

**REPORT OF THE  
ELECTION LAWS STUDY COMMISSION**

**To**

**THE GOVERNOR**

**And**

**THE GENERAL ASSEMBLY OF VIRGINIA**



**House Document No. 15**

**COMMONWEALTH OF VIRGINIA  
Department of Purchases and Supply  
Richmond  
1973**



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# ELECTION LAWS

Report of the  
Election Laws Study Commission  
to

The Governor and The General Assembly of Virginia

Richmond, Virginia  
March 23, 1973

To: Honorable Linwood Holton, Governor of Virginia  
and  
The General Assembly of Virginia

## I. INTRODUCTION

This report is a result of the directive contained in House Joint Resolution No. 52, passed by the 1971 Special Session of the General Assembly as follows:

### HOUSE JOINT RESOLUTION NO. 52

*Creating a commission to study amendments to Virginia law relating to the Voting Rights Act of 1970, to study matters relating to campaign expenditures and to study ways to improve election laws adopted in Virginia.*

Agreed to by the House of Delegates, February 26, 1971

Agreed to by the Senate, February 26, 1971

Whereas, the election laws of the Commonwealth should be studied (1) in light of the Voting Rights Acts of 1965 and 1970 in order to ascertain if any amendments are necessary to Virginia law; (2) to determine whether limitations should be placed on campaign expenditures and contributions; and (3) to conform and perfect the election laws recently adopted in 1970 and to further simplify, perfect and improve the election procedures in Virginia; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That a commission is hereby created to study whether any changes should be made in Virginia law to conform to the federal Voting Rights Acts of 1965 and 1970; and whether limitations should be placed on campaign expenditures and contributions; and whether the Virginia election laws can be further simplified, perfected and improved.

The Commission shall be composed of the members of the Committees on Privileges and Elections of the Senate and the House of Delegates serving at the time this resolution is adopted.

The Commission shall elect a chairman from its membership. The members of the Commission shall receive the per diem provided by law for each day of actual service and shall receive their necessary expenses for which and for such secretarial and other assistance as may be necessary.

The Commission shall complete its study and report to the Governor and the General Assembly not later than December one, nineteen hundred seventy-two.

Pursuant to the study directive, the following members of the Committees on Privileges and Elections of the Senate and the House of Delegates served as members of the Commission:

Honorable George E. Allen, Jr., Richmond; Senator George S. Aldhizer, II, Broadway; Honorable Claude W. Anderson, Buckingham; Senator Howard P. Anderson, Halifax; Senator Hunter B. Andrews, Hampton; Senator George F. Barnes, Tazewell; Senator Peter K. Babalas, Norfolk; Senator Adeland L. Brault, Fairfax; Senator H. Dunlop Dawbarn, Waynesboro; Honorable Walther B. Fidler, Warsaw; Honorable Jerry H. Geisler, Hillsville; Honorable John D. Gray, Hampton; Senator Omer L. Hirst, Annandale; Senator William B. Hopkins, Roanoke; Honorable Lewis A. McMurrin, Jr., Newport News; Senator Paul W. Manns, Bowling Green; Honorable C. Hardaway Marks, Hopewell; Senator William F. Parkerson, Jr., Richmond; Honorable A. L. Philpott, Bassett; Honorable Lacey E. Putney, Bedford; Honorable Ford C. Quillen, Gate City; Senator William V. Rawlings, Capron; Honorable O. Beverly Roller, Wyers Cave; Honorable D. French Slaughter, Jr., Culpeper; Honorable James M. Thomson, Alexandria; Senator George M. Warren, Jr., Bristol; Honorable J. Warren White, Jr., Norfolk; Senator Lawrence Douglas Wilder, Richmond; Honorable Carrington Williams, Fairfax; and Senator Coleman B. Yeatts, Chatham. The membership of the Commission elected Honorable James M. Thomson as Chairman and Senator Omer L. Hirst as Vice-Chairman. J. Hooker, Esquire, of Richmond served as counsel for the Commission. It proved necessary for the Commission to have staff and advisers. Anthony Troy and Vann H. Lefcoe represented the Office of the Attorney General. Mrs. Joan S. Mahan represented the State Board of Elections.

