

**REGISTRATION OF VOTERS AND VOTING**

**REPORT OF THE  
COMMISSION ON REGISTRATION  
to  
THE GOVERNOR  
and  
THE GENERAL ASSEMBLY OF VIRGINIA**



1962

**SENATE DOCUMENT NO. 15**

COMMONWEALTH OF VIRGINIA  
*Department of Purchases and Supply*  
Richmond  
1962



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REGISTRATION OF VOTERS AND VOTING  
REPORT OF THE  
COMMISSION ON REGISTRATION

RICHMOND, VIRGINIA, January 2, 1962

To:

HONORABLE J. LINDSAY ALMOND, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

The laws governing voter registration must be maintained so as to safeguard the voting privilege of the citizens of the Commonwealth. From time to time inaccuracies and conflicts arise in the relevant laws. It then becomes necessary to review the statutes in order to correct and improve them. With this in mind the General Assembly of 1960 passed Senate Joint Resolution No. 52 creating the Commission on Registration. The text of this resolution creating the Commission is as follows:

SENATE JOINT RESOLUTION NO. 52

*Creating a Commission on Registration*

There is hereby created a Commission on Registration composed of eleven members to consist of the chairman and six members of the Committee on Privileges and Elections of the House of Delegates designated by him, and the chairman and three members of the Committee on Privileges and Elections of the Senate designated by him. The Commission shall make a study and report upon the registration of voters and shall make a report to the Governor and General Assembly not later than September one, nineteen hundred sixty-one setting forth its findings and recommendations.

The Commission on Registration shall elect its chairman and such officers as are deemed necessary. The members of the Commission shall be compensated at the rate and in the manner provided by Code § 14-29.1 and shall be paid their actual expenses incurred in the performance of duty. The Commission may employ such assistance as it deems necessary. The expenses of the Commission, and the per diem expenses of the members shall be paid from the contingent fund of the General Assembly from which there is hereby appropriated the sum of five thousand dollars.

Garland Gray of Waverly, Chairman of the Senate Committee on Privileges and Elections, appointed Senators E. Almer Ames, Jr., of Onancock, Lloyd C. Bird of Chesterfield, and Curry Carter of Staunton, all members of the Senate Committee on Privileges and Elections as members of the Commission. John Warren Cooke of Mathews, Chairman of the Committee on Privileges and Elections of the House of Delegates, appointed J. L. Camblos of Big Stone Gap, Robert L. Clark of Stuart,

Delamater Davis of Norfolk, John M. Peck, Jr., of Fincastle, D. French Slaughter, Jr., of Culpeper, and James M. Thomson, Alexandria, all members of the House Committee on Privileges and Elections, as members of the Commission. Kenneth C. Patty, Assistant Attorney General, served Ex Officio.

Mr. Cooke was elected Chairman and Mr. Camblos was elected Vice-Chairman. John B. Boatwright, Jr., and Fletcher W. Harkrader, Jr., served as Secretary and Recording Secretary, respectively. Mr. Levin Nock Davis, Secretary of the State Board of Elections, was asked to meet with the Commission in an advisory capacity. Mr. Davis did so and his advice and recommendations were most helpful.

The Commission gathered considerable material, including the registration laws of other states, in order to keep advised of developments in this field in other sections of the country.

The Commission invited local election officials to appear before it and present their views on the existing registration laws and their suggestions for changes. Hearings for this purpose were conducted in Richmond on January 23, 1961, and in Roanoke on April 10, 1961. The Commission profited from the views presented at these hearings. After a thorough review of the Virginia laws, consideration of the suggestions made by local election officials and a comparative analysis of the statutes of other states, the Commission makes the following recommendations.

#### RECOMMENDATIONS

The Commission recommends that the General Assembly approve the amendment of § 20 of the State Constitution which was proposed at the 1960 Session in House Joint Resolution No. 63. This amendment will allow application for registration to be made on a form provided by the registration officer. The registrant will have to complete the form without aid, suggestion or memorandum in the presence of the registration officer. Presently, the Constitution requires that application be made without aid, suggestion or memorandum but no mention is made of a form provided by the registrar. This amendment will clear up uncertainty as to the constitutionality of certain registration practices. Its adoption will also serve to simplify voter registration, and ease the work of the registrar.

If this constitutional amendment is passed and upon referral to the people is favorably acted upon, then the Commission would be in favor of amending §§ 24-68 and 24-71 so as to do away with the blank sheet registration procedure. Until such time as the constitutional amendment can be acted upon, we recommend that § 24-68 be amended so as to require the use of the form which has been approved by the Attorney General for registration and which is in compliance with the Constitution.

