office in a successive election, through the next general election for the office to which they pertain. Thereafter, the State Board shall forward the reports it preserves to The Library of Virginia for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).

C. The following applies to campaign finance reports filed by political committees:

1. Every officer or general registrar, with whom reports are required to be filed by this chapter, shall file and preserve such reports as part of the office's records for at least four years after the reporting deadline or one year after the final report is filed.

2. The State Board shall file and preserve as part of its records the reports required to be filed with it by this chapter for at least four years after the reporting deadline or one year after the final report is filed. Thereafter, the State Board shall forward the reports it preserves to The Library of Virginia for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).

1970, c. 462, § 24.1-261; 1980, c. 639; 1982, c. 650; 1983, c. 119; 1993, cc. 396, 641, § 24.2-926; 1994, c. 64; 1996, c. 6; 2004, c. 457; 2006, cc. 787, 892; 2010, c. 297; 2012, c. 527; 2015, cc. 644, 645.

§ 24.2-946.3. Reporting of certain violations; penalties

A. It shall be the duty of the State Board to report any violation of the provisions of this chapter to the appropriate attorney for the Commonwealth. The State Board shall report to the attorney for the Commonwealth of the City of Richmond in the case of reporting requirements for campaign committees for statewide office and to the attorney for the Commonwealth of the county or city of the residence of a candidate for the General Assembly. For political committees, the State Board shall report the violation to the attorney for the Commonwealth of the City of Richmond. If all the officers of a political committee are residents of one county or city as shown on the statement of organization required by this chapter, the State Board shall report violations for that political committee to the attorney for the Commonwealth of that county or city.

B. It shall be the duty of the general registrar of a county or city to report any violation of the provisions of this chapter relating to the filing of campaign finance reports required to be filed with the general registrar to the attorney for the Commonwealth for the county or city in which the general registrar has jurisdiction.

C. In order to fulfill the duty to report violations pursuant to subsections A and B, the Board shall establish and implement a system for receiving, cataloging, and reviewing reports filed pursuant to the provisions of this chapter and for verifying that reports are complete and submitted on time. As part of the system referred to in this subsection, the general registrar for each county and city shall be required, in accordance with instructions provided by the Board, to receive, catalog, and review the reports filed with the general registrar and to verify that the reports are complete and submitted on time.

D. The State Board, and the general registrar in accordance with the instructions of the State Board, (i) shall assess and collect the civil penalties provided in Article 8 (§ 24.2-953 et seq.) and (ii) if unable to collect the penalty, shall report the violation to the appropriate attorney for the Commonwealth for enforcement.

E. The State Board, or the general registrar in accordance with the instructions of the State Board, shall notify, no later than 21 days after the report due date, any person submitting an incomplete report of the need for additional information. The State Board, or the general registrar in accordance with the instructions of the State Board, may request additional information to correct obvious mathematical errors and to fulfill the requirements for information on the reports.

F. Upon notice of a violation of this chapter, the State Board or the general registrar shall within 90 days of the report deadline notify the appropriate attorney for the Commonwealth, who shall initiate civil proceedings to enforce the civil penalties assessed by the State Board or the general registrar as provided herein. Any civil penalties collected pursuant to action by the State Board shall be payable to the State Treasurer for deposit to the general fund, and any civil penalties collected pursuant to action by a general registrar shall be payable to the treasurer of the locality for deposit to its general fund.

G. In the case of any political committee that is required to file a statement of organization pursuant to this chapter, the State Board shall be authorized to waive a penalty that has been assessed if the filer demonstrates that there exists good cause to waive the penalty.

H. The State Board shall notify the public through its official Internet website of any violation based on the failure to file a required report by a candidate for statewide office or the General Assembly and the identity of the violator.

I. The State Board shall determine the schedule of civil penalties required to be followed by its staff and general registrars in assessing penalties under this chapter. No election official or staff may waive or reduce such penalties, except as provided in § 24.2-946.4.

1975, c. 515, § 24.1-262; 1979, c. 370, § 24.1-263; 1990, c. 976; 1991, c. 709; 1993, cc. 393, 641, §§ 24.2-928, 24.2-929; 1994, cc. 752, 903; 1995, c. 785; 1996, cc. 395, 405; 1998, c. 153; 2000, cc. 511, 555; 2001, cc. 620, 635, 648; 2002, c. 468; 2004, cc. 457, 480; 2005, cc. 9, 371, 676, 745; 2006, cc. 787, 892; 2015, cc. 644, 645.

§ 24.2-946.4. Right to grant extensions in special circumstances

A. The State Board shall provide instructions to filers for delivery of campaign finance reports within the time periods prescribed by law.

B. Notwithstanding any other provision of law, any candidate or treasurer required to file a report pursuant to this chapter shall be entitled to a 72-hour extension of the filing deadline if his spouse, parent, grandparent, child, grandchild, or sibling died within the 72 hours before the deadline. The State Board or the general registrar shall be authorized to grant an extension of the filing deadline for a period not to exceed five days for good cause shown by the filer and found by the Board or registrar sufficient to justify the granting of the extension.

C. The Commissioner of Elections shall have additional authority to extend a deadline established in this chapter for filing reports in emergency situations that interfere with the timely filing of reports. The extension shall be limited in scope to the areas and times affected by the emergency. The provisions of this subsection shall be applicable only in the case of an emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States and confirmed by the Governor by executive order as an emergency for the purposes of this subsection.

D. The Commissioner of Elections shall have additional authority to extend a deadline established in this chapter for filing reports for a reasonable period for a candidate who serves as his own campaign treasurer and who is a member of a uniformed service of the United States called to active duty during a reporting period.

E. The State Board shall have authority to extend any deadline applicable to reports required to be filed by computer or electronic means in the event of a failure of the computer or electronic filing

system that prevents timely filing. The extension shall not exceed a period of up to five days after restoration of the filing system to operating order.

F. The State Board shall have authority also to grant extensions as provided in §§ 24.2-503 and 24.2-948.3.

1975, c. 515, § 24.1-262; 1984, c. 480, § 24.1-257.1; 1986, c. 558, § 24.1-257.2; 1988, c. 734; 1990, c. 976; 1991, cc. 9, 709; 1993, c. 641, §§ 24.2-927, 24.2-929; 1994, c. 752; 1995, c. 785; 1996, c. 687, § 24.2-914.1; 1997, cc. 364, 392; 1998, c. 416; 1999, c. 864; 2000, cc. 234, 511, 555; 2001, cc. 620, 635, 648; 2002, cc. 468, 652; 2003, cc. 242, 726; 2004, cc. 457, 480; 2005, cc. 9, 371, 676, 745; 2006, cc. 787, 892; 2013, c. 542; 2015, cc. 644, 645.

§ 24.2-946.5. Dormant committees

A. The State Board or the general registrar of any county or city may close the file of any candidate campaign committee or political committee required to file with it provided the committee has not filed a final report and the Board or registrar cannot locate either the candidate or his campaign treasurer, or in the case of any political committee, the Board or registrar cannot locate the treasurer or custodian of the books of the committee. A candidate campaign committee file shall not be closed if the candidate has filed a report with the Board or registrar for any campaign for any office within the prior five years. A political committee file shall not be closed if the committee has filed a report within the prior five years.

B. Once the committee's file has been closed, no more reports will be due and no additional penalties for failure to file will accrue. However, if the whereabouts of the candidate or his campaign treasurer, or in the case of any political committee, the treasurer or custodian of the books of the committee, later becomes known to the Board or registrar, it may reopen the file and send notice to the candidate, or in the case of any political committee, the treasurer or custodian of the books of the committee, requesting that he file the appropriate reports and pay any penalties that were levied before the file was closed by it.

1975, c. 515, § 24.1-262; 1984, c. 480, § 24.1-257.1; 1986, c. 558, § 24.1-257.2; 1988, c. 734; 1990, c. 976; 1991, c. 709; 1993, c. 641, § 24.2-929; 1994, c. 752; 1995, c. 785; 2000, cc. 233, 511, 555, §§ 24.2-920.1, 24.2-923.1; 2001, cc. 620, 635, 648; 2004, cc. 457, 480; 2005, cc. 9, 371, 676, 745; 2006, cc. 787, 892; 2015, cc. 644, 645.

Article 3 - CANDIDATES AND THEIR CAMPAIGN COMMITTEES

§ 24.2-947. Candidate election cycle

The candidate's election cycle shall be deemed to begin on January 1 of the year that the candidate first seeks election for the office through December 31 immediately following the election for such office. The next election cycle, and any subsequent election cycles, for the candidate who seeks election for successive terms in the same office shall begin on January 1 immediately following each election for the same office and continue through December 31 immediately following the next successive election for the same office. Solely for the purpose of filing reports pursuant to this

article, a candidate with any activity to report in a new election cycle shall be presumed to be a candidate for election in the succeeding election.

1970, c. 462, § 24.1-256; 1975, c. 515; 1990, c. 976; 1993, c. 641, § 24.2-906; 2003, c. 248; 2006, cc. 787, 892.

§ 24.2-947.1. Statement of organization

A. Any individual seeking or campaigning for an office of the Commonwealth or one of its governmental units in a party nomination process or general, primary, or special election, shall file a statement of organization within 10 days of meeting any one of the following conditions:

1. Acceptance of a contribution;

2. Expenditure of any funds;

3. The payment of a filing fee for any party nomination method;

4. The filing of a candidate statement of qualification pursuant to § 24.2-501; or

5. The appointment of a campaign treasurer, designation of a campaign committee, or designation of a campaign depository.

B. Candidates for statewide office shall file the statement with the State Board. Candidates for the General Assembly shall file the statement with the State Board and a copy of the statement with the general registrar of the locality of the candidate's residence. Candidates for local or constitutional office shall file the statement with the general registrar and, if the statement indicates that the candidate committee will be filing electronically, a copy with the State Board.

C. The statement of organization shall include the following information:

1. The full name and residence address of the candidate;

2. The full name and mailing address for the campaign committee;

3. The full name, residence address, and daytime phone number of the treasurer;

4. The office being sought and district, if any, for the office;

5. The recognized political party affiliation of the candidate for statewide office or the General Assembly. In the absence of any political party affiliation, independent shall be used;

6. The name of the financial institution for his campaign depository; and

7. Such other information as shall be required by the State Board except that the account number for a designated depository account shall not be required.

D. In the case of any candidate who seeks election for successive terms in the same office, the statement of organization filed by the candidate shall continue in effect for such successive elections, but the candidate shall file notice of any changes in the information provided on the form within 10 days of the change with the State Board, general registrar, or both, as appropriate.

1970, c. 462, §§ 24.1-253, 24.1-254; 1971, Ex. Sess., c. 222; 1972, cc. 620, 622; 1975, c. 515; 1978, c. 778; 1983, c. 119; 1984, c. 480; 1993, c. 641, § 24.2-904; 1996, c. 405; 2003, c. 248; 2004, cc. 441, 480; 2006, cc. 787, 892; 2007, cc. 151, 286; 2015, cc. 644, 645.

§ 24.2-947.2. Campaign depositories; reimbursements of expenses; petty cash fund

A. Upon meeting any of the requirements of subsection A of § 24.2-947.1, the candidate shall designate a campaign depository, which shall be maintained in a financial institution within the Commonwealth, in an account properly identifying the name of and the existence of the political candidacy.

B. No candidate, campaign treasurer, or other individual shall pay any expense on behalf of a candidate, directly or indirectly, except by a check drawn on such designated depository identifying the name of the campaign committee and candidate. However, a candidate, treasurer, or other authorized member of the candidate's campaign staff may be reimbursed, by a check drawn on the designated depository, or according to the provisions of subsection C, for the payment of expenses (i) paid by him by check, cash, or credit or debit card, (ii) made on behalf of the campaign, and (iii) fully documented by complete records of the expenditure, maintained as required by this chapter, and including receipts identifying the nature of the expenses and the names and addresses of each person paid by the recipient of the reimbursement.

C. A campaign committee (a) may establish a petty cash fund to be utilized for the purpose of making expenditures or reimbursing verified credit card expenditures of less than $200 if complete records of such expenditures are maintained as required by this chapter and (b) may transfer funds from the designated campaign depository to an account or instrument to earn interest on the funds so long as the transferred funds and earned interest are returned to the designated depository account, complete records are maintained, and all expenditures are made through the designated depository account.

D.1. Notwithstanding the provisions of this section pertaining to campaign committee depositories and accounts, the campaign committee's treasurer may establish a separate federal compliance account in the candidate's designated campaign depository for the purpose of complying with requirements of federal law including, without limitation, restrictions on sources and amounts of campaign contributions applicable to federal candidates and officeholders. The candidate and campaign treasurer shall report all contributions and expenditures for an account established pursuant to this subsection on a consolidated basis with the candidate's campaign account established pursuant to this section in disclosure reports filed pursuant to this article. In addition, the treasurer may transfer funds from a federal compliance account created pursuant to this subsection to an account or instrument to earn interest on the funds so long as the transferred funds and earned interest are returned to the designated depository account created pursuant to subsection A, complete records are maintained, and all expenditures are made through the designated depository account.

2. A committee registered with the Federal Election Commission which is not otherwise required by this chapter to file with the State Board, shall not be deemed to have triggered such filing requirements solely by virtue of one or more contributions to one or more federal compliance accounts created pursuant to this subsection.

1970, c. 462, §§ 24.1-253, 24.1-254; 1971, Ex. Sess., c. 222; 1972, cc. 620, 622; 1975, c. 515; 1978, c. 778; 1983, c. 119; 1984, c. 480; 1993, c. 641, §§ 24.2-904, 24.2-905; 1996, cc. 217, 405; 2000, c. 326; 2001, c. 633; 2002, cc. 213, 232; 2003, cc. 248, 967, § 24.2-905.1; 2004, cc. 441, 457, 480; 2006, cc. 787, 892.

§ 24.2-947.3. Campaign committee treasurer requirements and responsibilities

A. Upon meeting any of the requirements of subsection A of § 24.2-947.1, the candidate shall appoint a single campaign treasurer who shall be a registered voter in Virginia. Every treasurer so appointed shall accept the appointment, in writing on the statement of organization, prior to the filing thereof. No individual shall act as treasurer unless the required statement of appointment has been filed. The same person may serve as campaign treasurer for more than one candidate.

B. In the event of the death, resignation, removal, or change of the treasurer, the candidate shall designate a successor and file the name and address of the successor within 10 days of the change with the State Board, general registrar, or both, as provided in subsection B of § 24.2-947.1.

C. Any candidate who fails to appoint a treasurer or successor treasurer shall be deemed to have appointed himself treasurer and shall comply as such with the provisions of this chapter.

D. All contributions and expenditures received or made by any candidate, or received or made on his behalf or in relation to his candidacy by any person, except independent expenditures, shall be paid over or delivered to the candidate's treasurer or shall be reported to the treasurer in such detail and form as to allow him to comply fully with this chapter. An independent expenditure shall be reported pursuant to § 24.2-945.2 in lieu of being reported to the candidate's treasurer.

E. The candidate or his treasurer shall keep detailed and accurate accounts of all contributions turned over to and expenditures made by the candidate or his treasurer on behalf of the candidate or his campaign committee, or reported to any candidate or his treasurer pursuant to this article. Such account shall set forth the date of the contribution or expenditure, its amount or value, the name and address of the person or committee making the contribution or to whom the expenditure was made, and the object or purpose of the contribution or expenditure. Such books and records may be destroyed or discarded at any time after (i) one year from the date of filing the final report required by § 24.2-948.4 or (ii) three years after the December 31 immediately following the election, whichever last occurs, unless a court of competent jurisdiction shall order their retention for a longer period.

F. It shall be unlawful for any candidate, his treasurer, or any person receiving contributions or making expenditures on a candidate's behalf or in relation to his candidacy, to fail to report every contribution and expenditure as required by this article.

1970, c. 462, §§ 24.1-253, 24.1-254, 24.1-255, 24.2-256; 1971, Ex. Sess., c. 222; 1972, cc. 620, 622; 1975, c. 515; 1978, c. 778; 1981, c. 425; 1983, c. 119; 1984, c. 480; 1988, c. 616; 1990, c. 976; 1991, c. 9; 1993, cc. 641, 776, 921, §§ 24.2-904, 24.2-906, 24.2-907; 1996, c. 405; 2003, c. 248; 2004, cc. 441, 480; 2006, cc. 787, 892; 2015, cc. 644, 645.