The Virginia Advisory Legislative Council and the Division of Statutory Research and Drafting made staff and facilities available to carry out the study, Sally T. Warthen, succeeded by Roger W. Wiley and L. Willis Robertson, Jr. being assigned to assist the study group.

The Commission met on a number of occasions and received proposals for simplification of the election laws from a number of organizations. Pursuant to these suggestions, the Commission approved an omnibus bill for introduction at the 1972 Session of the General Assembly and proposed a Resolution continuing the Commission which passed the 1972 Session of the General Assembly as follows:

HOUSE JOINT RESOLUTION NO. 17

*Continuing the commission to study the election laws, created by House Joint Resolution No. 52 of the 1971 Special Session.*

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Offered January 24, 1972

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Patron—Mr. Thomson

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Referred to the Committee on Rules

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Whereas, House Joint Resolution No. 52 of the 1971 Special Session of the General Assembly created a Commission to study the election laws of the Commonwealth; and

Whereas, it is the wish of the General Assembly that such Commission continue its work; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Commission, which was created by House Joint Resolution No. 52 of the 1971 Special Session of the General Assembly, to be called the Elections Study Commission, is hereby continued. Such Commission shall be composed of the members of the Committees on Privileges and Elections of the Senate and the House of Delegates serving on February one, nineteen hundred seventy-two. Such Commission shall continue to examine the election laws of the State in order that they may be further simplified and improved, and study whether limitations should be placed on campaign expenditures and contributions.

The Commission shall elect a chairman from its membership. The members of the Commission shall receive the per diem provided by law for each day of actual service and shall receive their necessary expenses for which and for such secretarial and other assistance as may be necessary there is appropriated from the contingent fund of the General Assembly as sum sufficient, estimated at five thousand dollars.

The Commission shall complete its study and report to the Governor and the General Assembly not later than December one, nineteen hundred seventy-two.

At the first meeting of the Commission following the continuation of the study, the membership agreed that they should accept new suggestions for changes in the election laws and consider all carry-over legislation referred to the Committees on Privileges and Elections of the Senate and the House of Delegates.

In accordance with the procedures agreed to by the membership of the Commission, a subcommittee to study new legislation was appointed by the Chairman of the Commission. The new legislation subcommittee consisted of the following four members of the Commission: Senator Hunter B. Andrews, Chairman; Senator Howard P. Anderson; Senator George M. Warren, Jr.; and Honorable Carrington Williams.

A second subcommittee to study carry-over legislation was appointed and consisted of the following members of the Commission: Senator Omer

L. Hirst, Chairman; Honorable Walther B. Fidler; Honorable Ford C. Quillen; and Senator Lawrence D. Wilder.

The subcommittee on new legislation met on a number of occasions and received recommendations for changes in the election laws from a number of organizations and individuals including the Secretary of the State Board of Elections and the Office of the Attorney General. The subcommittee prepared a draft of proposed legislation and reported it to the full Commission. The members of the Commission approved the legislation proposed by the subcommittee. A copy of the proposed legislation may be found in Appendix A of this report.

The subcommittee on carry-over legislation invited all chief patrons of carry-over legislation to appear before the members of the subcommittee and explain the reasoning behind the legislation they advocated. After hearing a number of the patrons of carry-over legislation, the subcommittee took action on a number of the measures referred to it. The action of the subcommittee was approved by the members of the full Commission and a copy of that action may be found in Appendix B of this report.