The Commission studied the problem of the hours which polls remain open and concluded that the best interest of the citizens of the Commonwealth would be served by having the polls remain open uniformly throughout the State from 7:00 A.M. to 7:00 P.M. EST. Code § 15-24.2 provides that certain cities and counties may adopt daylight saving time; where so adopted such time shall then govern holding of elections.

The Commission recommends that § 24-9, which provides for the meeting of Virginia's Presidential Electors, be amended to provide that

they shall convene on the first Monday after the second Wednesday in December rather than the second Monday in January in order that this statute may be brought into conformity with the federal law and with current practice.

The Commission recommends that a cross-reference to Chapter 2.1 (voters in Armed Forces) be inserted at the beginning of Chapter 13.1 of Title 24, Absent Voters in Armed Forces, in order to bring the sections in Chapter 2.1 to the attention of persons referring to 13.1.

§ 24-55.1 has been added to provide for assistant registrars where the registrar, by reason of disability is unable to perform his duties. The assistant registrar would receive the same compensation, when acting, as is provided by § 24-55 for the registrar. The Commission has made this recommendation in order to meet the situation of a registrar becoming incapacitated, a situation not now covered by the law.

The Commission learned that considerable confusion existed as to court cost involved in petitions made under § 24-46 to change election districts. Consequently we have recommended that it be set out clearly in this section that no court cost shall be taxed growing out of a petition under this section.

The Commission encountered, in its study, misconceptions concerning the language of § 24-56. The language of the section presently provides that town registrars "Shall before any election in the town register all voters who are residents of the respective precincts of such town and who shall have previously registered as voters in the county or either of them in which the town is situated and none others." It is apparent that the intent of this sentence is not that the registrar shall register the persons referred to, but rather that he shall make a list of them. We recommend that the statute be amended to accord with this intent.

We recommend that § 24-83.1, which provides for closing registration books for a period of six days preceding special elections be amended to eliminate the exception for cities having a population of more than 100,000. The difficulty of preparing a list of newly registered voters is obvious in this case.

The Commission recommends an amendment of § 24,101 in order to provide a specific amount to compensate registrars for purging and copying registration books. Ten cents for each name copied and twenty five cents for each name purged is an adequate amount consistent with present practices. We consequently recommend that the sum of \$0.25 be allowed to the registrar for each name purged and ten cents for each name copied.

§ 24-107 should be amended to provide that persons purged from the registration books by the general registrar be notified by certified mail rather than by ordinary mail. This is done to safeguard the citizen in his voting rights and to provide a record of notice.

§ 24-114 should be amended to strike the reference to § 24-183 which has been repealed. § 24-114, governs the delivery of books to judges of elections. The repealed § 24-183 dealt with the hours the polls would be open from June through September. This has now been combined with § 24-182 which formerly governed the hours the polls were to be opened from October through May.

§ 24-117 provides that registrars, when making changes in their permanent registration books, send a duplicate copy to the county clerk or clerk of the corporation court of a city, who shall note the same upon the permanent roll in his possession. This function of recording changes in the registration books at the clerk's office is of great importance, particularly in an instance where the roll in the possession of the precinct registrar is lost or destroyed. The section as written makes adequate provision for the protection of the registration rolls. The Commission wishes to call to the attention of county clerks and clerks of corporation courts of cities the importance of this function however, and urges their prompt compliance with the statute.

The 1960 Session of the General Assembly amended § 24-131 providing for notice of candidacy to the clerk of court by candidates so as to make it conform with § 24-345.3 governing qualifications of candidates under chapter 13.1, (Absent Voters in Armed Forces). § 24-130 was not changed at that time. We recommend that § 24-130 be amended so as to make it conform with § 24-345.3. The section formerly required that notice be given at least sixty days before the election, if a general election. We recommend an emergency clause for this bill in order that the change may be applicable to the 1962 elections for Congress.

§ 24-134 which provides for the certification of party candidates to the State Election Board or clerk of court should be amended to provide that failure of a party chairman to make a certification will not prevent the State Board of Elections from declaring a candidate the nominee. This will prevent an uncertain situation from developing where illness or absence prevents a chairman from complying with the section.

§ 24-148 presently states that the Governor, Lieutenant Governor and Attorney General shall begin their term of office on the third Wednesday of January following their election. § 69 of the Constitution was amended in 1956 to provide that the Governor shall take office on the Saturday after the second Wednesday in January next succeeding his election. § 24-148 should be amended to conform to § 69 of the Constitution.

The Commission recommends that § 24-285 which sets out the time which the State Board of Elections meets for the purpose of canvassing the results of elections be amended to provide that this meeting take place on the fourth Monday of November instead of the fourth Monday in November "after the election"; in some years there would not be a fourth Monday in November after the election.