§ 24.2-947.3:1. Certain contributions received from federal political action and out-of-state political committees; campaign committee responsibilities

Prior to accepting contributions of $10,000 or more in the aggregate in any calendar year from any one federal political action committee or out-of-state political committee, the candidate campaign committee shall (i) request the federal political action committee's or out-of-state political committee's State Board of Elections registration number from the committee and (ii) verify that number with the State Board.

2006, cc. 771, 805, § 24.2-907.1.

§ 24.2-947.4. Information to be included on campaign finance reports for campaign committees

A. The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the campaign committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.

B. The report of receipts shall include:

1. The total number of contributors, each of whom has contributed an aggregate of $100 or less, including cash and in-kind contributions, as of the date of the report, and the total amount of contributions from all such contributors;

2. For each contributor who has contributed an aggregate of more than $100, including cash and in-kind contributions, as of the ending date of the report, the campaign committee shall itemize each contributor on the report and list the following information:

a. the name of the contributor, listed alphabetically,

b. the mailing address of the contributor,

c. the amount of the contribution,

d. the aggregate amount of contributions from the contributor to date,

e. the date of the contribution,

f. the occupation of the contributor,

g. the name of his employer or principal business, and

h. the city and state where employed or where his business is located.

For each such contributor, other than an individual, the principal type of business and place of business of the contributor shall be substituted for subdivisions f and g, respectively. For each such contributor other than an individual, it shall be sufficient to list the address of the contributor one time on the report of receipts.

3. For each designated contribution received by the campaign committee from a political committee, out-of-state political committee, or federal political action committee, the campaign committee shall list the name of the person who designated the contribution and provide the information required by this subsection.

C. The report of disbursements shall include all expenditures and give:

1. The name and address of the person paid;

2. A brief description of the purpose of the expenditure;

3. The name of the person contracting for or arranging the expenditure;

4. The amount of the expenditure; and

5. The date of the expenditure.

The report of disbursements shall itemize any expenditure made by credit card payment.

D. Each report for a candidate shall list separately those receipts and expenditures reported to the candidate or his treasurer by any person, campaign committee, or political committee pursuant to subsection D of § 24.2-947.3, and in the case of in-kind contributions, shall set forth in each instance the source of the information reported.

E. The report shall list separately all loans and, for each loan, shall give:

1. The date the loan was made;

2. The name and address of the person making the loan and any person who is a co-borrower, guarantor, or endorser of the loan;

3. The amount of the loan;

4. The date and amount of any repayment of the loan; and

5. For any loan or part of a loan that is forgiven by the lender, the amount forgiven listed as both a contribution and loan repayment.

F. The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.

G. It is the joint responsibility of the candidate and his treasurer that the report of a candidate be filed, that the report be in full and accurate detail, and that the report be received by the State Board, general registrar, or both, by the deadline for filing the report.

1970, c. 462, § 24.1-258; 1971, Ex. Sess., c. 247; 1972, c. 620; 1975, c. 515; 1976, c. 616; 1978, c. 381; 1983, c. 119; 1990, c. 156; 1993, cc. 341, 641, § 24.2-914; 1997, cc. 364, 392; 1999, c. 864; 2000, c. 304; 2001, cc. 618, 810; 2002, c. 468; 2003, c. 248; 2006, cc. 787, 892; 2008, cc. 152, 289; 2015, cc. 644, 645.

§ 24.2-947.4:1. Loans to candidate campaign committees; prohibited interest payments; civil penalty

This section shall apply to any loan made to a candidate campaign committee by the candidate or by a member of his immediate family as that term is defined in § 30-101. There shall be no interest paid to the candidate or his immediate family member by the candidate campaign committee on the amount of the loan, and the committee shall repay no more than the face value of the loan.

Any person who accepts or makes an interest payment in violation of this section shall be subject to a civil penalty equal to the amount of the prohibited interest payment or $500, whichever amount is greater. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalty provided herein. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund.

2012, c. 163.

§ 24.2-947.5. With whom candidates file reports

A. Candidates for statewide office shall file the reports required by this article by computer or electronic means in accordance with the standards approved by the State Board.

B. Candidates for the General Assembly may file reports required by this article with the State Board by computer or electronic means in accordance with the standards approved by the State Board. Nonelectronic reports for the General Assembly shall be filed with the State Board and with the general registrar of the locality where the candidate resides.

C. Except as provided in § 24.2-948.1, candidates for any other office who file reports in nonelectronic format shall file with the general registrar of the locality in which the candidate resides. Beginning July 1, 2007, candidates for local or constitutional office may file reports required by this article with the State Board by computer or other electronic means in accordance with standards approved by the State Board. Candidates who file by electronic means with the State Board do not have to file reports with the general registrar of the locality in which the candidate resides.

D. Any report that may be filed with the State Board by mail shall be (i) received by the State Board by the deadline for filing the report or (ii) transmitted to the State Board by telephonic transmission to a facsimile device by the deadline for filing the report with an original copy of the report mailed to the State Board and postmarked by the deadline for filing the report.

1970, c. 462, §§ 24.1-253, 24.1-254; 1971, Ex. Sess., c. 222; 1972, cc. 620, 622; 1975, c. 515; 1978, c. 778; 1983, c. 119; 1984, c. 480; 1986, c. 558, § 24.1-257.2; 1988, c. 734; 1991, c. 709; 1993, c. 641, §§ 24.2-904, 24.2-915; 1996, c. 405; 2000, cc. 304, 511, 555; 2001, cc. 618, 794,

810; 2002, c. 468; 2003, c. 248; 2004, cc. 441, 480; 2006, cc. 787, 892; 2007, cc. 151, 286; 2015, cc. 644, 645.

§ 24.2-947.6. Filing schedule for candidates for office; November elections

A. Any candidate for any office to be filed at a November general election shall file the prescribed campaign finance reports as follows:

1. Not later than July 15 in a nonelection year for the period January 1 through June 30;

2. Not later than January 15 following a nonelection year for the period July 1 through December 31;

3. In an election year, not later than April 15 for the period January 1 through March 31 and pursuant to subdivisions 4 through 9 of this section;

4. Not later than the eighth day before the primary date complete through the twelfth day before the primary date;

5. Not later than July 15 complete through June 30;

6. Not later than September 15 complete through August 31;

7. Not later than October 15 complete through September 30;

8. Not later than the eighth day before the November election date complete through the twelfth day before the election date;

9. Not later than the thirtieth day after the November election date complete through the twenty-third day after the election date; and

10. Not later than January 15 following an election year complete through December 31, and then in accordance with subdivisions A 1 and A 2 or subdivisions A 3 through A 9, as appropriate, of this subsection until a final report is filed.

B. Any candidate, who was subject to the election year filing schedule set out in subdivisions A 3 through A 9 and who has not filed a final report, shall file reports in any subsequent election year for the same office in accordance with the election year filing schedule set out in subdivisions A 3 through A 9.

C. Any candidate shall also file any report of certain large contributions required by § 24.2-947.9, if applicable.

1986, c. 558, § 24.1-257.2; 1988, c. 734; 1991, c. 709; 1993, cc. 639, 641, § 24.2-916; 1995, c. 785; 2004, c. 26; 2006, cc. 787, 892; 2010, c. 696; 2015, c. 646.

§ 24.2-947.7. Filing schedule for candidates for office; May elections

A. Any candidate for election to a local office to be filled at a May general election shall file the prescribed campaign finance reports as follows:

1. Not later than July 15 in a nonelection year for the period January 1 through June 30;

2. Not later than January 15 following a nonelection year for the period July 1 through December 31;

3. For municipal primary candidates only, not later than the eighth day before the primary date complete through the twelfth day before the primary;

4. Not later than April 15 of the election year complete through March 31;

5. Not later than the eighth day before the election date complete through the twelfth day before the election date;

6. Not later than June 15 of the election year complete through June 10;

7. Not later than July 15 of the election year complete through June 30; and

8. Not later than the following January 15 complete through December 31, and then in accordance with subdivisions A 1 and A 2 or subdivisions A 3 through A 7, as appropriate, of this subsection until a final report is filed.

B. Any candidate, who was subject to the election year filing schedule set out in subdivisions A 3 through A 8 and who has not filed a final report, shall file reports in any subsequent election year for the same office in accordance with the election year filing schedule set out in subdivisions A 3 through A 8.

C. Any candidate shall also file any report of certain large contributions required by § 24.2-947.9, if applicable.

1986, c. 558, § 24.1-257.2; 1988, c. 734; 1991, c. 709; 1993, c. 641, § 24.2-917; 1995, c. 785; 2004, c. 26; 2006, cc. 787, 892; 2008, c. 650; 2010, c. 696; 2015, c. 646.

§ 24.2-947.8. Filing requirements for special elections

A. Candidates for nomination or election to an office to be filled by a special election held on a regular election date shall file the prescribed reports of contributions and expenditures which apply to regularly scheduled elections for that office.

B. In the case of a special election held on a date other than a regularly scheduled general election, the candidate shall file as follows:

1. A report not later than the eighth day before the special election date complete through the twelfth day before that date;

2. A postelection report no later than the thirtieth day after the election and prior to taking office; and

3. A postelection report not later than January 15 and July 15 each year until a final report is filed.

C. Any candidate, who has been subject to the election year filing schedule set out in subdivisions B 1 through B 3 and who has not filed a final report, shall file reports in any subsequent election

year for the same office in accordance with the election year filing schedule set out in § 24.2-947.6 or 24.2-947.7 as appropriate for that office.

D. Any candidate shall also file any report of certain large contributions required by § 24.2-947.9, if applicable.

1986, c. 558, § 24.1-257.2; 1988, c. 734; 1991, c. 709; 1993, cc. 639, 641, § 24.2-918; 2005, c. 831; 2006, cc. 787, 892; 2010, c. 696; 2015, c. 646.

§ 24.2-947.9. Special report required of certain large pre-election contributions

A. Any contribution reported pursuant to this section shall also be reported on the first report required by this article after any election.

B. Except as provided in subsection C, any single contribution of $5,000 or more for a statewide office, $1,000 or more for the General Assembly, or $500 or more for any other office, knowingly received or reported by the candidate or his treasurer on behalf of his candidacy on and after the eleventh day preceding (i) a primary and before the primary date, (ii) a general election and before the general election date, or (iii) any other election in which the individual is a candidate and before the election day, shall be reported in writing as provided in §§ 24.2-947.4 and 24.2-947.5 or electronically pursuant to § 24.2-946.1, and the report shall be received by the State Board or general registrar, as appropriate, by 11:59 p.m. on the following day or for a contribution received on a Saturday by 11:59 p.m. on the following Monday. However, any such contribution received within the 24 hours prior to the election day shall be reported and a report thereof received on the day prior to the election.

C. The reports required by subsection B of this section shall also be required of any candidate for nomination by a political party to serve as the party's nominee in a general or special election if (i) the party nominates by convention or any method other than a primary and (ii) there are at least two candidates for nomination pursuant to the rules and procedures of the party. In such case, candidates for nomination shall be required to file the reports required by subsection B for the 11-day period, as specified by subsection B, immediately preceding:

1. The caucus, mass meeting, convention, or other nominating event at which the party's nomination shall be finally determined pursuant to the rules and procedures of the party; and

2. Any caucus, mass meeting, convention, or other nominating event, other than that at which the party's nomination shall be finally determined, at which delegates are chosen who are pledged to support a specified candidate on at least one ballot at a subsequent district or state convention required as part of the nominating process.

D. No report shall be required pursuant to subsection C if the candidate is or has become, by virtue of the withdrawal of any opponent or the operation of the rules and procedures of the party, unopposed for nomination at the time such report otherwise would be required to be made.

1986, c. 558, § 24.1-257.2; 1988, c. 734; 1991, c. 709; 1993, cc. 639, 641, § 24.2-919; 1995, c. 785; 1998, c. 382; 2000, c. 304; 2006, cc. 787, 892; 2007, cc. 151, 286; 2008, c. 380; 2015, cc. 644, 645, 646; 2016, c. 401.

§ 24.2-948. Repealed

Repealed by Acts 2010, c. 696, cl. 2.

§ 24.2-948.1. Exemption from reporting requirements for certain candidates for local office

A. This section shall apply to candidates for local office. A candidate for local office may seek an exemption from the requirements for filing campaign finance disclosure reports set out in this chapter except for the filing requirements of §§ 24.2-945.2, 24.2-947.1, 24.2-947.9, and 24.2-948.4 pertaining to certain independent expenditures, the statement of organization, large contributions, and the filing of a final report. The request for an exemption shall be filed with the general registrar of the county or city where the candidate resides on a form prescribed by the State Board and in accordance with instructions by the State Board for the time for filing and the process for approval by the general registrar.

B. To qualify for an exemption, the candidate shall certify on the form that (i) he has not and will not solicit or accept any contribution from any other person or political committee during the course of his campaign, (ii) he has not and will not contribute to his own campaign more than $1,000, (iii) he has not and will not expend more than $1,000 in the course of his campaign, and (iv) that he has complied and will comply with the requirements of this chapter. This certification shall apply for the duration of the campaign until the filing of a final report in compliance with § 24.2-948.4 after the election. A candidate may rescind his certification and exemption at any time during the campaign and shall file in accordance with the appropriate filing schedule thereafter, provided that the candidate rescinds his certification prior to engaging in the activities described in clauses (i), (ii), and (iii) of this subsection. The first report filed shall account for all prior contributions and expenditures pertaining to his campaign.

C. Any candidate who has qualified for an exemption from reporting requirements pursuant to this section shall not be permitted to qualify for any office, enter upon the duties thereof, or receive any salary or emoluments therefrom until a final report has been filed that details all financial activity of the candidate's campaign and states that all reporting for the nomination and election is complete and final. No officer authorized by the laws of the Commonwealth to issue certificates of election shall issue one to any person determined to be elected to any such office, until copies of the final report cited above have been filed as required in this chapter.

D. A candidate who has a current exemption under the provisions of this section, or who is otherwise exempt from reporting contributions and expenditures under this chapter, may purchase voter lists from the State Board under the provisions of §§ 24.2-405 and 24.2-406 with a check drawn on the candidate's personal account.

2001, c. 794, § 24.2-906.1; 2005, c. 384; 2006, cc. 787, 892; 2010, c. 696; 2015, cc. 644, 645.

§ 24.2-948.2. Reports as condition to qualification for office

A. No person shall be permitted to qualify for any office, enter upon the duties thereof, or receive any salary or emoluments therefrom until he has filed the campaign finance reports required in subdivisions A 3 through A 9 of § 24.2-947.6; subdivisions A 3 through A 6 of § 24.2-947.7; and subdivisions B 1 and B 2 of § 24.2-947.8, as applicable; and a final report if required by subsection C of § 24.2-948.1; and has responded to and complied with any notice that additional information is required to complete a report in compliance with § 24.2-953.3. No person shall be permitted to qualify for any office, enter upon the duties thereof, or receive any salary or emoluments therefrom until he has paid any civil penalty and returned any contribution required to be returned pursuant to § 24.2-953.5. No officer authorized by the laws of this Commonwealth to issue certificates of election shall issue one to any person determined to be elected to any such office, until copies of the reports cited above have been filed as required in this article.

B. Notwithstanding the requirements of subsection A, a person who is elected to fill a vacancy at a special election held on a general election day may qualify for the office and be issued a certificate of election in advance of filing the postelection report required to be filed under subdivision A 9 of § 24.2-947.6 in the case of a November election, or under subdivision A 6 of § 24.2-947.7 in the case of a May election, upon the filing of a postelection report complete through the election day.

1970, c. 462, § 24.1-260; 1972, c. 620; 1982, c. 650; 1986, c. 558; 1988, c. 734; 1993, c. 641, § 24.2-922; 1995, c. 785; 1999, c. 120; 2005, c. 384; 2006, cc. 771, 787, 805, 892; 2008, c. 650.

§ 24.2-948.3. Compliance with reporting requirements of campaign finance disclosure act as requirement of candidacy for certain offices

A. It shall be a requirement of candidacy in any election for statewide office or the General Assembly that the candidate shall have filed the disclosure reports required by this chapter for any election in which he participated as a candidate for any such office and which was held within the five years preceding the date of the election in which he seeks to be a candidate. For the purposes of this section, the candidate shall be presumed to have complied with the candidate disclosure reporting requirements unless (i) the State Board or general registrar, whichever is appropriate, has notified the candidate, at least 60 days prior to the applicable deadline for him to file his written statement of qualification set out in § 24.2-503, that he has failed to file a required report or reports and (ii) the candidate fails to file the specified report or reports by the applicable deadline for filing his written statement of qualification.

B. The authority of the State Board to grant an extension of the deadline established in § 24.2-503 shall include the authority to grant such extension with respect to the requirements of this section.