## II. RECOMMENDATIONS

1. THAT THE PROPOSED LEGISLATION CONTAINED IN APPENDIX A OF THIS REPORT BE ENACTED INTO LAW BY THE GENERAL ASSEMBLY.
2. THAT THE RECOMMENDATIONS ON CARRY-OVER LEGISLATION CONTAINED IN APPENDIX B OF THIS REPORT BE ADOPTED BY THE GENERAL ASSEMBLY.

## III. REASONS FOR RECOMMENDATIONS

1. That the proposed legislation contained in Appendix A of this report be enacted into law by the General Assembly.

The Resolution creating the Commission charged the Commission with simplifying and improving the election laws of the State. The Commission feels that the legislation contained in Appendix A of this report if enacted into law will substantially improve and simplify the election laws of the Commonwealth.

§ 24.1-1 is amended to expand the definition of "candidate" to include any person who seeks or campaigns for election to any office under the title rather than just those persons receiving the nomination of a political party. It was thought that this amendment was necessary to provide that persons running for office independent of any affiliation with a political party should be treated as candidates under the election laws of the State.

§ 24.1-18 is amended to provide for the appointment of members to the State Board of Elections when the Governor was not elected as the candidate of a political party. The Commission felt that this contingency should be provided for by law.

§ 24.1-23 is amended to delegate the additional duty of providing precinct lists to courts of the Commonwealth and the United States for use in jury selection to the State Board of Elections. The Commission felt this amendment would be of great benefit to the courts in selecting qualified jurors.

§ 24.1-29 is amended to provide for the appointment of members to local electoral boards when the Governor was not elected as the can-



didate of a political party. The Commission felt that this contingency should be provided for by law.

§ 24.1-46 is amended to provide that no registrar shall actively solicit any application for registration or ballot and that no registrar shall go outside his appointed jurisdiction to register voters. The Commission feels that registrars should perform their duties without attempting to influence the outcome of election in any manner, and, therefore, should not actively solicit any application for registration or ballot. An Attorney General's opinion advised the Commission that the law presently allowed registrars to go outside territorial jurisdiction for which they were appointed to register voters. The Commission feels that registrars should not be authorized to go outside the territorial limits for which they were appointed to register voters; and, therefore, propose the amendment to clarify the law.

§ 24.1-50 is amended to clear up some confusion regarding the date of losing registration books. The Commission believes that the new language will clear up the existing confusion and make it clear on the day registration books must be closed.

§ 24.1-52 is amended to provide that no person who moves his residence from one precinct to another 30 days or more before an election shall be permitted to vote unless he complies with certain requirements set out in the Code. The Commission felt that this amendment was necessary since the Constitution provides that a person changing his residence from one precinct to another within 30 days of an election may in such election vote in the precinct from which he has moved.

§ 24.1-53 is amended to provide that a personal appearance before a registrar is not required to transfer a voter to another jurisdiction if the person seeking a transfer is regularly employed outside the continental limits of the United States. The Commission felt that this change was necessary to conform the election laws to the requirements of the absentee voting laws.

§ 24.1-60 is amended to provide that lists of all improperly registered persons shall be sent by certified mail to the county or city chairman of each political party and that a notice be sent to each voter on the list the reason provided by law for the purge. The Commission felt that the chairman of the political party involved should be notified of the members of his party who were being purged and that the voter should be given the reason for his purge.

§ 24.1-84 is amended to delete the provision allowing the election of Lieutenant Governor to fill an unexpired term when a general election occurs while there is a vacancy in the office. The Commission felt that this change was necessary as the new Constitution sets out the order of succession.

§ 24.1-101 is amended to allow one representative of each party or candidate in a general election, primary, or special election to remain in the room in which the election is conducted so long as he in no way interferes with the election. The Commission feels that such a provision will not interfere with the conduct of the election and will provide a safeguard against improperly registered voters.

§ 24.1-111 is amended to delete reference to special elections as being an exception to the manner in which the order of names appearing on the ballot shall appear. The Commission felt that special elections should not be excepted from the requirements of this section.