It is recommended that §§ 24-345.2, 24-345.5, 24-345.8 and 24-345.9 be amended so as to provide that servicemen applying for absentee ballots sign the application for the ballot. It is also recommended that the signature of the serviceman so applying, be authenticated by a notary public or an officer of the armed forces of the United States. This is done to prevent confusion resulting from applications being made on behalf of the serviceman by interested relatives and others, thereby duplicating an application which had been made personally by the serviceman.

§ 24-345.8 has been clarified as to what is to be done with the list showing the names of persons from whom war voter ballots have been received. The procedure is conformed to that outlined in § 24-339.

§ 24-351 should be amended to require the chairman and the secretaries of the party committees to notify the State Board of Elections of the adoption of direct primaries, one hundred days rather than thirty before the date set for the primary. The reason for this recommendation is that prior to the present deadline for candidates to file it is impossible to know if a primary is being held.

§ 24-401, which provides for filing fees in primary elections, should be amended to provide that the fees be paid directly to the State Treasurer rather than to the Comptroller who turns them over to the Treasurer. Direct payment to the Treasurer would greatly simplify the operation.

The Commission recommends that § 28 of the State Constitution be amended by changing the provision now contained in § 28 that voters may erase one name and insert another. This procedure is obsolete and therefore inconsistent with the voting procedure outlined in § 24-252 of the Code. The language of the code section should be written into the Constitution so as to avoid a conflict and uncertainty.

It is recommended that § 24-252 be amended to make it clear that names can not be inserted and voted for in primary elections since otherwise it would be possible for a person who had not qualified properly to be elected.

We recommend the enactment of a new section to be number 24-277.2 providing for a recount of ballots in primaries, special or general elections for the General Assembly and local offices provided for in Article VII and VIII of the State Constitution when there is a difference of 1% or less in the total vote cast between the highest and the next-highest candidate. No appeal procedure is provided since the delays involved would make it unfeasible. In an election where there is only 1% or less difference between the vote for the two candidates, there should be a recount without a formal contesting of the election. Human error could well be a deciding factor in such a close vote and candidates should not be required to contest in order to have the benefit of a recount under such circumstances.

§ 24-321 which sets the time limit for the submission of absentee ballot applications now requires that such applications be made not less than 8 days prior to the primary or the general election in which the applicant desires to vote. The Commission found considerable opinion among registrars that this time limit should be moved back to 5 days as the law was prior to 1954. Consequently, it is recommended that the limitation be changed from 8 to 5 days.

During the course of our hearings, it was brought to our attention that there appeared to be a need for a central list, or file, of criminal records which could be used by registrars throughout the State in purging the names of persons convicted of felonies. § 24-94 provides that the county clerk and the clerk of each corporation court shall provide each registrar in his county, or city, with a list of voters convicted of felonies. This procedure does not eliminate the problem of persons convicted outside of their home county. We recommend that the Virginia Advisory Legislative Council be requested to study the advisability and cost of setting up a central criminal records file for the purpose outlined. Such a file might also have use as a clearing house for various personnel agencies.

## CONCLUSION

The Commission feels that the election laws of this State generally provide a simple, convenient and fair procedure for the exercise of the right of suffrage. In order for a person to register he is required, in his own handwriting, to state a few simple facts, namely, age, date and place of birth, residence and occupation at the time of registration and for the one year next preceding, whether he has previously voted, and, if so, the State, county and precinct in which he voted last. The knowledge of these simple facts would seem to be a reasonable basis for qualifying to vote. Any person who can read and write should be able to meet the registration requirements. After a person has registered, he can continue to vote in this State so long as he maintains his legal residence in Virginia without ever being required to register again. This feature is a happy contrast to the requirement for periodical re-registration in some States—a procedure that is annoying and frustrating to voters. The absentee voting privileges in this State assure every voter of a convenient and inexpensive method of voting in every election by citizens who on account of illness, business, commitments and other reasons, are prevented from being at their voting precinct on election day.

The payment of a capitation tax of \$1.50 per year as a requisite to the enjoyment of suffrage is the subject of frequent attack, and about which sincere men disagree. Nevertheless, this small contribution to the local public fund and to the State's educational fund does not impose an unreasonable requirement upon any person who cherishes the opportunity to have a voice in the conduct of his government. The equal opportunity of all Virginia citizens to enjoy the right of suffrage is guaranteed by the election laws of this State.

The Commission wishes to express its appreciation to the many local election officials and other persons who aided in the study of the problem.

Drafts of legislation necessary to carry out the recommendations above are set out in Appendix A.

Respectfully submitted,

JOHN WARREN COOKE, Chairman

J. L. CAMBLOS, Vice Chairman

E. ALMER AMES, JR.

\*LLOYD C. BIRD

CURRY CARTER

ROBERT L. CLARK

DELAMATER DAVIS

\*JOHN M. PECK, JR.