1994, c. 752, § 24.2-503.1; 2006, cc. 787, 892; 2015, cc. 644, 645.

§ 24.2-948.4. Final report requirement; disbursement of surplus funds

A. A final report shall be filed by every campaign committee which sets forth (i) all receipts and disbursements not previously reported, (ii) an accounting of the retirement of all debts, and (iii) the disposition of all surplus funds as provided in subsection D. The final report shall include a termination statement, signed by the candidate, that all reporting for the campaign committee is complete and final. Once a campaign committee's final report has been filed, no further report relating to that election shall be required.

B. A final report shall be required when (i) a candidate no longer seeks election to the same office in a successive election, (ii) a candidate seeks election to a different office, or (iii) the candidate is deceased.

C. If the candidate is deceased, the final report shall be filed and signed by the treasurer. If the candidate was serving as his own treasurer, his executor shall file and sign the final report. Any excess contributed funds shall be disposed of pursuant to the provisions of subsection D.

D. Amounts received by a candidate or his campaign committee as contributions that are in excess of the amount necessary to defray his campaign expenditures may be disposed of only by one or any combination of the following: (i) transferring the excess for use in a succeeding election or to retire the deficit in a preceding election; (ii) returning the excess to a contributor in an amount not to exceed the contributor's original contribution; (iii) donating the excess to any organization described in § 170(c) of the Internal Revenue Code; (iv) contributing the excess to one or more candidates or to any political committee that has filed a statement of organization pursuant to this chapter; (v) contributing the excess to any political party committee; and (vi) defraying any ordinary, nonreimbursed expense related to his elective office. It shall be unlawful for any person to convert any contributed moneys, securities, or like intangible personal property to his personal use or to the use of a member of the candidate's "immediate family" as that term is defined in § 30-101.

1986, c. 558, § 24.1-257.2; 1988, c. 734; 1990, c. 931, § 24.1-258.1; 1991, c. 709; 1993, c. 641, §§ 24.2-920, 24.2-921; 2000, c. 233; 2003, c. 248; 2004, c. 457; 2006, cc. 787, 892; 2009, c. 231.

Article 4 - POLITICAL ACTION COMMITTEES

§ 24.2-949. Political action committee election cycle

The political action committee's election cycle shall be deemed to begin on January 1 and continue through December 31 of each calendar year.

2006, cc. 787, 892.

§ 24.2-949.1. Establishment of political action committees by certain entities

Any stock or nonstock corporation, labor organization, membership organization, cooperative, or other group of persons may establish and administer for political purposes, and solicit and expend contributions for, a political action committee, provided that:

1. No political action committee shall make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisal, threat of force, or as a condition of employment.

2. Any person soliciting a contribution to a political action committee shall, at the time of solicitation, inform the person being solicited of (i) his right to refuse to contribute without any reprisal and (ii) the political purposes of the committee.

1981, c. 425, § 24.1-254.2; 1993, c. 641, § 24.2-909; 2006, cc. 787, 892.

§ 24.2-949.2. Statement of organization for a political action committee

A. Except as provided in subsection B or C, each political action committee that anticipates receiving contributions or making expenditures in excess of $200 in a calendar year shall file with the State Board a statement of organization within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of $200 or on which it otherwise becomes subject to the provisions of this chapter. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.

The statement of organization shall include:

1. The name of the political action committee and its address in the Commonwealth;

2. The names, addresses, and relationships of affiliated or connected organizations;

3. The area, scope, or jurisdiction of the political action committee accompanied by the statement that the primary purpose of the committee is to advocate the election or defeat of a clearly identified candidate;

4. The name and business address of the treasurer and his residence address in the Commonwealth who shall be deemed the agent of the political action committee for the purpose of service of process on the political action committee;

5. The name, residence address in the Commonwealth, business address, and position of the custodian of the books and accounts, who works under the direction of the treasurer, and the address in the Commonwealth where the books are maintained;

6. The name, address, office sought, and party affiliation of each individual whom the political action committee is supporting or opposing for nomination or for election to any public office whatever or, if supporting the entire ticket of any party, the name of the party;

7. The designated depository to be used for the receipt and holding of funds and contributions received by the political action committee, in an account in a financial institution within the Commonwealth; and

8. Such other information as shall be required by the State Board except that the account number for the designated depository account shall not be required.

The State Board shall not register or issue a registration number to any political action committee that fails to state pursuant to subdivision 3 that its primary purpose is to influence the outcome of nonfederal elections in Virginia.

B. Notwithstanding the provisions of subsection A, a political action committee that is established or controlled by a corporation doing business in Virginia shall provide the following information in its statement of organization in lieu of the information required in subdivisions 1, 4, 5, and 7 of subsection A:

1. The name and address of the political action committee;

2. The name and residence and business addresses of the treasurer;

3. The name, residence address, and position of the custodian of the books who works under the direction of the treasurer; and

4. A listing of all banks, safe-deposit boxes, or other repositories used.

C. A federal political action committee that makes expenditures for the purpose of influencing the outcome of any election in Virginia, other than federal elections, shall provide the following information in its statement of organization:

1. The name and address of the committee;

2. The committee's Federal Election Commission registration identification number; and

3. The name and address of its treasurer.

The State Board shall be required to provide a link from its Internet website to the federal political action committee's electronically displayed Federal Election Commission campaign finance disclosure reports.

1975, c. 515, § 24.1-254.1; 1983, c. 119; 1991, cc. 9, 709; 1993, c. 641, § 24.2-908; 1996, c. 1042; 2000, cc. 852, 872; 2004, cc. 441, 457; 2006, cc. 771, 787, 805, 892; 2007, c. 246.

§ 24.2-949.3. Use of candidate's name in name of political committee

A. No political action committee required to file a statement of organization pursuant to § 24.2-949.2 shall include in any part of its name the name of a candidate unless the political action committee either (i) has obtained, prior to filing, the written authorization of the candidate to use the candidate's name as part of the name of the political action committee or (ii) has mailed by certified mail, 21 or more days prior to filing, written notice to the candidate of its intent to use his name as part of the name of the political action committee.

B. Any political action committee which intends to use the name of a candidate as part of the name of the political action committee shall file with the statement of organization required by §

24.2-949.2 either (i) a copy of the written authorization of the candidate consenting to the use of his name or (ii) a copy of its notice to the candidate and evidence of its timely mailing. If two candidates seeking the same office have the same surname, the political action committee shall include the first name, or other initial or nickname, and the last name of the candidate, in the name of the political action committee so as to identify which candidate is associated with the political action committee; and either the written authorization of the identified candidate or written notice to the identified candidate shall be required by this section.

1996, cc. 586, 601, § 24.2-908.1; 2006, cc. 787, 892.

§ 24.2-949.4. Political action committee treasurer requirements and responsibilities

A. The treasurer shall keep detailed and accurate accounts of all contributions turned over to and expenditures made by the committee, the treasurer, or other officer on behalf of the political action committee, or reported to the treasurer pursuant to this chapter. Such account shall set forth the date of the contribution or expenditure, its amount or value, the name and address of the person or committee making the contribution or to whom the expenditure was made, and the object or purpose of the contribution or expenditure.

Such books and records may be destroyed or discarded at any time after (i) one year from the date of filing the final report required by § 24.2-949.9 or (ii) a period of three years, whichever first occurs, unless a court of competent jurisdiction shall order their retention for a longer period.

B. All receipts and expenditures received or made by any political action committee, or received or made on its behalf or in relation to the committee by any individual or person, except independent expenditures, shall be paid over or delivered to the political action committee's treasurer or shall be reported to the treasurer in such detail and form as to allow him to comply fully with this article. An independent expenditure shall be reported pursuant to § 24.2-945.2 in lieu of being reported to the political action committee's treasurer.

C. It shall be unlawful for any political action committee, its treasurer, or any person receiving contributions or making expenditures on the committee's behalf or in relation to the committee, to fail to report every contribution and expenditure as required by this article.

D. No political action committee treasurer or other individual shall pay any expense on behalf of the committee, directly or indirectly, except by a check drawn on such designated depository identifying the name of the political action committee. However, a treasurer or other authorized officer of the political action committee may be reimbursed, by a check drawn on the designated depository, for the payment of expenses (i) paid by him by check, cash, or credit or debit card, (ii) made on behalf of the committee, and (iii) fully documented by complete records of the expenditure, maintained as required by this chapter, and including receipts identifying the nature of the expenses and the names and addresses of each person paid by the recipient of the reimbursement.

E. A treasurer of a political action committee (a) may establish a petty cash fund to be utilized for the purpose of making expenditures or reimbursing verified credit card expenditures of less than

$200 if complete records of such expenditures are maintained as required by this chapter and (b) may transfer funds from the designated campaign depository to an account or instrument to earn interest on the funds so long as the transferred funds and earned interest are returned to the designated depository account, complete records are maintained, and all expenditures are made through the designated depository account.

2006, cc. 787, 892.

§ 24.2-949.5. Information to be included on campaign finance reports for political action committees

A. The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the political action committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.

B. The report of receipts shall include:

1. The total number of contributors, each of whom has contributed an aggregate of $100 or less, including cash and in-kind contributions, as of the date of the report, and the total amount of contributions from all such contributors;

2. For each contributor who has contributed an aggregate of more than $100, including cash and in-kind contributions, as of the ending date of the report, the political action committee shall itemize each contributor on the report and list the following information:

a. the name of the contributor, listed alphabetically,

b. the mailing address of the contributor,

c. the amount of the contribution,

d. the aggregate amount of contributions from the contributor to date,

e. the date of the last contribution,

f. the occupation of the contributor,

g. the name of his employer or principal business, and

h. the locality where employed or where his business is located.

For each such contributor, other than an individual, the principal type of business and place of business of the contributor shall be substituted for subdivisions f and g, respectively. For each such contributor other than an individual, it shall be sufficient to list the address of the contributor one time on the report of receipts.

C. Upon transfer of a designated contribution to a designated candidate's campaign committee, the committee shall provide information to the campaign committee to identify the contributor as provided by § 24.2-947.4.

D. The report of disbursements shall include all expenditures and give:

1. The name and address of the person paid;

2. A brief description of the purpose of the expenditure;

3. The name of the person contracting for or arranging the expenditure;

4. The amount of the expenditure; and

5. The date of the expenditure.

The report of disbursements shall itemize any expenditure made by credit card payment.

E. Each report for a political action committee shall list separately those receipts and expenditures reported to the treasurer or other officer of the committee by any person, candidate campaign committee, or political committee, pursuant to subsection B of § 24.2-949.4, and in the case of in-kind contributions, shall set forth in each instance the source of the information reported.

F. The report shall list separately all loans, and for each loan, shall give:

1. The date the loan was made;

2. The name and address of the person making the loan and any person who is a co-borrower, guarantor, or endorser of the loan;

3. The amount of the loan;

4. The date and amount of any repayment of the loan; and

5. For any loan or part of a loan that is forgiven by the lender, the amount forgiven listed as both a contribution and loan repayment.

G. The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.

H. It is the responsibility of the treasurer that the report for the political action committee be filed and that the report be in full and accurate detail.

1970, c. 462, § 24.1-258; 1971, Ex. Sess., c. 247; 1972, c. 620; 1975, c. 515; 1976, c. 616; 1978, c. 381; 1983, c. 119; 1990, c. 156; 1993, cc. 341, 641, § 24.2-914; 1997, cc. 364, 392; 1999, c. 864; 2000, c. 304; 2001, cc. 618, 810; 2002, c. 468; 2003, c. 248; 2006, cc. 787, 892; 2008, cc. 152, 289.

§ 24.2-949.6. Filing schedule for political action committees

A. Political action committees shall file the prescribed campaign finance reports with the State Board in accordance with the applicable provisions of this section. The first filed report shall be

complete for the entire period from the time the committee was organized or contributions were received.

B. The reporting requirements shall continue in effect for each committee until a final report is filed.

C. Political action committees shall file the prescribed campaign finance reports as follows:

1. Not later than April 15 complete from the preceding report through March 31;

2. Not later than July 15 complete from the preceding report through June 30;

3. Not later than October 15 complete from the preceding report through September 30; and

4. Not later than January 15 complete from the preceding report through December 31, and then continuing in accordance with this subsection until a final report is filed.

D. A political action committee that files its statement of organization on or after August 15 and before the November election day in any odd-numbered year shall file with its statement of organization a campaign finance report as provided in § 24.2-949.5 for that year, complete through the date that it files its statement of organization, and if such political action committee files its statement of organization before September 30, such political action committee shall file its next campaign finance report in accordance with subdivision C 3. After September 30, or after the date a political action committee has filed its statement of organization if the political action committee has filed its statement of organization on or after October 1, and until the November election day, the political action committee shall report any single contribution of $500 or more to the State Board in writing or electronically pursuant to § 24.2-946.1, and the report shall be received by the State Board by 11:59 p.m. on the following day, or for a contribution received on a Saturday, by 11:59 p.m. on the following Monday. However, any such contribution received within the 24 hours prior to the election day shall be reported and a report thereof received on the day prior to the election. Any activity reported pursuant to this subsection shall also be reported on the report required to be filed for activity through December 31.

1984, c. 480, § 24.1-923; 1991, cc. 9, 709; 1993, cc. 639, 641, § 24.2-923; 1995, c. 785; 2002, cc. 156, 237; 2003, c. 256; 2004, c. 26; 2005, c. 9; 2006, cc. 787, 892; 2008, c. 547; 2012, c. 525; 2016, c. 401.

§ 24.2-949.7. Large dollar contribution reporting requirement for political action committees

In addition to the quarterly reports required by § 24.2-949.6, political action committees shall report any single contribution or loan of $10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan.

1. The report shall be filed on a "large dollar contribution report" form prescribed by the State Board and shall be filed in writing or electronically in the same manner as the political action committee files its quarterly disclosure reports.

2. Any contribution or loan reported pursuant to this section shall also be reported on the next subsequent report required under § 24.2-949.6 following receipt of the contribution or loan.

3. For the purposes of this section, political action committees shall report as one contribution multiple contributions from a single source that have been subdivided into smaller amounts or given through different bank accounts for the purpose of evading the $10,000 threshold. A political action committee that receives contributions from affiliated organizations shall not be deemed to be receiving contributions from a single source.

1984, c. 480, § 24.1-923; 1991, cc. 9, 709; 1993, cc. 639, 641, § 24.2-923; 1995, c. 785; 2002, cc. 156, 237; 2003, c. 256; 2004, c. 26; 2005, c. 9; 2006, cc. 787, 892.

§ 24.2-949.8. With whom political action committees file reports; electronic filing requirement

A. Political action committees required to file reports by this article shall file all statements and campaign finance reports with the State Board.

B. A political action committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of $10,000 in any calendar year, or that accepted contributions or made expenditures in excess of $10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the political action committee files a final report. Any political action committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of $10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.

C. For political action committees that are not subject to the provisions of subsection B, any report required to be filed with the State Board shall be deemed to be filed by the deadline for the report if it is mailed and postmarked not later than the deadline for filing the report.

1996, c. 687, § 24.2-914.1; 1997, cc. 364, 392; 1998, c. 416; 1999, c. 864; 2000, cc. 511, 555; 2003, c. 242; 2006, cc. 787, 892.

§ 24.2-949.9. Final report requirement; disbursement of surplus funds

A. Any political action committee that, after having filed a statement of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $200 shall so notify the State Board. A final report shall be filed by the committee that sets forth (i) all receipts and disbursements not previously reported, (ii) an accounting of the retirement of all debts, and (iii) the disposition of the committee's surplus funds. This final report shall include a termination statement, signed by the treasurer or other principal officer listed on the statement of organization, that all reporting for the committee is complete and final.

B. Amounts received by a political action committee as contributions may be disposed of only by one or any combination of the following: (i) transferring the excess to an affiliated organization of the committee; (ii) returning the excess to a contributor in an amount not to exceed the contributor's original contribution; (iii) donating the excess to any organization described in § 170(c) of the Internal Revenue Code; (iv) contributing the excess to one or more candidates or to any political committee that has filed a statement of organization pursuant to this chapter; (v) contributing the excess to any political party committee; and (vi) defraying any ordinary, nonreimbursed expense related to the political action committee. It shall be unlawful for any person to convert any contributed moneys, securities, or like intangible personal property to his personal use or to the use of a member of the "immediate family," as that term is defined in § 30-101, of the committee's treasurer or chief executive.

1990, c. 931, § 24.1-258.1; 1993, c. 641, § 24.2-921; 2004, c. 457; 2006, cc. 787, 892; 2009, c. 231.