§ 24.1-129 is amended to provide that persons with physical disabilities may be handed a ballot within one hundred fifty feet of the polling place. The Commission felt that the limitation of forty feet was not practical in many cases.

§ 24.1-143 is amended to provide that both copies of the poll books be directed to the clerk of the court of record of the county or city in which the election is held. The Commission feels that the section already provides for a copy of the poll books to be sent to the general registrar and that both copies should be initially directed to the clerk so votes can be canvassed.

§ 24.1-164 is amended to provide that the order of names appearing on ballots in special elections shall be determined as provided for in general elections. The Commission felt that this amendment was necessary to provide a uniform ballot form for use in voting machines.

§ 24.1-166 is amended to provide that any candidate in a special election must give the required notice of candidacy no later than the time fixed for giving notice by candidates in the general election. The Commission felt that notice of candidacy requirements should be uniform for both general and special elections.

§ 24.1-167 is amended to provide that in order to hold any elective office in the Commonwealth, a candidate must have been a resident of the Commonwealth for one year immediately prior to the commencement of the term of office for which he is a candidate. The Commission felt that any candidate for office in the Commonwealth should be a resident of the State for at least a year immediately preceding his candidacy rather than a year five or ten years prior to his candidacy.

§ 24.1-172 is amended to provide that a party selecting a nominee for any office by a method other than by direct primary shall do so within 32 days immediately preceding the regular primary date established for purposes of nominating candidates to the office in question. The Commission felt changing the deadline for selection of a nominee from 30 days to 32 days would provide political parties with an additional weekend during which nominees could be selected.

§ 24.1-209 is amended to delete language designating custodians of voting machines as election officers. The Commission felt that custodians of voting machines need not be named as officers of election.

§ 24.1-228 is amended to add the word "dependent" which was inadvertently omitted in 1971. Subsection (3) (d) is moved to subsection (2) (f) to put it in its proper position.

§ 24.1-232 is amended to delete the requirement of return receipt requested on absentee ballots mailed to the electoral board. The section is also amended to provide that certain persons must vote in person three days prior to the election in which he offers to vote rather than five. The Commission felt that the return receipt requirement was not necessary and that a three day voting requirement would make this section conform to the requirement of § 24.1-228.

§ 24.1-251 is amended to provide that the chapter shall not apply to elections for town office and that Congressional candidates need not file contribution reports within 30 days of election. The Commission felt these changes were necessary in light of federal requirements.

§ 24.1-277 is amended to give "writing" a broad definition as used in the section and provides that violation of the section will not void an election. The Commission felt that the types of writings need not be enumerated and that if they were not the definition would be more inclusive.

§ 1 of Article II of the Constitution of Virginia is amended to provide that each voter be a resident of the Commonwealth and of the precinct where he votes. The section is also amended to delete the durational residency requirements of the Constitution. The Commission felt that this action was necessary in light of a Supreme Court decision making durational residency requirements illegal.

2. That the recommendations on carry-over legislation contained in Appendix B of this report be adopted by the General Assembly.

The Subcommittee on carry-over legislation met on October 20, 1972 and invited all chief patrons of carry-over legislation to appear before the Subcommittee and explain the reasons for the legislation they advocated.

A number of patrons spoke on the merits of their proposed legislation and the Subcommittee took action on the carry-over legislation referred to it.

The Subcommittee made its report to the full Commission and the Commission adopted the report of the Subcommittee as its report. The action of the Commission on carry-over legislation referred to it is self-explanatory and can be found in Appendix B of this report.

#### IV. CONCLUSION

The members of the Commission considered a number of other proposals concerning the election laws of the Commonwealth, but believed that recommendations along these lines are not feasible at the present time.

The Commission feels that further study should be given the following areas: absentee voting procedures; State financial aid to localities for compensation of registrars, members of local electoral boards, and other election employees; a uniform filing deadline for all candidates, bonds or issues on a General Election Ballot so that ballots may be printed in time to comply with absentee voting laws; limitation on right to inspect voter registration lists; limiting campaign expenditures and allowing write in votes for Presidential candidates.