D. FRENCH SLAUGHTER, JR.

JAMES M. THOMSON

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\* Statements of qualification or exception.

#### STATEMENT OF GARLAND GRAY

A number of the proposals in the report merit support and should be favorably considered. There are some other matters upon which I desire additional information and hence find myself unable to sign the report at this time.

GARLAND GRAY

#### STATEMENT OF LLOYD C. BIRD

I have reservations about the proposal to change the voting hours from the present, that is 6:00 A.M. to 7:00 P.M., to 7:00 A.M. to 7:00 P.M.

In our area, a great many people live in the urban or rural areas. They have offices in the cities or in plants several miles from their homes. It is convenient and their custom to vote either before they go to work or when they return in the afternoon.

There are also precincts where several hundred people vote in a day. The extra hour in the morning helps to relieve the congestion.

LLOYD C. BIRD

#### STATEMENT OF JOHN M. PECK, JR.

I am signing the report but I reserve the right to vote against requiring the poll tax as a prerequisite to vote. I do not, however, advocate abolishing the tax.

JOHN M. PECK, JR.

## APPENDIX A

*A BILL to amend and reenact § 24-9 of the Code of Virginia, relating to when and where electors convene and how vacancies supplied.*

Be it enacted by the General Assembly of Virginia :

1. That § 24-9 of the Code of Virginia be amended and reenacted as follows:

§ 24-9. Unless a different day be prescribed by authority of the United States, the electors shall convene at the capitol, in the city of Richmond, on the \* *first Monday* \* *after the second Wednesday in December*, after their election, at the hour of twelve o'clock noon of that day. If there shall be any vacancy in the office of electors, occasioned by death, refusal to act, neglect to attend, or other cause, the electors present shall immediately proceed to fill by ballot, and by a plurality of votes, such vacancy in the electoral college. When the electors shall appear, or the vacancies shall have been filled as above provided, they shall proceed to perform the duties required of such electors by the Constitution and laws of the United States.

*A BILL to amend and reenact § 24-46 of the Code of Virginia, relating to change of election districts.*

Be it enacted by the General Assembly of Virginia :

1. That § 24-46 of the Code of Virginia be amended and reenacted as follows:

§ 24-46. Upon the petition of twenty qualified voters of a magisterial district of a county, or upon petition of the governing body of any county, the circuit court of the county may, in term time or in vacation, in its discretion, change the name of any election district therein, alter the boundaries of any election district therein, and rearrange, increase or diminish the number thereof, or abandon or abolish any election district or voting place therein and it may change the voting places, or establish others therein; *and no court costs shall be taxed in connection with said petition*. No election district shall be established, or boundaries altered, rearranged, or changed in any magisterial district of a county upon the petition of such qualified voters, unless each of the twenty qualified petitioning voters actually reside and separately and individually hold in fee simple real estate situated within the boundaries of the election district sought to be established, altered, rearranged, changed, increased, decreased, abandoned or abolished.

*A BILL to amend the Code of Virginia by adding a section numbered 24-55.1, to provide for assistant registrars in certain counties.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 24-55.1 as follows:

§ 24-55.1. The electoral board of each county may appoint one or more discreet persons, who are qualified voters in such county, as assistant registrars. Persons so appointed shall qualify pursuant to the provisions of § 24-65 and shall, whenever requested so to do by the electoral board, perform the duties of any registrar in such county whenever by reason of disability such registrar is unable to perform the duties of his office.

The provisions of §§ 24-31, 24-36, 24-52, 24-53 and 24-55 shall apply to assistant registrars appointed under this section.

*A BILL to amend and reenact § 24-56 of the Code of Virginia, relating to registrars and judges of elections in towns.*

Be it enacted by the General Assembly of Virginia:

1. That § 24-56 of the Code of Virginia be amended and reenacted as follows:

§ 24-56. The electoral board of the county within which such town or the greater part thereof is situated, shall, not less than fifteen days before any town election therein, appoint one registrar and three judges of election for each voting precinct, which judges shall also act as commissioners of election. The registrars shall, before any election in the town \* *make a list of* all voters who are residents of the respective precincts of such town, and who shall have previously registered as voters in the county, or either of them in which the town is situated, and none others. The registrars shall be governed as to their qualifications and powers, and in the performance of their duties, by the general laws of this Commonwealth, so far as the same may be applicable.