Article 4.1 - OUT-OF-STATE POLITICAL COMMITTEES

§ 24.2-949.9:1. Out-of-state political committees; statements of organization

A. Out-of-state political committees shall submit a statement of organization on or before the date on which the committee makes contributions of $10,000 or more in the aggregate in a calendar year to candidate campaign committees or political committees registered with the State Board of Elections.

B. The statement of organization shall include information as required pursuant to subsection B of § 24.2-949.2 except that the committee shall not be required to establish a depository account in a financial institution in the Commonwealth.

C. In addition to the information required pursuant to § 24.2-949.2, the committee shall include on its statement of organization (i) its taxpayer identification number, (ii) the federal and state agencies with which it is required to file financial disclosure information, and (iii) the registration number assigned to it by each agency listed under clause (ii).

D. On the same day that an out-of-state political committee submits its statement of organization to the State Board, (i) it shall file a list of each contributor who has contributed to the committee $2,500 or more in the aggregate between the immediately preceding January 1 and the date on which the statement of organization is filed with the contributor's name, address, occupation, employer, and place of business and the dates and amounts of the contributor's contributions during the period covered by the report; and (ii) it shall file a report of the contributions it has made to candidate campaign committees or political committees registered with the State Board between the immediately preceding January 1 and the date on which the statement of organization is filed.

E. Any political organization as defined in § 527 of the United States Internal Revenue Code that is shown on the list of contributors required by this section and that has contributed $50,000 or more to the committee filing the list of contributors required by this section shall be required to file a statement of organization and the lists of its contributors and its contributions as provided in subsection D.

2006, cc. 771, 805, § 24.2-908.2.

§ 24.2-949.9:2. Out-of-state political committees; reporting requirements

A. The provisions of this section are applicable only to out-of-state political committees.

B. After the committee has met the requirements of § 24.2-949.9:1 and upon making any contribution to a candidate campaign committee or political committee registered in Virginia, the committee shall report its contributions and contributors in accordance with subsection C to the State Board of Elections by computer or electronic means as prescribed in § 24.2-946.1.

C. The report required by subsection B shall include (i) a report of the contributions the committee has made to candidate campaign committees or political committees in the Commonwealth since the filing of a report of its contributions pursuant to subsection D of § 24.2-949.9:1 or this subsection during the period covered by the report and (ii) a list of each contributor who has contributed to the committee $2,500 or more in the aggregate since the filing of a list of its contributors pursuant to subsection D of § 24.2-949.9:1 or this subsection with the contributor's name, address, occupation, employer, and place of business and the dates and amounts of the contributor's contributions during the period covered by the report.

D. Upon transfer of a designated contribution to a designated candidate's campaign committee, the committee shall provide information to the campaign committee to identify the contributor as provided by § 24.2-947.4.

E. The reporting requirements of this section shall continue in effect for each committee until a final report is filed that sets forth all contributions and expenditures not previously reported. The final report shall include a termination statement, signed by an officer of the committee, that all reporting is complete and final.

2006, cc. 771, 805, § 24.2-910.2; 2008, cc. 152, 289.

§ 24.2-949.9:3. Out-of-state political committees; additional requirements

Prior to accepting contributions of $10,000 or more in the aggregate in any calendar year from any other out-of-state political committee, an out-of-state political committee shall (i) request its State Board of Elections registration number from that other out-of-state political committee and (ii) verify that number with the State Board.

2006, cc. 771, 805, § 24.2-910.3.

§ 24.2-949.9:4. Certain contributions received from federal political action and out-of-state political committees; political committee responsibilities

Prior to accepting contributions of $10,000 or more in the aggregate in any calendar year from any one federal political action committee or out-of-state political committee, a political committee shall (i) request the federal political action committee's or out-of-state political committee's State Board of Elections registration number from the committee and (ii) verify that number with the State Board.

2006, cc. 771, 805, § 24.2-910.4.

Article 5 - POLITICAL PARTY COMMITTEES

§ 24.2-950. Political party committee election cycle

The political party committee's election cycle shall be deemed to begin on January 1 and continue through December 31 of each calendar year.

2006, cc. 787, 892.

§ 24.2-950.1. Certain political party committees exempt

A. Except as provided in subsections B and C of this section and subsection D of § 24.2-947.3, any local district, county, or city party committee shall be exempt from the reporting requirements of this chapter. Contributions made by such committee to any candidate, his campaign committee, or a political committee shall be reported by the recipient of the contribution in accordance with the provisions of this chapter.

B. The exemption provided in this section shall not be applicable to state political party committees, congressional district political party committees, or county or city political party committees for any county or city with a population of more than 100,000, or organized political party groups of elected officials. Any other political party committee shall be exempt from the reporting and notification requirements of this chapter, except as provided in § 24.2-945.2, in each calendar year in which it does not accept contributions totaling more than $15,000, or make contributions and expenditures totaling more than $15,000. Any such committee shall be subject to such reporting requirements as soon as it accepts aggregated contributions, or makes aggregated contributions and expenditures, in excess of $15,000 in a calendar year. The first report filed pursuant to § 24.2-950.6 shall account for all receipts and disbursements during the calendar year and shall be complete through the completion date for the report period.

C. Upon transfer of a designated contribution to a designated candidate's campaign committee, each local district, county, or city political party committee shall provide information to the campaign committee to identify the contributor as provided by § 24.2-947.4.

1970, c. 462, §§ 24.1-254.1, 24.1-255; 1975, c. 515; 1981, c. 425; 1983, c. 119; 1988, c. 616; 1991, cc. 9, 709; 1993, cc. 641, 776, 921, § 24.2-911; 2004, c. 469; 2006, cc. 787, 892; 2008, cc. 152, 289.

§ 24.2-950.2. Statement of organization for a political party committee

Except as provided in § 24.2-950.1, each political party committee that anticipates receiving contributions or making expenditures in excess of $200 in a calendar year shall file with the State Board a statement of organization within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of $200 or on which it otherwise becomes subject to the provisions of this article. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.

The statement of organization shall include:

1. The name of the political party committee and its address in the Commonwealth;

2. The name and business address of the treasurer and his residence address in the Commonwealth who shall be deemed the agent of the political party committee for the purpose of service of process on the political party committee;

3. The name, residence in the Commonwealth, business address, and position of the custodian of the books and accounts, who works under the direction of the treasurer, and the address where the books are maintained;

4. The name, address, office sought, and party affiliation of each individual whom the committee is supporting or opposing for nomination or for election to any public office whatever, or if supporting the entire ticket of any party, the name of the party;

5. The designated depository to be used for the receipt and holding of funds and contributions received by the political party committee, in an account in a financial institution within the Commonwealth; and

6. Such other information as shall be required by the State Board except that the account number for the designated depository account shall not be required.

2006, cc. 787, 892.

§ 24.2-950.3. Political party committee treasurer requirements and responsibilities

A. The treasurer shall keep detailed and accurate accounts of all contributions turned over to and expenditures made by the political party committee, the treasurer, or other officer on behalf of the political party committee, or reported to the treasurer pursuant to this article. Such account shall set forth the date of the contribution or expenditure, its amount or value, the name and address of the person or committee making the contribution or to whom the expenditure was made, and the object or purpose of the contribution or expenditure.

Such books and records may be destroyed or discarded at any time after (i) one year from the date of filing the final report required by § 24.2-950.9 or (ii) a period of three years, whichever first occurs, unless a court of competent jurisdiction shall order their retention for a longer period.

B. All contributions and expenditures received or made by any political party committee, or received or made on its behalf or in relation to the committee by any person, except independent expenditures, shall be paid over or delivered to the political party committee's treasurer or shall be reported to the treasurer in such detail and form as to allow him to comply fully with this article. An independent expenditure shall be reported pursuant to § 24.2-945.2 in lieu of being reported to the political party committee's treasurer.

C. It shall be unlawful for any political party committee, its treasurer, or any person receiving contributions or making expenditures on the committee's behalf or in relation to the committee, to fail to report every contribution and expenditure as required by this article.

D. No political party committee treasurer or other individual shall pay any expense on behalf of the committee, directly or indirectly, except by a check drawn on such designated depository identifying the name of the political party committee. However, a treasurer or other authorized officer of the political party committee may be reimbursed, by a check drawn on the designated depository, for the payment of expenses (i) paid by him by check, cash, or credit or debit card, (ii) made on behalf of the party committee, and (iii) fully documented by complete records of the expenditure, maintained as required by this chapter, and including receipts identifying the nature of the expenses and the names and addresses of each person paid by the recipient of the reimbursement.

E. A treasurer of a political party committee (a) may establish a petty cash fund to be utilized for the purpose of making expenditures or reimbursing verified credit card expenditures of less than $200 if complete records of such expenditures are maintained as required by this chapter and (b) may transfer funds from the designated campaign depository to an account or instrument to earn interest on the funds so long as the transferred funds and earned interest are returned to the designated depository account, complete records are maintained, and all expenditures are made through the designated depository account.

2006, cc. 787, 892.

§ 24.2-950.4. Information to be included on campaign finance reports for political party committees

A. The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the political party committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.

B. The report of receipts shall include:

1. The total number of contributors, each of whom has contributed an aggregate of $100 or less, including cash and in-kind contributions, as of the date of the report, and the total amount of contributions from all such contributors;

2. For each contributor who has contributed an aggregate of more than $100, including cash and in-kind contributions, as of the ending date of the report, the political party committee shall itemize each contributor on the report and list the following information:

a. the name of the contributor, listed alphabetically,

b. the mailing address of the contributor,

c. the amount of the contribution,

d. the aggregate amount of contributions from the contributor to date,

e. the date of the last contribution,

f. the occupation of the contributor,

g. the name of his employer or principal business, and

h. the locality where employed or where his business is located.

For each such contributor, other than an individual, the principal type of business and place of business of the contributor shall be substituted for subdivisions f and g, respectively. For each such contributor other than an individual, it shall be sufficient to list the address of the contributor one time on the report of receipts.

C. Upon transfer of a designated contribution to a designated candidate's campaign committee, the committee shall provide information to the campaign committee to identify the contributor as provided by § 24.2-947.4.

D. The report of disbursements shall include all expenditures and give:

1. The name and address of the person paid;

2. A brief description of the purpose of the expenditure;

3. The name of the person contracting for or arranging the expenditure;

4. The amount of the expenditure; and

5. The date of the expenditure.

The report of disbursements shall itemize any expenditure made by credit card payment.

E. Each report for a political party committee shall list separately those receipts and expenditures reported to the treasurer or other officer of the committee by any person, campaign committee, or political committee pursuant to subsection B of § 24.2-950.3, and in the case of in-kind contributions, shall set forth in each instance the source of the information reported.

F. The report shall list separately all loans, and for each loan, shall give:

1. The date the loan was made;

2. The name and address of the person making the loan and any person who is a co-borrower, guarantor, or endorser of the loan;

3. The amount of the loan;

4. The date and amount of any repayment of the loan; and

5. For any loan or part of a loan that is forgiven by the lender, the amount forgiven listed as both a contribution and loan repayment.

G. The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.

H. It is the responsibility of the treasurer that the report for the political party committee be filed and that the report be in full and accurate detail.

2006, cc. 787, 892; 2008, cc. 152, 289.

§ 24.2-950.5. Repealed

Repealed by Acts 2008, cc. 152 and 289, cl. 2, effective January 1, 2009.

§ 24.2-950.6. Filing schedule for political party committees

A. Political party committees shall file the prescribed campaign finance reports in accordance with the applicable provisions of this section. The first filed report shall be complete for the entire period from the time the committee was organized or contributions were received.

B. The reporting requirements shall continue in effect for each committee until a final report is filed.

C. Political party committees shall file the prescribed campaign finance reports as follows:

1. Not later than April 15 complete from the preceding report through March 31;

2. Not later than July 15 complete from the preceding report through June 30;

3. Not later than October 15 complete from the preceding report through September 30; and

4. Not later than January 15 complete from the preceding report through December 31, and then continuing in accordance with this subsection until a final report is filed.

1984, c. 480, § 24.1-923; 1991, cc. 9, 709; 1993, cc. 639, 641, § 24.2-923; 1995, c. 785; 2002, cc. 156, 237; 2003, c. 256; 2004, c. 26; 2005, c. 9; 2006, cc. 787, 892.

§ 24.2-950.7. Large dollar reporting requirement for political party committees

In addition to the quarterly reports required by § 24.2-950.6, political party committees shall report any single contribution or loan of $10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan.

1. The report shall be filed on a "large dollar contribution report" form prescribed by the State Board and shall be filed in writing or electronically in the same manner as the person or committee files its quarterly disclosure reports.

2. Any contribution or loan reported pursuant to this section shall also be reported on the next subsequent report required under § 24.2-950.6 following receipt of the contribution or loan.

3. For the purposes of this section, political party committees shall report as one contribution multiple contributions from a single source that have been subdivided into smaller amounts or given through different bank accounts for the purpose of evading the $10,000 threshold. A political party committee that receives contributions from affiliated organizations shall not be deemed to be receiving contributions from a single source.

1984, c. 480, § 24.1-923; 1991, cc. 9, 709; 1993, cc. 639, 641, § 24.2-923; 1995, c. 785; 2002, cc. 156, 237; 2003, c. 256; 2004, c. 26; 2005, c. 9; 2006, cc. 787, 892.

§ 24.2-950.8. With whom political party committees file reports

A. Except as provided in subsection B, a political party committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of $10,000 in any calendar year, or that accepted contributions or made expenditures in excess of $10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the political party committee files a final report. Any political party committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of $10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.

B. A county, city, or local district political party committee shall not be required to file by computer or electronic means if it files its reports with the general registrar of that county or city.

C. Other political party committees required to file reports by this article shall file all campaign finance reports with the State Board, if filing by electronic means, or with the State Board and the general registrar for its jurisdiction if filing campaign finance reports by nonelectronic means.

1996, c. 687, § 24.2-914.1; 1997, cc. 364, 392; 1998, c. 416; 1999, c. 864; 2000, cc. 511, 555; 2003, c. 242; 2006, cc. 787, 892; 2015, cc. 644, 645.

§ 24.2-950.9. Final report requirement; transfer of surplus funds

A. Any political party committee that, after having filed a statement of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $200 shall so notify the State Board. A final report shall be filed by the committee that sets forth (i) all receipts and disbursements not previously reported, (ii) an accounting of the retirement of all debts, and (iii) the disposition of the committee's surplus funds. This final report shall include a termination statement, signed by the treasurer or other principal officer listed on the statement of organization, that all reporting for the committee is complete and final.

B. Amounts received by a political party committee as contributions may be disposed of only by one or any combination of the following: (i) transferring the excess to an affiliated organization of the committee; (ii) returning the excess to a contributor in an amount not to exceed the contributor's original contribution; (iii) donating the excess to any organization described in § 170(c) of the Internal Revenue Code; (iv) contributing the excess to one or more candidates or to any political committee that has filed a statement of organization pursuant to this chapter; (v) contributing the excess to any political party committee; and (vi) defraying any ordinary, nonreimbursed expense related to the political party committee. It shall be unlawful for any person to convert any contributed moneys, securities, or like intangible personal property to his personal use or to the use of a member of the "immediate family," as that term is defined in § 30-101, of the committee's treasurer or chief executive.

1990, c. 931, § 24.1-258.1; 1993, c. 641, § 24.2-921; 2004, c. 457; 2006, cc. 787, 892; 2009, c. 231.

Article 6 - REFERENDUM COMMITTEES

§ 24.2-951. Referendum committee election cycle; political advertisement requirements

A. The referendum committee's election cycle shall be deemed to begin on the date that the referendum committee first organizes for the referendum through December 31 immediately following the referendum.

B. The provisions of Chapter 9.5 (§ 24.2-955 et seq.) shall not be applicable to referendum committees subject to the provisions of this article.

2003, c. 257, § 24.2-910.1; 2005, c. 745; 2006, cc. 787, 892.

§ 24.2-951.1. Statement of organization for a referendum committee

A. Any referendum committee subject to the provisions of this article shall file with the State Board a statement of organization within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of the pertinent amounts stated in the definition of referendum committee in § 24.2-945.1. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.

B. The statement of organization for a referendum committee shall include:

1. The name of the referendum committee and its address in the Commonwealth;

2. The names, addresses, and relationships of affiliated or connected organizations;

3. The area, scope, or jurisdiction of the committee;

4. The name and business address of the treasurer and his residence address in the Commonwealth who shall be deemed the agent of the referendum committee for the purpose of service of process on the referendum committee;

5. The name, business address, and position of the custodian of the books and accounts who works under the direction of the treasurer, and the address in the Commonwealth where the books are maintained;

6. The subject of the referendum, the date and location of the election, and a statement whether the committee is promoting or opposing the referendum question;

7. The designated depository to be used for the receipt and holding of funds and contributions received by the referendum committee, in an account in a financial institution within the Commonwealth; and

8. Such other information as shall be required by the State Board except that the account number for the designated depository account shall not be required.