The Commission feels that its recommendations, if favorably acted upon, will help alleviate many of the existing problems with the election laws of the Commonwealth; therefore, the Commission asks the General Assembly to give its recommendations serious consideration.

Respectfully submitted,

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JAMES M. THOMSON, *Chairman*

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OMER L. HIRST, *Vice-Chairman*

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GEORGE E. ALLEN, JR.

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GEORGE S. ALDHIZER, II

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J. WARREN WHITE, JR.

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LAWRENCE DOUGLAS WILDER

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CARRINGTON WILLIAMS

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COLEMAN B. YEATTS

## APPENDIX A

### A B I L L

To amend and reenact §§ 24.1-1, 24.1-18, 24.1-23, 24.1-29, 24.1-46, 24.1-50, 24.1-52, 24.1-53, 24.1-60, 24.1-84, 24.1-101, 24.1-111, 24.1-129, 24.1-143, 24.1-164, 24.1-166, 24.1-167, 24.1-172, 24.1-209, 24.1-228, 24.1-232, 24.1-251 and 24.1-277, as severally amended, of the Code of Virginia relating to definitions, appointment of members of State Board of Elections, central record keeping system, appointment of members of local electoral boards, duties of general registrar, closing of registration books, transfer of voters to another election district or county or city, notice of names of persons to be purged, vacancy in office of Lieutenant Governor prohibited areas near polls, form of ballot, place and manner of marking ballot, delivery of poll book and ballots to clerk and general registrar, how special elections superintended and determined, notice requirement of nonparty candidates, qualification of candidates, powers of parties and nominations other than by direct primary, furniture and machines to be used at polling places, application for absentee ballots, how ballots marked and returned, elections to which applicable and writings concerning candidates for office to identify person responsible therefor.

Be it enacted by the General Assembly of Virginia :

1. That §§ 24.1-1, 24.1-18, 24.1-23, 24.1-29, 24.1-46, 24.1-50, 24.1-52, 24.1-53, 24.1-60, 24.1-84, 24.1-101, 24.1-111, 24.1-129, 24.1-143, 24.1-164, 24.1-166, 24.1-167, 24.1-172, 24.1-209, 24.1-228, 24.1-232, 24.1-251 and 24.1-277, as severally amended, of the Code of Virginia be amended and reenacted as follows :

§ 24.1-1. **Definitions.**—Definitions as used in this title, unless a different meaning is required by the context :

(1) “*Books*” as used in regard to the registration of qualified voters and the maintenance of information concerning qualified voters, shall include all registration records, lists, or files whether maintained in a book, on cards, magnetic tape or any other legally permitted record keeping or maintaining device or system ;

(2) “*Candidate*” shall include a person who, by reason of receiving the nomination for election to an office of a political party, is referred to as a “nominee” and shall also include any person who seeks or campaigns for election to any office under this title.

(3) The word “*Commonwealth*” shall mean the Commonwealth of Virginia ;

(4) “*Election district*” may be a county, city, town, magisterial district of a county, ward of a city, or precinct or combination of any of these, as may be designated by proper authority or by law, and such other districts as provided for in § 15.1-571.1 ;

(5) *Elections* :

(a) “*General election*” means any election held in the Commonwealth on the Tuesday after the first Monday in November, or in the case of elections for the governing bodies of cities and towns on the first Tuesday in May, pursuant to chapter 7, article 1 (§ 24.1-95 et seq.) of this title ;

(b) “*Primary*” or “*primary election*” means an election held for the purpose of nominating candidates as nominees of political parties for elec-

tion to offices, and for the purpose of electing persons as members of the committees of political parties ;

(c) "*Special election*" means any election held pursuant to law other than a general or primary election, provided that a special election may also be held on the day of a general or primary election ;