*A BILL to amend and reenact § 24-68, as amended, of the Code of Virginia relating to application for registration.*

Be it enacted by the General Assembly of Virginia:

1. That § 24-68, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 24-68. Such applicant, unless physically unable to do so, shall make application to the registrar in his own handwriting, \*without aid, suggestion, or memorandum, in the presence of the registrar, stating therein his name, age, date and place of birth, residence, and occupation at the time and for the one year next preceding, and whether he has previously voted and if so, the state, county, and precinct in which he voted last. *Application shall be made on a form provided by the registration officer, which shall be as set out below:*

APPLICATION FOR REGISTRATION

NOTE: Section 20 of the Constitution of Virginia provides who may register, and expressly directs that in the written application to register the applicant shall give certain information. Below are set forth such parts of Section 20 as concern the application.

“Who May Register. Every citizen of the United States, having the qualifications of age and residence required in Section Eighteen, shall be entitled to register, provided: .....

“..... he make application to register in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registration officer, stating therein his name, age, date and place of birth, residence and occupation at the time and for the one year next preceding, and whether he has previously voted, and if so, the state, county, and precinct in which he voted last; .....”

Four horizontal lines for signature and date.

Date

Signature of Applicant

A BILL to amend and reenact § 24-83.1 of the Code of Virginia, relating to closing registration books prior to any special election or any election upon a referendum.

Be it enacted by the General Assembly of Virginia:

1. That § 24-83.1 of the Code of Virginia be amended and reenacted as follows:

§ 24-83.1. For the purpose of registering and transferring voters all registration books shall be closed for a period of six days next preceding and including the day of any special election or of any election upon a referendum. This section shall not be construed to shorten the period during which under any provision of law such books are required to be closed \* .

*A BILL to amend and reenact § 24-101 of the Code of Virginia, relating to copying of registration books by registrar after general purge and compensation therefor and compensation for expense incurred in such purge.*

Be it enacted by the General Assembly of Virginia:

1. That § 24-101 of the Code of Virginia be amended and reenacted as follows:

§ 24-101. When a general purging of the registration books is ordered, as hereinbefore required, the registrar, after he has purged the registration books, shall make a copy of the books in like manner as provided in § 24-93, leaving off all names stricken therefrom under the provisions of §§ 24-96 to 24-100. *As additional compensation for services under this section, the registrar shall receive the sum of twenty-five cents for each name purged and ten cents for each name copied. The registrar shall be compensated for all necessary expenses incurred in a general purging including the cost of mailing notice to persons alleged to be improperly on registration books.*

*A BILL to amend and reenact § 24-107, as amended, of the Code of Virginia, relating to notice of names of persons to be purged from registration books.*

Be it enacted by the General Assembly of Virginia:

1. That § 24-107, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 24-107. When such registration books are ordered to be purged by the electoral board it shall be the duty of the general registrar, within ten days after such order, to post printed notices signed by himself at not less than three public places in the precinct, including the voting place therein, of the names of all persons who in the judgment of the general registrar are, or who it is alleged by any three qualified voters of the precinct may be, improperly on the registration books of the precinct. In addition to the posted notice, the general registrar shall send a notice by *\*certified* mail to the last known address of each voter on the list, taking a receipt from the post office for each letter mailed, stating the time or times at which the general registrar, at his office, during regular office hours, will hear testimony produced for or against the rights of persons named in the notice to be retained on the registration books.

*A BILL to amend and reenact § 24-114, as amended, of the Code of Virginia, relating to delivery of registration books to judges of election.*

Be it enacted by the General Assembly of Virginia:

1. That § 24-114, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 24-114. The registrar, at each place of voting, shall deliver to the judges of election his registration books, not later than the time prescribed in § 24-182\* for the opening of the polls on election day. The registrar, other than general registrars who receive a salary, shall receive a fee of three dollars for delivering the books to the judge of election if he has not been appointed to serve as an election official at his precinct. After such election, the judges of election shall turn over the registration books to the registrar. Any registrar, negligently failing so to deliver his books, shall be fined thirty dollars; and any registrar, wilfully failing so to do, shall be fined not less than twenty nor more than one hundred dollars, and imprisoned in jail not less than six months nor more than twelve months.

*A BILL to amend and reenact § 24-130, as amended, of the Code of Virginia, relating to the filing of notice of candidacy with State Board of Elections by candidates to be elected by the electors of the State at large or of congressional districts.*

Be it enacted by the General Assembly of Virginia:

1. That § 24-130, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 24-130. Any person who intends to be a candidate for any office, State or national, to be elected by the electors of the State at large or of a congressional district, shall, \* *not later than ten days after the Tuesday after the second Monday in July, or if a second primary was held, not later than ten days after the date of the second primary* if it be a general election, and at least thirty days before the election if it be a special election, or within five days after the issuance of any writ of election or order calling a special election to be held less than thirty-five days after the issuance of the writ or order, notify the State Board of Elections, in writing, attested by two witnesses, of his intention, designating the office for which he is candidate. The written notice shall be signed by the candidate, but if he be 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 and in the same manner.