2003, c. 257, § 24.2-910.1; 2005, c. 745; 2006, cc. 787, 892.

§ 24.2-951.2. Referendum committee treasurer requirements and responsibilities

A. The treasurer shall keep detailed and accurate accounts of all contributions turned over to and expenditures made by the referendum committee, the treasurer, or other officer on behalf of the referendum committee, or reported to the treasurer pursuant to this article. Such account shall set forth the date of the contribution or expenditure, its amount or value, the name and address of the person or committee making the contribution or to whom the expenditure was made, and the object or purpose of the contribution or expenditure.

Such books and records may be destroyed or discarded at any time after (i) one year from the date of filing the final report required by § 24.2-951.9 or (ii) a period of three years, whichever first occurs, unless a court of competent jurisdiction shall order their retention for a longer period.

B. All contributions and expenditures received or made by any referendum committee, or received or made on its behalf or in relation to the committee by any person, except independent expenditures, shall be paid over or delivered to the referendum committee's treasurer or shall be reported to the treasurer in such detail and form as to allow him to comply fully with this article. An independent expenditure shall be reported pursuant to § 24.2-945.2 in lieu of being reported to the referendum committee's treasurer.

C. It shall be unlawful for any referendum committee, its treasurer, or any person receiving contributions or making expenditures on the committee's behalf or in relation to the committee, to fail to report every contribution and expenditure as required by this article.

D. No referendum committee treasurer or other individual shall pay any expense on behalf of the committee, directly or indirectly, except by a check drawn on such designated depository identifying the name of the referendum committee. However, a treasurer or other authorized officer of the referendum committee may be reimbursed, by a check drawn on the designated depository, for the payment of expenses (i) paid by him by check, cash, or credit or debit card, (ii) made on behalf of the committee, and (iii) fully documented by complete records of the expenditure, maintained

as required by this chapter, and including receipts identifying the nature of the expenses and the names and addresses of each person paid by the recipient of the reimbursement.

E. A treasurer of a referendum committee (a) may establish a petty cash fund to be utilized for the purpose of making expenditures or reimbursing verified credit card expenditures of less than $200 if complete records of such expenditures are maintained as required by this chapter and (b) may transfer funds from the designated campaign depository to an account or instrument to earn interest on the funds so long as the transferred funds and earned interest are returned to the designated depository account, complete records are maintained, and all expenditures are made through the designated depository account.

2003, c. 257, § 24.2-910.1; 2005, c. 745; 2006, cc. 787, 892.

§ 24.2-951.3. Information to be included on campaign finance reports for referendum committees

A. The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the referendum committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.

B. The report of receipts shall include:

1. The total number of contributors, each of whom has contributed an aggregate of $100 or less, including cash and in-kind contributions, as of the date of the report, and the total amount of contributions from all such contributors;

2. For each contributor who has contributed an aggregate of more than $100, including cash and in-kind contributions, as of the ending date of the report, the referendum committee shall itemize each contributor on the report and list the following information:

a. the name of the contributor, listed alphabetically,

b. the mailing address of the contributor,

c. the amount of the contribution,

d. the aggregate amount of contributions from the contributor to date,

e. the date of the last contribution,

f. the occupation of the contributor,

g. the name of his employer or principal business, and

h. the locality where employed or where his business is located.

For each such contributor, other than an individual, the principal type of business and place of business of the contributor shall be substituted for subdivisions f and g, respectively. For each

such contributor other than an individual, it shall be sufficient to list the address of the contributor one time on the report of receipts.

C. The report of disbursements shall include all expenditures and give:

1. The name and address of the person paid;

2. A brief description of the purpose of the expenditure;

3. The name of the person contracting for or arranging the expenditure;

4. The amount of the expenditure; and

5. The date of the expenditure.

The report of disbursements shall itemize any expenditure made by credit card payment.

D. Each report for a referendum committee shall list separately those receipts and expenditures reported to the treasurer or other officer of the committee by any person, campaign committee, or political committee, pursuant to subsection B of § 24.2-951.2 and, in the case of in-kind contributions, shall set forth in each instance the source of the information reported.

E. The report shall list separately all loans and, for each loan, shall give:

1. The date the loan was made;

2. The name and address of the person making the loan and any person who is a co-borrower, guarantor, or endorser of the loan;

3. The amount of the loan;

4. The date and amount of any repayment of the loan; and

5. For any loan or part of a loan that is forgiven by the lender, the amount forgiven listed as both a contribution and loan repayment.

F. The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.

G. It is the responsibility of the treasurer that the report for the referendum committee be filed and that the report be in full and accurate detail.

1970, c. 462, § 24.1-258; 1971, Ex. Sess., c. 247; 1972, c. 620; 1975, c. 515; 1976, c. 616; 1978, c. 381; 1983, c. 119; 1990, c. 156; 1993, cc. 341, 641, § 24.2-914; 1997, cc. 364, 392; 1999, c. 864; 2000, c. 304; 2001, cc. 618, 810; 2002, c. 468; 2003, cc. 248, 257, § 24.2-910.1; 2005, c. 745; 2006, cc. 787, 892.

§ 24.2-951.4. Filing schedule for referendum committees for referendums to be decided at November elections

A. A referendum committee supporting or opposing a question on the ballot in a November election shall file the prescribed campaign finance reports as follows:

1. Not later than July 15 in any year in which the referendum is not on the ballot for the period January 1 through June 30;

2. Not later than January 15 in any year in which the referendum is not on the ballot for the period July 1 through December 31;

3. In an election year, not later than April 15 for the period January 1 through March 31 and pursuant to subdivisions 4 through 9 of this section;

4. Not later than the eighth day before the primary date complete through the thirteenth day before the primary date;

5. Not later than July 15 complete through June 30;

6. Not later than September 15 complete through August 31;

7. Not later than October 15 complete through September 30;

8. Not later than the eighth day before the November election date complete through the thirteenth day before the election date;

9. Not later than the thirtieth day after the November election date complete through the twenty-third day after the election date; and

10. Not later than January 15 following an election year complete through December 31.

B. A referendum committee may either (i) file a final report within six months after the referendum is held or (ii) continue as a political action committee more than six months after the referendum is held, provided that the committee submits an amended statement of organization to the State Board redesignating the committee as a political action committee and complies with the requirements for political action committees in Article 4 of this chapter including the reporting schedule set forth in § 24.2-949.6.

2003, c. 257, § 24.2-910.1; 2005, c. 745; 2006, cc. 787, 892.

§ 24.2-951.5. Filing schedule for referendum committees for referendums to be decided at May general elections

A. A referendum committee supporting or opposing a question on the ballot at a May election shall file the prescribed campaign finance reports as follows:

1. Not later than the eighth day before the election date complete through the eleventh day before the election date;

2. Not later than June 15 of the election year complete through June 10; and

3. Not later than July 15 of the election year complete through June 30.

B. A referendum committee may either (i) file a final report within six months after the referendum is held or (ii) continue as a political action committee more than six months after the referendum is held, provided that the committee submits an amended statement of organization to

the State Board redesignating the committee as a political action committee and complies with the requirements for political action committees in Article 4 of this chapter including the reporting schedule set forth in § 24.2-949.6.

2003, c. 257, § 24.2-910.1; 2005, c. 745; 2006, cc. 787, 892.

§ 24.2-951.6. Filing schedule for referendum committees for referendums to be decided at special elections

A. A referendum committee supporting or opposing a question on the ballot at a special election shall file the prescribed campaign finance reports as follows:

1. A report not later than the eighth day before the special election date complete through the eleventh day before that date; and

2. A postelection report no later than the thirtieth day after the election.

B. A referendum committee may either (i) file a final report within six months after the referendum is held or (ii) continue as a political action committee more than six months after the referendum is held, provided that the committee submits an amended statement of organization to the State Board redesignating the committee as a political action committee and complies with the requirements for political action committees in Article 4 of this chapter including the reporting schedule set forth in § 24.2-949.6.

2003, c. 257, § 24.2-910.1; 2005, c. 745; 2006, cc. 787, 892.

§ 24.2-951.7. Large dollar contribution reporting requirement for referendum committees

In addition to the reports required by §§ 24.2-951.4, 24.2-951.5 and 24.2-951.6, referendum committees shall report any single contribution or loan of $10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan.

1. The report shall be filed on a "large dollar contribution report" form prescribed by the State Board and shall be filed in writing or electronically in the same manner as the person or committee files its quarterly disclosure reports.

2. Any contribution or loan reported pursuant to this section shall also be reported on the next subsequent report required under this article following receipt of the contribution or loan.

3. For the purposes of this section, referendum committees shall report as one contribution multiple contributions from a single source that have been subdivided into smaller amounts or given through different bank accounts for the purpose of evading the $10,000 threshold.

4. A referendum committee that receives contributions from affiliated organizations shall not be deemed to be receiving contributions from a single source.

2003, c. 257, § 24.2-910.1; 2005, c. 745; 2006, cc. 787, 892.

§ 24.2-951.8. With whom referendum committees file reports; electronic filing requirement

A. Referendum committees required to file statements or reports by this article shall file all reports with the State Board.

B. A referendum committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of $10,000 in any calendar year, or that accepted contributions or made expenditures in excess of $10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the referendum committee files a final report or until subject to the provisions of subsection B of § 24.2-951.1.

C. Any referendum committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of $10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.

1996, c. 687, § 24.2-914.1; 1997, cc. 364, 392; 1998, c. 416; 1999, c. 864; 2000, cc. 511, 555; 2003, cc. 242, 257, § 24.2-910.1; 2005, c. 745; 2006, cc. 787, 892.

§ 24.2-951.9. Final report requirement; disbursement of surplus funds

A. Any referendum committee that disbands after having filed a statement of organization shall so notify the State Board. A final report shall be filed by the committee that sets forth (i) all receipts and disbursements not previously reported, (ii) an accounting of the retirement of all debts, and (iii) the disposition of the committee's surplus funds. This final report shall include a termination statement, signed by the treasurer or other principal officer listed on the statement of organization, that all reporting for the committee is complete and final.

B. Amounts received by a referendum committee as contributions may be disposed of only by one or any combination of the following: (i) transferring the excess to an affiliated organization of the committee; (ii) returning the excess to a contributor in an amount not to exceed the contributor's original contribution; (iii) donating the excess to any organization described in § 170(c) of the Internal Revenue Code; (iv) contributing the excess to one or more candidates or to any political committee that has filed a statement of organization pursuant to this chapter; (v) contributing the excess to any political committee; and (vi) defraying any ordinary, nonreimbursed expense related to the referendum committee. It shall be unlawful for any person to convert any contributed moneys, securities, or like intangible personal property to his personal use or to the use of a member of the "immediate family," as that term is defined in § 30-101, of the committee's treasurer or chief executive.

1990, c. 931, § 24.1-258.1; 1993, c. 641, § 24.2-921; 2003, c. 257, § 24.2-910.1; 2004, c. 457; 2005, c. 745; 2006, cc. 787, 892; 2009, c. 231.

Article 7 - INAUGURAL COMMITTEES

§ 24.2-952. General provisions

Any inaugural committee shall maintain all inaugural funds in a separate account and in such detail and form as to allow full compliance with this chapter. A candidate's campaign committee shall not serve as an inaugural fund committee.

1991, cc. 474, 709, § 24.1-254.3; 1993, c. 641, § 24.2-913; 2006, cc. 787, 892.

§ 24.2-952.1. Statement of organization for an inaugural committee

Each inaugural committee shall file with the State Board a statement of organization within 10 days after its organization. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.

The statement of organization shall include:

1. The name of the committee and its address in the Commonwealth;

2. The name and business address of the treasurer and his residence address in the Commonwealth who shall be deemed the agent of the inaugural committee for the purpose of service of process on the inaugural committee;

3. The name, residence address in the Commonwealth, business address, and position of the custodian of the books and accounts who works under the direction of the treasurer and the address where the books are maintained, if different from the business address of the custodian of the books and accounts;

4. The name and residence address of the elected official for whose inauguration the committee is organized;

5. The designated depository to be used for the receipt and holding of funds and contributions received by the committee, in an account in a financial institution within the Commonwealth; and

6. Such other information as shall be required by the State Board except that the account number for the designated depository account shall not be required.

1991, cc. 474, 709, § 24.1-254.3; 1993, c. 641, § 24.2-913; 2006, cc. 787, 892.

§ 24.2-952.2. Inaugural committee treasurer requirements and responsibilities

A. The treasurer shall keep detailed and accurate accounts of all contributions turned over to and expenditures made by the committee, the treasurer, or other officer on behalf of the inaugural committee, or reported to the treasurer pursuant to this article. Such account shall set forth the date of the contribution or expenditure, its amount or value, the name and address of the person or committee making the contribution or to whom the expenditure was made, and the object or purpose of the contribution or expenditure.

Such books and records may be destroyed or discarded at any time after (i) one year from the date of filing the final report required by § 24.2-952.7 or (ii) a period of three years, whichever first occurs, unless a court of competent jurisdiction shall order their retention for a longer period.

B. All contributions and expenditures received or made by any inaugural committee, or received or made on its behalf or in relation to the committee by any person, except independent expenditures, shall be paid over or delivered to the inaugural committee's treasurer or shall be reported to the treasurer in such detail and form as to allow him to comply fully with this article. An independent expenditure shall be reported pursuant to § 24.2-945.2 in lieu of being reported to the inaugural committee's treasurer.

C. It shall be unlawful for any inaugural committee, its treasurer, or any person receiving contributions or making expenditures on the committee's behalf or in relation to the committee, to fail to report every contribution and expenditure as required by this article.

D. No inaugural committee treasurer or other individual shall pay any expense on behalf of the committee, directly or indirectly, except by a check drawn on such designated depository identifying the name of the inaugural committee. However, a treasurer or other authorized officer of the inaugural committee may be reimbursed, by a check drawn on the designated depository, for the payment of expenses (i) paid by him by check, cash, or credit or debit card, (ii) made on behalf of the committee, and (iii) fully documented by complete records of the expenditure, maintained as required by this article, and including receipts identifying the nature of the expenses and the names and addresses of each person paid by the recipient of the reimbursement.

E. A treasurer of an inaugural committee (a) may establish a petty cash fund to be utilized for the purpose of making expenditures or reimbursing verified credit card expenditures of less than $200 if complete records of such expenditures are maintained as required by this chapter and (b) may transfer funds from the designated campaign depository to an account or instrument to earn interest on the funds so long as the transferred funds and earned interest are returned to the designated depository account, complete records are maintained, and all expenditures are made through the designated depository account.

1991, cc. 474, 709, § 24.1-254.3; 1993, c. 641, § 24.2-913; 2006, cc. 787, 892.

§ 24.2-952.3. Information to be included on campaign finance reports for inaugural committees

A. The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the inaugural committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.

B. The report of receipts shall include:

1. The total number of contributors, each of whom has contributed an aggregate of $100 or less, including cash and in-kind contributions, as of the date of the report, and the total amount of contributions from all such contributors;

2. For each contributor who has contributed an aggregate of more than $100, including cash and in-kind contributions, as of the ending date of the report, the campaign committee shall itemize each contributor on the report and list the following information:

a. the name of the contributor, listed alphabetically,

b. the mailing address of the contributor,

c. the amount of the contribution,

d. the aggregate amount of contributions from the contributor to date,

e. the date of the last contribution,

f. the occupation of the contributor,

g. the name of his employer or principal business, and

h. the locality where employed or where his business is located.

For each such contributor, other than an individual, the principal type of business and place of business of the contributor shall be substituted for subdivisions f and g, respectively. For each such contributor other than an individual, it shall be sufficient to list the address of the contributor one time on the report of receipts.

C. The report of disbursements shall include all expenditures and give:

1. The name and address of the person paid;

2. A brief description of the purpose of the expenditure;

3. The name of the person contracting for or arranging the expenditure;

4. The amount of the expenditure; and

5. The date of the expenditure.

The report of disbursements shall itemize any expenditure made by credit card payment.

D. Each report for an inaugural committee shall list separately those receipts and expenditures reported to the treasurer or other officer of the committee by any person, candidate campaign committee, political committee, pursuant to subsection B of § 24.2-952.2, and in the case of in-kind contributions, shall set forth in each instance the source of the information reported.