2. An emergency exists and this act is in force from its passage.

*A BILL to amend and reenact § 24-134 of the Code of Virginia, relating to how party candidates to be certified to the State Board of Elections or clerk of court and the consequences of failure to be so certified.*

Be it enacted by the General Assembly of Virginia:

1. That § 24-134 of the Code of Virginia, be amended and reenacted as follows:

§ 24-134. The name of any candidate for office who has been nominated, by his party, either by convention, primary or by being declared the nominee of the party when no primary has been held, shall be certified by the chairman of the party to the State Board of Elections or the clerk or clerks of the proper court or courts as the case may be, and no further notice of candidacy or petition shall be required: *provided that the failure of a party chairman to make such certificate shall not prevent the State Board of Elections from declaring that a candidate is the nominee of a party and directing that his name be treated as certified by the party chairman.*

*A BILL to amend and reenact § 24-148 of the Code of Virginia, relating to the Governor, Lieutenant Governor and Attorney General, their election, taking office, and term of office.*

Be it enacted by the General Assembly of Virginia:

1. That § 24-148 of the Code of Virginia be amended and reenacted as follows:

§ 24-148. The Governor, Lieutenant Governor and Attorney General, shall be chosen by the qualified voters of the Commonwealth at the general election to be held on the Tuesday after the first Monday in November, of the year one thousand nine hundred forty-nine and every fourth year thereafter, and shall hold their offices for a term of four years, to commence on the \* *Saturday after the second Wednesday in January* following their election.

*A BILL to amend and reenact § 24-252, as amended, of the Code of Virginia, relating to insertion of names on ballots.*

Be it enacted by the General Assembly of Virginia:

1. That § 24-252, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 24-252. *At all elections except primary elections* it shall be lawful for any voter to place on the official ballot the name of any person in his own handwriting thereon and to vote for such other person for any office for which he may desire to vote and mark the same by a check (✓) or cross (× or +) mark or a line (—) immediately preceding the name inserted. Provided, however, that nothing contained in this section shall affect the operation of § 24-251 of the Code of Virginia. No ballot, with a name or names placed thereon in violation of this section, shall be counted for such person.

*A BILL to amend and reenact § 24-182, as amended, of the Code of Virginia relating to hours polls to be open.*

Be it enacted by the General Assembly of Virginia:

1. That § 24-182, as amended, of the Code of Virginia be amended and reenacted as follows:

§ 24-182. At all elections by the people, the polls shall be open at each voting place at \* *seven* o'clock A. M. eastern standard time of the day on which the election is directed to be had and closed at seven o'clock P. M. eastern standard time of the same day. The judges of election shall ascertain and make a list by name of the qualified voters, if any, in line before the polling place at the hour of closing, and shall permit such voters and no others to cast their ballots.

*A BILL to amend the Code of Virginia by adding a section numbered 24-277.2, providing for a recount of ballots in certain elections.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 24-277.2 as follows:

§ 24-277.2. When, in any primary, special or general election for the General Assembly to be filled by election by the voters of a House of Delegates district or State Senatorial district or by any primary, special or general, election to elect officers provided for in Article VII or Article VIII of the State Constitution there is, between the candidate receiving the highest number of votes which would apparently elect or make him the party nominee and the candidate receiving the next highest number of votes, a difference of one percentum or less of the total vote cast for such office, the candidate receiving the next highest number of votes may appeal from the determination of the commissioners for a recount of the ballots within ten days from the day the commissioners ascertain the result of the election and have reduced the result to writing and signed the same under § 24-272, but not thereafter. Such appeal shall be by petition filed in the circuit court of any county or the corporation court of any city comprising a part of the legislative district involved. Such petition shall set forth the results so found by the commissioners and shall request the court to have the ballots in such election recounted. A copy of the petition shall be served on all candidates receiving a higher number than the petitioner of votes in the same way a notice is served under § 8-51 and within ten days after the commissioners have determined the results of such election. Upon the filing of any such petition the judge of the court in which the same is filed shall notify the Chief Justice of the Supreme Court of Appeals who shall thereupon designate two other judges to sit with the first judge and such court shall be constituted and sit in all respects as a court appointed and sitting under § 24-431.

The clerks of the courts in the legislative district involved shall deliver forthwith to the court so constituted all ballots cast at the election. The court shall recount the ballots, or supervise the recount, certify the results of the recount to the State Board of Elections and assess costs of such proceeding in such manner as to it shall seem proper.

The court shall stay the action of any electoral official or officials in connection with the outcome of the election, pending the recount by the court.

*A BILL to amend and reenact § 24-285, as amended, of the Code of Virginia relating to the canvassing of elections by the State Board*

Be it enacted by the General Assembly of

1. That § 24-285, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 24-285. For the purpose of canvassing the result of elections, the State Board of Elections shall meet at its office on the fourth Monday in November \*, when it shall, upon the certified abstracts on file in its office proceed to examine and make statements of the whole number of votes given at any such election for members of the State Senate and House of Delegates, members of the United States Senate and House of Representatives and electors of President and Vice President of the United States, or for so many of such officers as have been voted for at such election.

*A BILL to amend and reenact § 24-321, as amended, of the Code of Virginia relating to application for absent voters ballots.*

Be it enacted by the General Assembly of Virginia:

1. That § 24-321, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 24-321. He shall make application in writing for a ballot to the registrar of his precinct, not less than \* *five* nor more than sixty days prior to the primary or general election in which he desires to vote if he be within the confines of the *Continental* United States. Such application shall be made not less than ten days nor more than ninety days, if he be in Hawaii, Puerto Rico, the Canal Zone, or in territory over which the United States has no jurisdiction.

In case of any second primary or special election such application shall be made not less than three days nor more than thirty-five days prior to such second primary.

*A BILL to amend and reenact §§ 24-345.2, 24-345.5, 24-345.8 as amended, and 24-345.9 of the Code of Virginia, which were enacted by Chapter 509 of the Acts of Assembly of 1952, approved April 2, 1952, providing facilities and opportunity for absentee voting by Virginia members of the armed forces of the United States, the sections relating to ballots, applications therefor, and records thereof.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 24-345.2, 24-345.5, 24-345.8 as amended, and § 24-345.9, of the Code of Virginia, which were enacted by Chapter 509 of the Acts of Assembly of 1952, approved April 2, 1952, be amended and reenacted as follows:

§ 24-345.2. The absentee ballots hereinafter provided for shall, upon application *by the serviceman*, be furnished to all Virginia members of the armed forces who are qualified to vote in this State under the Constitution and laws of Virginia as now existing or as same may be hereafter amended, or who hereafter may be qualified to vote in any election to which this act is applicable.

§ 24-345.5. Any member of the armed forces eligible to vote in any election to which this act is applicable may *\* make an application, which shall be signed by him and acknowledged before a notary public or a commissioned officer of one of the armed services*, to the Board for an official war ballot for said election. No particular form of application shall be required, but it shall be sufficient for the applicant to state the active service of which he is a member and his home address, A. P. O., F. P. O., or other service postoffice address, his legal residence, and his date of birth.

§ 24-345.8. It shall be the duty of the Board to make and preserve in its office a record of all members by *\* whom* ballots are requested, showing the name and the address of the member to *\* whom* and the day on which the ballot was mailed, the branch of his service, the county or city and address therein of the member's residence in Virginia, and, if the ballot is returned, the date of receipt thereof.

It shall also be the duty of the Board, on the fifth day before the day of election, to transmit by registered mail to the secretaries of the appropriate electoral boards of the several counties and cities of the State in which the voting members reside all envelopes containing voted ballots which have been returned to the Board. Any number of such returned envelopes may be mailed in one registered package. Any such envelopes returned by voters to the Board on or after the fifth day before the day of election shall be forthwith transmitted in like manner to the secretary of the appropriate electoral board.

It shall be the duty of every electoral board receiving any such return ballot envelopes to deliver the same unopened to the judges of election of the precinct within the boundaries of which the voter resides as shown by said return envelope, or as may be known to the electoral board chairman, secretary or any member thereof, in the same manner and along with other absentee ballot envelopes. The secretary of the local board of elections shall prepare for each precinct a duplicate list showing the names of all persons from whom he has received war ballots to be counted in such precinct. One copy of this list shall be *\* posted* by

\* *the electoral board*, together with the copy of the list of names of all other absentee ballots which \* *it* is required by § 24-339 of the Code to \* *post in a conspicuous place at the polling place of the proper precinct.* This list shall be entitled "List of Voters under the War Voters Act." One copy shall be kept by the secretary.

§ 24-345.9. The contents of applications for ballots, the names and addresses (both war time and Virginia addresses) of those \* from whom ballot applications are received, and all other records of the Board in the administration of this act shall not be open to public inspection and shall not be made available to any person or persons, but shall be regarded as privileged, confidential records; provided, however, that any applicant shall have a right to obtain a certified copy of any and all records of the Board pertaining to that specific application; provided further that it shall be proper for the Board to make available to the public information from time to time pertaining to the number of applications received, and ballots returned, and the localities involved therein.