E. The report shall list separately all loans, and for each loan, shall give:

1. The date the loan was made;

2. The name and address of the person making the loan and any person who is a co-borrower, guarantor, or endorser of the loan;

3. The amount of the loan;

4. The date and amount of any repayment of the loan; and

5. For any loan or part of a loan that is forgiven by the lender, the amount forgiven listed as both a contribution and loan repayment.

F. The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.

G. It is the responsibility of the treasurer that the report for the inaugural committee be filed and that the report be in full and accurate detail.

1970, c. 462, § 24.1-258; 1971, Ex. Sess., c. 247; 1972, c. 620; 1975, c. 515; 1976, c. 616; 1978, c. 381; 1983, c. 119; 1990, c. 156; 1991, cc. 474, 709, § 24.1-254.3; 1993, cc. 341, 641, §§ 24.2-913, 24.2-914; 1997, cc. 364, 392; 1999, c. 864; 2000, c. 304; 2001, cc. 618, 810; 2002, c. 468; 2003, c. 248; 2006, cc. 787, 892.

§ 24.2-952.4. Filing schedule for inaugural committees

An inaugural committee shall file the prescribed reports of contributions and expenditures as follows:

1. Not later than March 15 immediately following the inauguration for all contributions and expenditures made prior to the preceding March 1;

2. Not later than July 15 of the inauguration year complete through June 30;

3. Not later than the following January 15 complete through December 31; and

4. Not later than January 15 complete through December 31 and annually thereafter until a final report is filed.

1991, cc. 474, 709, §§ 24.1-254.3, 24.1-924; 1993, c. 641, §§ 24.2-913, 24.2-924; 2006, cc. 787, 892.

§ 24.2-952.5. Large dollar contribution reporting requirement for inaugural committees

In addition to the reports required by § 24.2-952.4, inaugural committees shall report any single contribution or loan of $10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan.

1. The report shall be filed on a "large dollar contribution report" form prescribed by the State Board and shall be filed in writing or electronically in the same manner as the committee files its quarterly disclosure reports.

2. Any contribution or loan reported pursuant to this section shall also be reported on the next subsequent report required under § 24.2-952.4 following receipt of the contribution or loan.

3. For the purposes of this section, inaugural committees shall report as one contribution multiple contributions from a single source that have been subdivided into smaller amounts or given through different bank accounts for the purpose of evading the $10,000 threshold.

4. An inaugural committee that receives contributions from affiliated organizations shall not be deemed to be receiving contributions from a single source.

1984, c. 480, § 24.1-923; 1991, cc. 9, 474, 709, § 24.1-254.3; 1993, cc. 639, 641, § 24.2-913, 24.2-923; 1995, c. 785; 2002, cc. 156, 237; 2003, c. 256; 2004, c. 26; 2005, c. 9; 2006, cc. 787, 892.

§ 24.2-952.6. With whom inaugural committees file reports; electronic filing requirement

A. Inaugural committees required to file reports by this chapter shall file all campaign finance reports with the State Board.

B. An inaugural committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of $10,000 in any calendar year, or that accepted contributions or made expenditures in excess of $10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the committee files a final report.

C. Any inaugural committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of $10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.

1984, c. 480, § 24.1-923; 1991, cc. 9, 474, 709, § 24.1-254.3; 1993, cc. 639, 641, §§ 24.2-913, 24.2-923; 1995, c. 785; 1996, c. 687, § 24.2-914.1; 1997, cc. 364, 392; 1998, c. 416; 1999, c. 864; 2000, cc. 511, 555; 2002, cc. 156, 237; 2003, cc. 242, 256; 2004, c. 26; 2005, c. 9; 2006, cc. 787, 892.

§ 24.2-952.7. Final report requirement; disbursement of surplus funds

A. Any inaugural committee that, after having filed a statement of organization, disbands shall so notify the State Board. A final report shall be filed by the committee that sets forth (i) all receipts and disbursements not previously reported, (ii) an accounting of the retirement of all debts, and (iii) the disposition of the committee's surplus funds. This final report shall include a termination statement, signed by the treasurer or other principal officer listed on the statement of organization, that all reporting for the committee is complete and final.

B. It shall be unlawful for any person to disburse any funds or receipts of an inaugural committee which are in excess of the amount necessary to defray expenditures for inaugural activities other than by one or any combination of the following: (i) returning the excess to a contributor in an amount not to exceed the contributor's original contribution or (ii) making one or more charitable contributions as defined in § 170(c) of the Internal Revenue Code. It shall be unlawful for any person to convert any contributed moneys, securities, or like intangible personal property to his personal use or to the use of a member of the "immediate family," as that term is defined in § 30-101, of the committee's treasurer or chief executive.

1990, c. 931, § 24.1-258.1; 1991, cc. 474, 709, §§ 24.1-924, 24.1-254.3; 1993, c. 641, §§ 24.2-913, 24.2-921, 24.2-925; 1994, c. 607; 2004, c. 457; 2006, cc. 787, 892; 2007, c. 622; 2009, c. 231.

Article 8 - PENALTIES

§ 24.2-953. General provisions

A. The procedures to enforce the provisions of this article are found in § 24.2-946.3.

B. Either the failure to file any statement or report or the late filing of any statement or report required by this chapter shall constitute a violation of this chapter subject to the penalties provided in this article.

C. Any person who violates, or aids, abets, or participates in the violation of, this chapter shall be subject to a civil penalty not to exceed $100, unless a greater penalty is imposed by this article.

D. In the case of a willful violation, the violator shall be guilty of a Class 1 misdemeanor. There shall be a rebuttable presumption that the violation of this chapter was willful if the violation is based on a person's failure to file a report required by this chapter and his failure to file continues for more than 60 days following his actual receipt of written notice of his failure to file sent to him by certified mail, return receipt requested, by the State Board or a general registrar. Such notice shall be sent to the most recent mailing address provided by the candidate or committee.

E. In the case of a failure to file a required statement or report by the specified deadline, the length of the delinquency shall be a factor in determining the amount of the civil penalty assessed.

F. The statute of limitations applicable to a violation of this chapter is stated in § 19.2-8.

G. The requirements of this chapter for the filing of timely and complete statements and reports by any candidate campaign committee or political committee shall at all times remain in full force and effect and shall not be vacated, suspended, or modified as the result of any pending or completed criminal or civil investigation of the candidate campaign committee, the political committee, or any individual participant in the committee.

1975, c. 515, § 24.1-262; 1990, c. 976; 1991, c. 709; 1993, c. 641, § 24.2-929; 1994, c. 752; 1995, c. 785; 2000, cc. 511, 555; 2001, cc. 620, 635, 648; 2004, cc. 457, 480; 2005, cc. 9, 371, 676, 745; 2006, cc. 787, 892; 2012, c. 298; 2015, cc. 644, 645.

§ 24.2-953.1. Failure to file the required reports

A. In the case of a failure to file the statement of organization for a candidate campaign committee or political committee required by this chapter, there shall be a civil penalty not to exceed $500.

B. In the case of the failure to file a required report, the candidate campaign committee or political committee shall be assessed a civil penalty not to exceed $500. In the case of the failure to file a report required pursuant to subsection D of § 24.2-949.6, the political action committee shall be assessed a civil penalty not to exceed $500. In the case of a second or any subsequent such violation pertaining to one election cycle, the candidate campaign committee or political committee shall be assessed a civil penalty of $1,000 for each such failure to file.

C. In the case of a failure to file the report of any large pre-election contribution required by § 24.2-947.9 or a report required pursuant to subsection D of § 24.2-949.6, there shall be a rebuttable presumption that the violation was willful.

2006, cc. 787, 892; 2008, c. 547; 2010, c. 696.

§ 24.2-953.2. Late filing of required reports

A. In the case of the late filing of the statement of organization required by this chapter for a candidate campaign committee or political committee, there shall be a civil penalty not to exceed $500.

B. In the case of a late filing of a required report, the candidate campaign committee or political committee shall be assessed a civil penalty not to exceed $500. In the case of a second or any subsequent such violation pertaining to one election cycle, the candidate campaign committee or political committee shall be assessed a civil penalty of $1,000 for each such late filing.

2006, cc. 787, 892.

§ 24.2-953.3. Incomplete reports

A. In the case of a violation of this chapter that relates to the filing of an incomplete report, the violator shall be subject to a civil penalty not to exceed $500 unless a greater penalty is imposed pursuant to this section. However the civil penalty shall in no case exceed $500 unless the total of the filer's reportable contributions or the total of the filer's reportable expenditures is $10,000 or more.

B. Prior to assessing a penalty pursuant to this section for the filing of an incomplete report, the Commissioner of Elections or the general registrar shall notify, by certified mail, the candidate and treasurer, or person or political committee required to file a report with that board, that a filed report has not been completed, citing the omissions from the report. No penalty shall be assessed if the information required to complete the report is filed within 10 days of the date of mailing the written notice.

C. If the information required to complete the report is not filed within the 10-day period, the Commissioner of Elections or the general registrar shall then assess against the candidate and treasurer, who shall be jointly and severally liable, or person or political committee required to file a report, a civil penalty not to exceed $500. The Commissioner of Elections or the general registrar shall consider the following factors in determining the civil penalty assessed: the number of omissions, the amount of money involved, and the proportion of contributions or expenditures containing omissions.

D. The Commissioner of Elections or the general registrar may grant an additional period for compliance, not to exceed two weeks, to permit the completion of a filed report for good cause shown and in response to a request filed within the 10-day period. However, no additional period shall be granted thereafter for compliance.

E. The civil penalty assessed for filing an incomplete report shall be increased by $500 every 60 days following the date for compliance established pursuant to this section and until compliance is complete. If the failure to comply continues for more than 120 days following the date for compliances established pursuant to this section, there shall be a rebuttable presumption that the violation was willful, and the matter shall be forwarded to the appropriate attorney for the Commonwealth.

F. The civil penalty assessed for filing any subsequent incomplete report (i) that is filed more than 20 days after notice has been given of a violation or (ii) that is filed during the 60 days prior to the elections for which the person is a candidate shall be $1,000.

G. The State Board shall notify the public through its official Internet website of a failure to file a complete report by a candidate for statewide office or the General Assembly and the identity of the violator following the date for compliance established pursuant to this section.

2006, cc. 787, 892; 2013, c. 542; 2015, cc. 644, 645.

§ 24.2-953.4. Additional civil penalties for late and incomplete filings for statewide campaigns

A. In addition to the penalties provided in §§ 24.2-953.1, 24.2-953.2, and 24.2-953.3, any candidate for statewide office, and his campaign treasurer, who fails to file any report required in Article 3 (§ 24.2-947 et seq.) in a timely manner or files an incomplete report may be assessed a civil penalty by the Commissioner of Elections pursuant to this section.

B. Prior to assessing a penalty pursuant to this section, the Commissioner shall notify, within 14 days of the deadline for the required report, the candidate and treasurer in writing that a report has not been filed or that a filed report has not been completed, citing the omissions from the report. No penalty shall be assessed pursuant to this section if the report or information required to complete the report is filed within seven days of the date of mailing the written notice.

C. If the report or information required to complete the report is not filed within the seven-day period, the Commissioner shall assess against the candidate and treasurer, who shall be jointly and severally liable, a civil penalty of $500 for each day that the violation continues on and after the eighth day following the date of mailing the written notice. The Commissioner may grant an additional period for compliance, not to exceed two weeks, for good cause shown and in response to a request filed within the seven-day period. However, no additional period shall be granted for compliance with the requirement under subdivision 8 of § 24.2-947.6 to file a report not later than the eighth day before the election. The State Board shall notify the public through its official Internet website of the violation and identity of the violator.

D. If requested by the Commissioner, the attorney for the Commonwealth of the City of Richmond shall assist the Commissioner in collecting the civil penalty.

E. Any candidate or treasurer aggrieved by the assessment pursuant to this section shall have a right to the direct review of the assessment by a court of competent jurisdiction as provided in the Administrative Process Act (§ 2.2-4000 et seq.). The provisions of the Act shall not apply, however, to the assessment of civil penalties by the Commissioner pursuant to this section.

F. Civil penalties collected pursuant to this section shall be payable to the State Treasurer for deposit to the general fund.

1991, c. 548, § 24.1-263.1; 1993, c. 641, § 24.2-930; 2001, c. 620; 2005, c. 371; 2006, cc. 787, 892; 2013, c. 542.

§ 24.2-953.5. Additional penalties related to federal political action or out-of-state political committees

A. Acceptance of contributions of $10,000 or more in the aggregate in any calendar year from an unregistered federal political action committee or out-of-state political committee shall result in a civil penalty equal to the amount of the contributions made to a candidate campaign committee or political committee.

B. The provisions of this subsection are applicable regardless of the assessment of a civil penalty pursuant to subsection A. The failure of any federal political action committee or out-of-state political committee to comply with the provisions of § 24.2-949.2, 24.2-949.9:1, 24.2-949.9:2, or 24.2-949.9:3 shall result in a civil penalty not to exceed the amount of the contribution made to a candidate campaign committee or political committee.

C. The State Board of Elections shall institute proceedings pursuant to § 24.2-104 against any committee that fails to comply with the provisions of § 24.2-947.3:1, 24.2-949.2, 24.2-949.9:1, 24.2-949.9:2, 24.2-949.9:3, or 24.2-949.9:4 and, after notice by the State Board, continues for more than five days to remain noncompliant.

2006, cc. 771, 805, § 24.2-930.1.

Chapter 9.4 - CAMPAIGN FUNDRAISING; LEGISLATIVE SESSIONS

§ 24.2-954. Campaign fundraising; legislative sessions; penalties

A. No member of the General Assembly or statewide official and no campaign committee of a member of the General Assembly or statewide official shall solicit or accept a contribution for the campaign committee of any member of the General Assembly or statewide official, or for any political committee, from any person or political committee on and after the first day of a regular session of the General Assembly through adjournment sine die of that session.

B. No person or political committee shall make or promise to make a contribution to a member of the General Assembly or statewide official or his campaign committee on and after the first day of a regular session of the General Assembly through adjournment sine die of that session.

C. The restrictions of this section shall not apply to a contribution (i) made by a member of the General Assembly or statewide official from his personal funds or (ii) made to the campaign committee of a candidate in a special election.

D. As used in this section:

"Adjournment sine die" means adjournment on the last legislative day of the regular session, and such session does not include the ensuing reconvened session;

"Campaign committee," "contribution," "person," and "political committee" shall be defined as provided in § 24.2-945.1 except that "contribution" shall not include money, services, or things of value in any way provided by a candidate to his own campaign and the payment by the candidate of any primary filing fee;

"Solicit" means request a contribution, orally or in writing, but shall not include a request for support of a candidate or his position on an issue; and

"Statewide official" means the Governor, Lieutenant Governor, and Attorney General.

E. Any person who violates, or aids, abets, or participates in the violation of, this section shall be subject to a civil penalty equal to the amount of the prohibited contribution or promised contribution or $500, whichever amount is greater. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalty provided herein. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund.

1997, c. 876, § 24.2-940; 2006, cc. 787, 892.

Chapter 9.5 - POLITICAL CAMPAIGN ADVERTISEMENTS

Article 1 - GENERAL PROVISIONS

§ 24.2-955. Scope of disclosure requirements

The disclosure requirements of this chapter apply to any sponsor of an advertisement in the print media or on radio or television the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) except that the disclosure requirements of this chapter do not apply to (i) an individual who makes independent expenditures aggregating less than $1,000 in an election cycle for or against a candidate for statewide office or less than $200 in an election cycle for or against a candidate for any other office or (ii) an individual who incurs expenses only with respect to a referendum.

2002, c. 487, § 24.2-941; 2006, cc. 787, 892; 2008, c. 825.

§ 24.2-955.1. Definitions

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

"Advertisement" means any message appearing in the print media, on television, or on radio that constitutes a contribution or expenditure under Chapter 9.3 (§ 24.2-945 et seq.). "Advertisement"

shall not include novelty items authorized by a candidate including, but not limited to, pens, pencils, magnets, and buttons to be attached to wearing apparel.

"Authorized by ..... " means the same as "authorization" as defined in § 24.2-945.1.

"Campaign telephone calls" means a series of telephone calls, electronic or otherwise, made (i) to 25 or more telephone numbers in the Commonwealth, (ii) during the 180 days before a general or special election or during the 90 days before a primary or other political party nominating event, (iii) conveying or soliciting information relating to any candidate or political party participating in the election, primary or other nominating event, and (iv) under an agreement to compensate the telephone callers.

"Candidate" means "candidate" as defined in § 24.2-101.

"Candidate campaign committee" or "campaign committee" means "campaign committee" as defined in § 24.2-945.1.

"Coordinated" or "coordination" means an expenditure that is made (i) at the express request or suggestion of a candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee or (ii) with material involvement of the candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee in devising the strategy, content, means of dissemination, or timing of the expenditure.

"Conspicuous" means so written, displayed, or communicated that a reasonable person ought to have noticed it.

"Full-screen" means the only picture appearing on the television screen during the oral disclosure statement that (i) contains the disclosing person, (ii) occupies all visible space on the television screen, and (iii) contains the image of the disclosing person that occupies at least 50% of the vertical height of the television screen.

"Independent expenditure" means "independent expenditure" as defined in § 24.2-945.1.

"Occurrence" means one broadcast of a radio or television political campaign advertisement.

"Political action committee" means "political action committee" as defined in § 24.2-945.1.

"Political committee" means "political committee" as defined in § 24.2-945.1.

"Political party" has the same meaning as "party" or "political party" as defined in § 24.2-101.

"Political party committee" means any state political party committee, congressional district political party committee, county or city political party committee, or organized political party group of elected officials. The term shall not include any other organization or auxiliary associated with or using the name of a political party.

"Print media" means billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, website,

electronic mail, yard signs, and outdoor advertising facilities. If a single print media advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this section applies only to one page, fold, or face.

"Radio" means any radio broadcast station that is subject to the provisions of 47 U.S.C. §§ 315 and 317.

"Scan line" means a standard term of measurement used in the electronic media industry calculating a certain area in a television advertisement.

"Sponsor" means a candidate, candidate campaign committee, political committee, or person that purchases an advertisement.

"Television" means any television broadcast station, cable television system, wireless-cable multipoint distribution system, satellite company, or telephone company transmitting video programming that is subject to the provisions of 47 U.S.C. §§ 315 and 317.

"Unobscured" means that the only printed material that may appear on the television screen is a visual disclosure statement required by law, and that nothing is blocking the view of the disclosing person's face.

"Yard sign" means a sign paid for or distributed by a candidate, campaign committee, or political committee to be placed on public or private property. Yard signs paid for or distributed prior to July 1, 2015, shall not be subject to the provisions of §§ 24.2-956 and 24.2-956.1.

2002, c. 487, § 24.2-942; 2003, c. 237; 2006, cc. 787, 892; 2015, c. 573.

§ 24.2-955.2. Publications not to receive compensation for advocating candidacy; penalties

A. It shall be unlawful for any owner, proprietor, editor, manager, officer, clerk, agent, reporter, or employee of any newspaper, magazine, or periodical printed or published in this Commonwealth to accept or receive or agree to accept or receive, for himself or another, any money or other valuable consideration for such newspaper, magazine, or other periodical supporting or advocating the election or defeat of any candidate. But nothing in this section shall prevent any person, firm, or corporation engaged in the publication of any newspaper, magazine or periodical from receiving from any person compensation for printing and publishing any matter, article or articles advocating the election or defeat of any candidate, if a statement, "Paid Advertisement," appears in plain type in boldface Roman capitals in a conspicuous place at the beginning of the matter or article and the matter or article otherwise complies with the provisions of this chapter.

B. The person accepting a "Paid Advertisement" for the newspaper, magazine or periodical shall require, and for one year shall retain a copy of, proof of the identity of the person who submits the advertisement for publication when the authorization statement on the advertisement is made pursuant to this chapter by an individual or entity other than a candidate, candidate campaign committee, political party committee, or political action committee. Proof of identity shall be submitted either (i) in person and include a 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 (ii) other than in person, in which case, the person submitting the advertisement shall provide a telephone number and the person accepting the advertisement may phone the person to verify the validity of the person's identifying information before publishing the advertisement. Any candidate clearly identified in the advertisement is entitled to the name of the person who submitted the advertisement after the publication of the advertisement in the newspaper, magazine, or periodical.

C. Any such owner, proprietor, editor, manager, officer, clerk, agent, reporter, or employee violating the provisions of subsection A or B shall be subject to a civil penalty not to exceed $50; and, in the case of a willful violation, he shall be guilty of a Class 1 misdemeanor. The procedure to enforce the civil penalty provided in this section shall be as stated in Article 8 (§ 24.2-953 et seq.) of Chapter 9.3.

Code 1950, § 24-406; 1952, c. 4; 1970, c. 462, § 24.1-276; 1991, c. 709; 1993, c. 641, § 24.2-1013; 2001, c. 747; 2002, c. 487; 2006, cc. 787, 892; 2008, c. 825.

§ 24.2-955.3. Penalties for violations of this chapter

A. Any sponsor violating Article 2 (§ 24.2-956 et seq.) of this chapter shall be subject to (i) a civil penalty not to exceed $1,000; or (ii) in the case of a violation occurring within the 14 days prior to or on the election day of the election to which the advertisement pertains, a civil penalty not to exceed $2,500. In the case of a willful violation, he shall be guilty of a Class 1 misdemeanor.

B. Any sponsor violating Article 3 (§ 24.2-957 et seq.) or 4 (§ 24.2-958 et seq.) of this chapter shall be subject to (i) a civil penalty not to exceed $1,000 per occurrence; or (ii) in the case of a violation occurring within the 14 days prior to or on the election day of the election to which the advertisement pertains, a civil penalty not to exceed $2,500 per occurrence. In the case of a willful violation, he shall be guilty of a Class 1 misdemeanor. In no event shall the total civil penalties imposed for multiple broadcasts of one particular campaign advertisement exceed $10,000.

C. Any person violating Article 5 (§ 24.2-959 et seq.) of this chapter shall be subject to a civil penalty not to exceed $2,500; and in the case of a willful violation, he shall be guilty of a Class 1 misdemeanor. A violation of the provisions of Article 5 of this chapter shall not void any election.

D. The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty. At least 10 days prior to such hearing, the State Board shall send notice by certified mail to persons whose actions will be reviewed at such meeting and may be subject to civil penalty. Notice shall include the time and date of the meeting, an explanation of the violation, and the maximum civil penalty that may be assessed.

E. It shall not be deemed a violation of this chapter if the contents of the disclosure legend or statement convey the required information.

F. Any civil penalties collected pursuant to an action under this section shall be payable to the State Treasurer for deposit to the general fund. The procedure to enforce the civil penalties provided in this section shall be as stated in § 24.2-946.3.

2002, c. 487, §§ 24.2-943, 24.2-944; 2003, c. 237; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892; 2010, c. 546.

Article 2 - PRINT MEDIA ADVERTISEMENT REQUIREMENTS

§ 24.2-956. Requirements for print media advertisements sponsored by a candidate campaign committee

It shall be unlawful for any candidate or candidate campaign committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless all of the following conditions are met:

1. It bears the legend or includes the statement: "Paid for by _____ [Name of candidate or campaign committee]." Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by _____ [Name of sponsor]" may be replaced by the statement "Authorized by _____ [Name of sponsor]."

2. In an advertisement sponsored by a candidate or a candidate campaign committee that makes reference to any other clearly identified candidate who is not sponsoring the advertisement, the sponsor shall state whether it is authorized by the candidate not sponsoring the advertisement. The visual legend in the advertisement shall state either "Authorized by [Name of candidate], candidate for [Name of office]" or "Not authorized by any other candidate." This subdivision does not apply if the sponsor of the advertisement is the candidate the advertisement supports or that candidate's campaign committee.

3. If an advertisement is jointly sponsored, the disclosure statement shall name all the sponsors.

4. Any disclosure statement required by this section shall be displayed in a conspicuous manner in a minimum font size of seven point.

5. Any print media advertisement appearing in electronic format shall display the disclosure statement in a minimum font size of seven point; however, if the advertisement lacks sufficient space for a disclosure statement in a minimum font size of seven point, the advertisement may meet disclosure requirements if, by clicking on the print media advertisement appearing in electronic format, the viewer is taken to a landing page or a home page that displays the disclosure statement in a conspicuous manner.

2002, c. 487, § 24.2-943; 2003, c. 237; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892; 2012, c. 519.

§ 24.2-956.1. Requirements for print media advertisements sponsored by a person or political committee, other than a candidate campaign committee

It shall be unlawful for any person or political committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless the following requirements are met:

1. It bears the legend or includes the statement: "Paid for by _____ [Name of person or political committee]."

2. In an advertisement supporting or opposing the nomination or election of one or more clearly identified candidates, the sponsor states whether it is authorized by a candidate. The visual legend in the advertisement shall state either "Authorized by [Name of candidate], candidate for [Name of office]" or "Not authorized by a candidate."

3. In an advertisement that identifies a candidate the sponsor is opposing, the sponsor must disclose in the advertisement the name of the candidate who is intended to benefit from the advertisement, if the sponsor coordinates with, or has the authorization of, the benefited candidate.

4. If an advertisement is jointly sponsored, the disclosure statement shall name all the sponsors.

5. Any disclosure statement required by this section shall be displayed in a conspicuous manner in a minimum font size of seven point.

6. Any print media advertisement appearing in electronic format shall display the disclosure statement in a minimum font size of seven point; however, if the advertisement lacks sufficient space for a disclosure statement in a minimum font size of seven point, the advertisement may meet disclosure requirements if, by clicking on the print media advertisement appearing in electronic format, the viewer is taken to a landing page or a home page that displays the disclosure statement in a conspicuous manner.

2002, c. 487, § 24.2-943; 2003, c. 237; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892; 2012, c. 519.

Article 3 - TELEVISION ADVERTISEMENT REQUIREMENTS

§ 24.2-957. General provisions

A. Television outlets shall not be liable under this article for carriage of political advertisements that fail to include the disclosure requirements provided for in this article. This provision supersedes any contrary provisions of the Code of Virginia.

B. If the sponsor does not have the option of controlling the audio, if any, heard during the television advertisement, the disclosure requirements shall be the same as for print media.

C. The person accepting an advertisement for a television outlet shall require, and for one year shall retain a copy of, proof of identity of the person who submits the advertisement for broadcast. Proof of identity shall be submitted either (i) in person and include a 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 (ii) other than in person, in which case,

the person submitting the advertisement shall provide a telephone number and the person accepting the advertisement may phone the person to verify the validity of the person's identifying information before broadcasting the advertisement.

D. Any disclosure statement required by this article shall be displayed in a conspicuous manner.

2002, c. 487, § 24.2-944; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892.

§ 24.2-957.1. Requirements for television advertisements sponsored by a candidate or candidate campaign committee

It shall be unlawful for any candidate or a candidate campaign committee to sponsor a television advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless the following requirements are met:

1. It bears the legend or includes the statement: "Paid for by _____ [Name of candidate or campaign committee]." Alternatively, if the advertisement is supporting that candidate and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by _____ [Name of sponsor]" may be replaced by the statement "Authorized by _ _____ [Name of sponsor]."

The disclosure shall be made by visual legend, which shall constitute 20 scan lines in size. The content of these visual legends is specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and 317 and this section.

2. If the advertisement sponsored by the candidate or the candidate campaign committee makes reference to another clearly identified candidate, it must include a disclosure statement spoken by the sponsoring candidate containing at least the following words: "I am _____ (or 'This is _____') [Name of candidate], candidate for [Name of] office, and I (or 'my campaign') sponsored this ad."

The candidate or the candidate campaign committee may provide the oral disclosure statement required by this section at the same time as the visual disclosure required under the Communications Act of 1934, 47 U.S.C. §§ 315 and 317, is shown.

3. The advertisement shall include throughout the disclosure statement an unobscured, full-screen picture containing the candidate, either in photographic form or through the actual appearance of the candidate on camera.

4. The candidate or the campaign committee may place the disclosure statement required by this section at any point during the advertisement, except if the duration of the advertisement is more than five minutes, the disclosure statement shall be made both at the beginning and end of the advertisement.

5. In its oral disclosure statement, the sponsor may choose to identify an advertisement as either supporting or opposing the nomination or election of one or more clearly identified candidates.

6. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the sponsors and the candidate shall be the disclosing individual. If more than one candidate is the sponsor, at least one of the candidates shall be the disclosing individual.

2002, c. 487, § 24.2-944; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892.

§ 24.2-957.2. Requirements for television advertisements sponsored by a political committee

It shall be unlawful for a political committee to sponsor a television advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless the following requirements are met:

1. It bears the legend or includes the statement: "Paid for by _____ [Name of political committee]."

2. A television advertisement supporting or opposing the nomination or election of one or more clearly identified candidates (i) shall include a disclosure statement, spoken by the chief executive officer or treasurer of the political committee, containing at least the following words: "The [Name of political committee] sponsored this ad."

3. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the sponsors and the disclosing individual shall be one of those sponsors.

4. The disclosure shall be made by visual legend, which shall constitute 20 scan lines in size.

5. The content of these visual legends is specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and 317 and this section.

6. The political committee may provide the oral disclosure statement required by this section at the same time as the visual disclosure required under the Communications Act of 1934, 47 U.S.C. §§ 315 and 317, is shown.

7. The advertisement shall include throughout the disclosure statement an unobscured, full-screen picture containing the disclosing individual, either in photographic form or through the actual appearance of the disclosing individual on camera.

8. A political committee may place the disclosure statement required by this section at any point during the advertisement, except if the duration of the advertisement is more than five minutes, the disclosure statement shall be made both at the beginning and end of the advertisement.

9. In its oral disclosure statement, a political committee may choose to identify an advertisement as either supporting or opposing the nomination or election of one or more clearly identified candidates.

10. If the advertisement is jointly sponsored, the disclosure statement shall name all of the sponsors and the disclosing individual shall be one of those sponsors. This provision supersedes any contrary provisions of the Code of Virginia.

2002, c. 487, §§ 24.2-943, 24.2-944; 2003, c. 237; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892.

§ 24.2-957.3. Requirements for television advertisements sponsored by a person that is not a candidate campaign committee or political committee

A. It shall be unlawful for a person to sponsor a television advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless the following requirements are met:

1. If the sponsor is an individual, a disclosure statement spoken by the individual containing at least the following words: "I am [individual's name], and I sponsored this ad."

2. If the sponsor is a corporation, partnership, business, labor organization, membership organization, association, cooperative, or other like entity, a disclosure statement spoken by the chief executive officer containing at least the following words: "[Name of sponsor] paid for (or 'sponsored' or 'furnished') this ad."

B. In its oral disclosure statement, a person may choose to identify an advertisement as either supporting or opposing the nomination or election of one or more clearly identified candidates.

C. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the sponsors.

2002, c. 487, § 24.2-944; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892.

Article 4 - RADIO ADVERTISEMENT REQUIREMENTS

§ 24.2-958. General provisions

A. Radio outlets shall not be liable under this article for carriage of political advertisements that fail to include the disclosure requirements provided for in this article. This provision supersedes any contrary provisions of the Code of Virginia.

B. The person accepting an advertisement for a radio outlet shall require, and for one year shall retain a copy of, proof of identity of the person who submits the advertisement for broadcast. Proof of identity shall be submitted either (i) in person and include a 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 (ii) other than in person, in which case, the person submitting the advertisement shall provide a telephone number and the person accepting the advertisement may phone the person to verify the validity of the person's identifying information before broadcasting the advertisement.

C. Any disclosure statement required by this section shall be communicated in a conspicuous manner.

2002, c. 487, § 24.2-944; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892.

§ 24.2-958.1. Requirements for radio advertisements sponsored by a candidate or candidate campaign committee

It shall be unlawful for a candidate or a candidate campaign committee to sponsor a radio advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless all of the following requirements are met:

1. The advertisement shall include the statement "Paid for by ..... [Name of candidate or candidate campaign committee]." Alternatively, if the advertisement makes no reference to any clearly identified candidate other than the candidate who is sponsoring the advertisement or whose campaign committee is sponsoring the advertisement, then the statement "Paid for by ..... [Name of candidate or candidate campaign committee]" may be replaced by the statement "Authorized by ..... [Name of candidate or candidate campaign committee]."

2. If the advertisement supports or opposes the election or nomination of a clearly identified candidate other than the sponsoring candidate or supports or opposes the election or nomination of the sponsoring candidate and makes reference to another clearly identified candidate, it must include a disclosure statement spoken by the sponsoring candidate containing at least the following words: "I am (or 'This is .....') [Name of candidate], candidate for [Name of office], and this ad was paid for by (or 'sponsored by' or 'furnished by') [Name of candidate or candidate campaign committee]."

3. The disclosure statement shall last at least two seconds and the statement shall be spoken so that its contents may be easily understood. The placement of the oral disclosure statement shall also comply with the requirements of the Communications Act of 1934, 47 U.S.C. §§ 315 and 317.