*A BILL to amend and reenact § 24-351 of the Code of Virginia, relating to notification of State Board of Elections of adoption of direct primaries.*

Be it enacted by the General Assembly of Virginia:

1. That § 24-351 of the Code of Virginia be amended and reenacted as follows:

§ 24-351. It shall be the duty of the chairman and secretary of the State central committee of every party, by writing signed by themselves, to notify the State Board of Elections whether such committee has or has not adopted the direct primary and to what candidates such adoption refers. In case the discretion of nominating local candidates be vested in the local committees, then it shall be the duty of the chairman and secretary of such local committee to notify the State Board of Elections of the action taken by them in such regard. The notification required by this section shall be made at least \* *one hundred* days before the date herein set for the primaries.

*A BILL to amend and reenact § 24-401 of the Code of Virginia, relating to payment of candidates' fees in primary elections.*

Be it enacted by the General Assembly of Virginia:

1. That § 24-401 of the Code of Virginia be amended and reenacted as follows:

§ 24-401. The fees shall be paid as follows:

(a) Candidates for United States Senators, for representatives in Congress, and for all State offices shall pay such fee to the \* *Treasurer*.

Candidates for the Senate of Virginia or the House of Delegates of Virginia shall pay the primary fee to the treasurer of the candidate's county or city, and where the candidate's district is composed of more than one county or city the fee must be equally divided among the counties and cities in the district, and paid to the respective treasurers by the candidate.

The primary fees paid to the \* *Treasurer* shall be \* *credited* by him \* to a fund to be known as "the State primary fee fund," and shall be kept separate and distinct from all other monies in the treasury of the State.

In the event a prospective candidate pays the fee to the \* *Treasurer*, and does not become a candidate, the \* *Treasurer* shall pay back the fee by warrant upon the State primary fee fund, and in the event the candidate who has paid the fee is not opposed, the \* *Treasurer* shall pay back the fee by warrant upon the State primary fee fund. All other State primary fees paid to the \* *Treasurer* shall, after the primary has been held, be paid to the Literary Fund of the State by warrant drawn upon the State primary fee fund, and any interest earned upon the State primary fees whilst the same remain in the State treasury to the credit of the State primary fee fund shall belong to the general fund of the Commonwealth.

Primary fees paid to the \* *Treasurer*, shall be by him disposed of in the manner hereinbefore provided for.

(b) All other candidates shall pay the fee to the treasurer of the city or county in which they reside. A receipt for the payment of such fee must accompany and be attached to the declaration of candidacy; otherwise the same shall not be received or filed; provided, that when for district officers of more than one county the fee shall be divided equally between the counties comprising such district and paid to the respective treasurers thereof. In the event a prospective candidate pays the fee to a county or city treasurer and does not become a candidate, the treasurer shall pay back the fee; and in the event the candidate who has paid the fee is not opposed, the treasurer shall pay back the fee. All other primary fees paid a county or city treasurer shall, after the primary has been held, 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.

HOUSE JOINT RESOLUTION NO.

*Proposing an amendment to § 28 of the Constitution of Virginia.*

Resolved by the House of Delegates, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of section one hundred ninety-six of the Constitution, namely:

Strike from the Constitution of Virginia § 28 which is as follows:

§ 28. Ballots.—The General Assembly shall provide for ballots without any distinguishing mark or symbol, for the use in all State, county, city and other elections by the people, and the form thereof shall be the same in all places where any such election is held. All ballots shall contain the names of the candidates, and of the offices to be filled, in clear print and in due and orderly succession; but any voter may erase any name and insert another.

And insert in lieu thereof the following:

§ 28. The General Assembly shall provide for ballots without any distinguishing mark or symbol, for the use in all State, county, city and other elections by the people, and the form thereof shall be the same in all places where any such election is held. All ballots shall contain the names of the candidates, and of the offices to be filled, in clear print and in due and orderly succession. At all elections except primary elections it shall be lawful for any voter to place on the official ballot the name of any person in his own handwriting thereon and to vote for such other person for any office for which he may desire to vote and mark the same by a check (✓) or cross (× or +) mark or a line (—) immediately preceding the name inserted.

HOUSE JOINT RESOLUTION NO.

*Directing the Virginia Advisory Legislative Council to make a study and report upon the desirability of the State keeping a central list of persons convicted of felonies.*

Whereas, it is difficult for registrars to keep informed as to voters convicted of felonies where such convictions take place outside of the county or city of residence; and

Whereas, a central list of persons convicted of felonies might be useful to the State in law enforcement matters as well as for voter registration purposes; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Virginia Advisory Legislative Council is directed to study the desirability of creating a central list of persons convicted of felonies, and if it is found that such a list is desirable how, where and by whom such a list should be maintained and the cost of maintaining such a list. All agencies of the State shall assist the Council in its study. The Council shall conclude its study and make its report to the Governor and General Assembly not later than October one, nineteen hundred sixty-three.