4. In its oral disclosure statement, the candidate or the candidate campaign committee may choose to identify an advertisement as either supporting or opposing the nomination or election of one or more clearly identified candidates.

5. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the sponsors and the candidate shall be the disclosing individual. If more than one candidate is the sponsor, at least one of the candidates shall be the disclosing individual.

2002, c. 487, § 24.2-944; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892.

§ 24.2-958.2. Requirements for radio advertisements sponsored by a political committee

It shall be unlawful for a political committee to sponsor an advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless the following requirements are satisfied:

1. A radio advertisement supporting or opposing the nomination or election of one or more clearly identified candidates (i) shall include a disclosure statement, spoken by the chief executive

officer or treasurer of the committee, containing at least the following words: "This ad was paid for (or 'sponsored by' or 'furnished by') [Name of political action committee]." (ii) The disclosure statement shall last at least two seconds and the statement shall be spoken so that its contents may be easily understood. (iii) The placement of the oral disclosure statement shall also comply with the requirements of the Communications Act of 1934, 47 U.S.C. §§ 315 and 317.

2. In its oral disclosure statement, a political committee may choose to identify an advertisement as either supporting or opposing the nomination or election of one or more clearly identified candidates.

3. If the advertisement is jointly sponsored, the disclosure statement shall name all of the sponsors and the disclosing individual shall be one of those sponsors.

2002, c. 487, § 24.2-944; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892.

§ 24.2-958.3. Requirements for radio advertisements sponsored by a person that is not a candidate or political committee

A. It shall be unlawful for a person to sponsor an advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless the following requirements are met:

1. Radio advertisements purchased by an individual supporting or opposing the nomination or election of one or more clearly identified candidates shall include a disclosure statement spoken by the individual containing at least the following words: "I am [individual's name], and I sponsored this ad."

2. Radio advertisements purchased by a corporation, partnership, business, labor organization, membership organization, association, cooperative, or other like entity supporting or opposing the nomination or election of one or more clearly identified candidates shall include a disclosure statement spoken by the chief executive of the sponsor containing at least the following words: "[Name of sponsor] paid for (or 'sponsored' or 'furnished') this ad."

B. In its oral disclosure statement, a person may choose to identify an advertisement as either supporting or opposing the nomination or election of one or more clearly identified candidates.

C. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the sponsors.

2002, c. 487, § 24.2-944; 2004, cc. 55, 457; 2005, c. 369; 2006, cc. 787, 892.

Article 5 - CAMPAIGN TELEPHONE CALL REQUIREMENTS

§ 24.2-959. Requirements for campaign telephone calls sponsored by a candidate or candidate campaign committee

It shall be unlawful for any candidate or candidate campaign committee to make campaign telephone calls without disclosing, before the conclusion of each telephone call, information to

identify the candidate or candidate campaign committee who has authorized and is paying for the calls unless such call is terminated prematurely by means beyond the maker's control.

The person making the telephone call shall disclose the name of the candidate.

It shall be unlawful for any candidate or candidate campaign committee making campaign telephone calls to intentionally modify the caller identification information of any campaign telephone call for the purpose of misleading the recipient as to the identity of the caller. If the call is made from an automatic dialing-announcing device and caller identification information includes a name associated with the telephone number, then the caller identification information shall include either the name of the candidate or candidate campaign committee that has authorized and is paying for the calls, or the vendor conducting the calls on behalf of the candidate or candidate campaign committee. "Automatic dialing-announcing device" means the same as that term is defined in § 59.1-518.1.

It shall also be unlawful (i) for any candidate or candidate campaign committee who contracts for campaign telephone calls to fail to provide to the persons making the telephone calls the identifying information required by this section or (ii) for any person to provide a false or fictitious name or address when providing the identifying information required.

2000, c. 874, § 24.2-1014.1; 2006, cc. 787, 892; 2010, c. 323.

§ 24.2-959.1. Requirements for campaign telephone calls sponsored by a political committee or person other than a candidate or candidate campaign committee

It shall be unlawful for any person or political committee to make campaign telephone calls without disclosing, before the conclusion of each telephone call, information to identify the person or political committee who has authorized and is paying for the calls unless such call is terminated prematurely by means beyond the maker's control.

The person making the telephone call shall disclose the following identifying information: the name of the political committee if the calls are authorized by that committee or an agent of that committee; and in the case of a committee that has filed a statement of organization under Chapter 9.3 (§ 24.2-945 et seq.), the full name of the committee and a registration number provided by the State Board; or in any other case, the full name and residence address of the individual responsible for the campaign telephone calls.

It shall be unlawful for any person, corporation, or political committee making campaign telephone calls to intentionally modify the caller identification information for the purpose of misleading the recipient as to the identity of the caller. If the call is made from an automatic dialing-announcing device and caller identification information includes a name associated with the telephone number, then the caller identification information shall include either the name of the person, corporation, or political committee that has authorized and is paying for the calls or the vendor conducting the calls on behalf of the person, corporation, or political committee. "Automatic dialing-announcing device" means the same as that term is defined in § 59.1-518.1.

It shall also be unlawful (i) for any person who contracts for campaign telephone calls to fail to provide to the persons making the telephone calls the identifying information required by this section or (ii) for any person to provide a false or fictitious name or address when providing the identifying information required.

2000, c. 874, § 24.2-1014.1; 2006, cc. 787, 892; 2010, c. 323.

Chapter 10 - ELECTION OFFENSES GENERALLY; PENALTIES

§ 24.2-1000. Bribery, intimidation, etc., of officers of election

Any person who, by bribery, intimidation, or other means in violation of the election laws, willfully hinders or prevents, or attempts to hinder or prevent, the officers of election at any precinct from holding an election shall be guilty of a Class 5 felony.

Code 1950, § 24-191; 1970, c. 462, § 24.1-264; 1993, c. 641 .

§ 24.2-1001. Willful neglect or corrupt conduct

A. If any officer of election, member of an electoral board, or other person on whom any duty is enjoined by law relative to any election, is guilty of willful neglect of his duty, he shall be guilty of a Class 1 misdemeanor.

B. If any person listed in subsection A is guilty of any corrupt conduct in the execution of his duty, he shall be guilty of a Class 5 felony.

Code 1950, § 24-212; 1970, c. 462, § 24.1-266; 1991, c. 710; 1993, c. 641 .

§ 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.

Code 1950, § 24-116; 1970, c. 462, § 24.1-265; 1984, c. 480, § 24.1-49.01; 1993, c. 641; 2003, c. 1015.

§ 24.2-1002.01. Destruction of, or failure to mail or deliver, voter registration application; penalty

If any person (i) agrees to mail or deliver a signed voter registration application to the voter registrar or other appropriate person authorized to receive the application and (ii) intentionally interferes with the applicant's effort to register either by destroying the application or by failing to mail or deliver the application in a timely manner, he shall be guilty of a Class 1 misdemeanor. The mailing or delivery of an application shall be deemed timely for the purposes of this section if it is mailed or delivered within 10 days of the applicant's signature or in accordance with the provisions of § 24.2-416.4 for processing before the closing of the registration records for the pending

election whichever comes first. This section shall not apply to any state or local government employee acting in his official capacity. If any person intentionally solicits multiple registrations from any one person or intentionally falsifies a registration application, he shall be guilty of a Class 5 felony.

1997, c. 337; 2005, cc. 339, 412; 2013, c. 465.

§ 24.2-1002.1. Unlawful disclosure or use of social security number or part thereof

Any person who discloses or makes any use of the social security number, or any part thereof, of any applicant for voter registration, except as authorized by law for official use, shall be guilty of a Class 5 felony.

1996, cc. 72, 73; 2007, c. 318.

§ 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.

1984, c. 480, § 24.1-49.01; 1993, c. 641; 2003, c. 1015.

§ 24.2-1004. Illegal voting and registrations

A. Any person who wrongfully deposits a ballot in the ballot 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, (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, (iii) votes knowing that he is not qualified to vote where and when the vote is to be given, or (iv) 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 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.

D. Nothing in this section shall be construed to prohibit a person entitled to vote absentee under subdivision 2 of § 24.2-700 from casting in the same election both a state ballot and a write-in absentee ballot that is processed in the manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.). If both ballots are received prior to the close of the polls on election day, the state ballot shall be counted.

Code 1950, §§ 24-450, 24-451; 1970, c. 462, § 24.1-268; 1993, c. 641; 2001, c. 636; 2003, c. 1015; 2009, cc. 865, 870, 874; 2012, cc. 652, 667.

§ 24.2-1005. Bribery, intimidation, etc., of person receiving ballot

Any person who (i) by threats, bribery, or other means in violation of the election laws, attempts to influence any person in giving his vote or ballot or by such means attempts to deter him from voting; (ii) furnishes a ballot to a person who he knows cannot understand the language in which the ballot is printed and misinforms him as to the content of the ballot with an intent to deceive him and induce him to vote contrary to his desire; or (iii) changes a ballot of a person to prevent the person from voting as he desired, shall be guilty of a Class 1 misdemeanor.

This section applies to any election and to any method used by a political party for selection of its nominees and for selection of delegates to its conventions and meetings.

1970, c. 462, § 24.1-271; 1993, c. 641 .

§ 24.2-1005.1. Communication of false information to registered voter

A. It shall be unlawful for any person to communicate to a registered voter, by any means, false information, knowing the same to be false, intended to impede the voter in the exercise of his right to vote. The provisions of this section shall apply to information only about the date, time, and place of the election or the voter's precinct, polling place, or voter registration status.

B. Any person who violates the provisions of this section shall be guilty of a Class 1 misdemeanor.

C. A violation of this section may be prosecuted either in the jurisdiction from which the communication was made or in the jurisdiction in which the communication was received.

2007, c. 313.

§ 24.2-1006. Advice or assistance in casting ballot

Except as provided by § 24.2-649, no person shall directly or indirectly advise or assist any voter as to how he shall cast his ballot after the voter has entered the prohibited area at the polls as designated in § 24.2-604. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

Code 1950, § 24-237; 1970, c. 462, § 24.1-267; 1993, c. 641 .

§ 24.2-1007. Soliciting or accepting bribe to influence or procure vote

No person shall solicit or accept directly or indirectly any money or any thing of value to influence his or another's vote in any election. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

This section applies to any election and to any method used by a political party for selection of its nominees and for selection of delegates to its conventions and meetings.

Code 1950, §§ 24-405, 24-452; 1952, c. 4; 1970, c. 462, § 24.1-272; 1976, c. 616; 1993, c. 641 .

§ 24.2-1008. Selling, giving away, or counterfeiting ballots

Any person who (i) wrongfully sells or gives to any person an official ballot or copy or a facsimile of or device or plate used to reproduce such ballot or (ii) counterfeits or attempts to counterfeit the official ballot or the seal used on that ballot, shall be guilty of a Class 5 felony.

Code 1950, § 24-239; 1970, c. 462, § 24.1-270; 1991, c. 710; 1993, c. 641 .

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

Any person who (i) steals or willfully, fraudulently, or wrongfully tampers with any part of any ballot container, voting or registration equipment, records, or documents, which are used in any way within the registration or election process, (ii) steals or willfully, fraudulently, or wrongfully tampers with the software used to prepare and operate voting equipment or the software or hardware used to collect and disseminate election returns, (iii) steals or willfully, fraudulently, or wrongfully tampers with an electronic activation device or electronic data storage medium of the type used to prepare, operate or back-up electronic voting equipment, (iv) willfully, fraudulently, or wrongfully intercepts, alters or disrupts the electronic transmission of election returns or the posting of returns on the Internet, (v) fraudulently makes any entry, deletion, or alteration to any item listed in (i), or (vi) aids, abets, or permits any other person to violate the provisions of clauses (i) through (v), shall be guilty of a Class 5 felony.

Code 1950, §§ 24-318, 24-404; 1952, c. 4; 1970, c. 462, §§ 24.1-273, 24.1-275; 1981, c. 425; 1991, c. 710; 1993, c. 641; 2003, c. 1015; 2004, cc. 993, 1010.

§ 24.2-1010. Unauthorized possession or duplication of voting equipment key or electronic activation device

Any unauthorized person found in possession of any voting equipment key or electronic activation device of the type used to prepare or operate voting equipment or any unauthorized person who duplicates a voting equipment key or electronic activation device shall be guilty of a Class 1 misdemeanor.

Code 1950, § 24-318; 1970, c. 462, § 24.1-275; 1991, c. 710; 1993, c. 641; 2004, cc. 993, 1010.

§ 24.2-1011. Ballot not to be carried away

It shall be unlawful for any person to carry the official ballot furnished him by the officers of the election further than the voting booth, and should he, after receiving the ballot, conclude not to vote, he shall immediately return the ballot to the officers. Any person who (i) carries an official ballot or copy thereof beyond or away from the voting booth, except to the officers of election, or (ii) votes any ballot except the ballot received from the officers of election, shall be guilty of a Class 1 misdemeanor.

Code 1950, § 24-236; 1970, c. 462, § 24.1-269; 1993, c. 641 .

§ 24.2-1012. Offenses as to absent voters

Any person who knowingly aids or abets or attempts to aid or abet a violation of the absentee voting procedures prescribed in § 24.2-649 and Chapter 7 (§ 24.2-700 et seq.) shall be guilty of a Class 5 felony.

Any person attempting to vote by fraudulently signing the name of a qualified voter shall be guilty of forgery and shall be guilty of a Class 4 felony.

Any public official who knowingly violates any of the provisions of the law concerning absent voters and thereby aids in any way the illegal casting, or attempting to cast a vote, or who connives to nullify any provisions of this chapter in order that fraud may be perpetrated, shall forever be disqualified from holding office in the Commonwealth and shall forever be disqualified from exercising the right of franchise.

Code 1950, § 24-345; 1956, c. 382; 1970, c. 462, § 24.1-274; 1993, c. 641; 2006, c. 242.

§ 24.2-1013. Repealed

Repealed by Acts 2006, cc. 787 and 892, cl. 2.

§ 24.2-1014. Repealed

Repealed by Acts 2002, c. 487.

§ 24.2-1014.1. Repealed

Repealed by Acts 2006, cc. 787 and 892, cl. 2.

§ 24.2-1015. Conspiracy against rights of citizens under this title

If two or more persons conspire to injure, oppress, threaten, intimidate, prevent, or hinder any citizen of this Commonwealth in the free exercise or enjoyment of any right or privilege secured to him by the provisions of this title, or because of his having so exercised such right, they shall be guilty of a Class 5 felony.

1970, c. 462, § 24.1-278; 1991, c. 710; 1993, c. 641 .

§ 24.2-1016. False statements; penalties

Any willfully false material statement or entry made by any person in any statement, form, or report required by this title shall constitute the crime of election fraud and be punishable as a Class 5 felony. Any preprinted statement, form, or report shall include a statement of such unlawful conduct and the penalty provided in this section.

Code 1950, § 24-68; 1952, c. 341; 1958, c. 576; 1960, c. 288; 1962, c. 536; 1970, c. 462, §§ 24.1-48, 24.1-279; 1971, Ex. Sess., c. 205; 1972, c. 620; 1974, c. 428; 1975, c. 515; 1977, c. 490; 1978, c. 778; 1980, c. 639; 1989, c. 138; 1992, c. 433; 1993, c. 641 .

§ 24.2-1017. Penalties when not specifically provided elsewhere

Any conduct made unlawful by this title, for which no punishment has been otherwise provided, shall be a Class 1 misdemeanor.

Code 1950, § 24-455; 1970, c. 462, § 280; 1993, c. 641 .

§ 24.2-1018. Immunity of witnesses

No witness called by the court or attorney for the Commonwealth and giving evidence for the prosecution, either before a grand jury or the court in any prosecution under this title, shall ever be proceeded against for any offense made penal by the provisions of this title and committed by him at or in connection with the events germane to the matter being prosecuted; but such witness shall be compelled to testify, and for refusing to answer questions, he may be punished for contempt by the court.

Code 1950, § 24-449; 1954, c. 347; 1970, c. 462, § 24.1-281; 1993, c. 641 .

§ 24.2-1019. Complaints and allegations concerning election law offenses

Any complaint or allegation concerning unlawful conduct under this title shall be filed with the attorney for the Commonwealth of the county or city in which the alleged violation occurred. In the case of a complaint or allegation concerning the filing of a false statement in a voter registration application, the violation shall be deemed to have occurred in the county or city where the applicant sought to be registered.

1983, c. 461, § 24.1-282; 1993, c. 641; 1999, c. 374.