(6) "*Officers of election*" shall include all those persons appointed by an electoral board to maintain and operate a polling place at any election and all those persons previously referred to as "judges and clerks of election" ;

(7) "*Party*" or "*political party*" shall mean an organization or affiliation of citizens of the Commonwealth which, at the last preceding statewide general election, polled at least ten percent of the total vote cast for the office filled in that election by the voters of the Commonwealth at large. Such organization or affiliation of citizens shall also have a State central committee and a duly elected chairman which have continually been in existence and holding office for the six months preceding the filing of a nominee ;

(8) "*Polling place*" means that place provided for each election district or precinct at which the qualified voters having a voting residence in such election district or precinct may vote ;

(9) "*Precinct*" means a district designated by proper authority within which all qualified voters having a voting residence therein may vote at the same polling place ;

(10) The words "*qualified voter*" shall mean a person who has qualified to vote pursuant to the Constitution and statutes of the Commonwealth ;

(11) "*Residence,*" for all purposes of qualification to vote, requires both domicile and a place of abode. In determining domicile, consideration may be given to the applicant's expressed intent, conduct, and all attendant circumstances including, but not limited to, financial independence, business pursuits, employment, income sources, residence for income tax purposes, marital status, residence of parents, spouse and children, if any, leasehold, sites of personal and real property owned by the applicant, motor vehicle and other personal property registration, and such other factors as may reasonably be deemed necessary to determine the qualification of an applicant to vote in an election district ;

(12) "*Court of record wherein deeds are recorded*" shall mean, in the city of Richmond, the Chancery Court of the city of Richmond and shall mean in all other cities and counties the one court of record wherein deeds of conveyance of real property are admitted to record.

**§ 24.1-18. Appointment, terms, salaries, seal and office.**—There shall be a permanent board, which shall be known as the State Board of Elections to 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. A majority of the Board of Elections shall be from the political party which cast the highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial 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 a majority of the Board shall be of the political party having the highest number of members in the General Assembly.* The political party entitled to an appointment may make and file recommendations with the Governor for the appointment. Such recommendations shall contain the names of at least three qualified voters of the Commonwealth. The regular terms of office of such members shall be four years, commencing February first after their appointment. Vacancies shall be filled for the unexpired terms. No member of the Board, except the secretary, shall be eligible for more than two successive terms. The Governor shall designate one member of the Board as the secretary, who shall receive such salary as is fixed by law. The remaining members shall receive a per diem of twenty-five dollars for each day spent in the work of the Board. All members shall receive such traveling and other expenses incurred in the performance of their duties as members of the General Assembly. The Board shall adopt a seal for its use, and bylaws for its own government and procedure. The Board shall be provided with necessary office space and equipment and may employ such clerical, other assistants and personnel as it may require to carry out the duties imposed by this title.

**§ 24.1-23. Establishment; duties of State Board of Elections.**—The State Board of Elections shall provide for the establishment, operation and maintenance of a central record keeping system on or before October one, nineteen hundred seventy-three, for all voters registered in the Commonwealth.

In order to establish, operate and maintain such system, it shall be the duty of the State Board of Elections to:

(1) Maintain a complete central registration roster of all qualified voters in the Commonwealth by county or city, as the case may be, and by precincts within such county or city.

(2) Delete from the central registration roster the name of any voter (a) who is deceased, (b) who is no longer qualified to vote in the election district where registered due to removal of his residence, (c) who has been convicted of a disqualifying crime, or (d) who is otherwise no longer qualified to vote as may be provided by law.

(3) Enter names of qualified voters on the central registration roster as they are reported by the county and city electoral boards and general registrars.

(4) At least ten days prior to each election, provide to each county and city electoral board a list of all registered voters in the county and city, together with an alphabetical list of all registered voters in each precinct of such county, city or town, which precinct lists shall be used as the official lists of qualified voters and constitute the precinct registration books.

(5) Retain for four years from date of receipt all information furnished to the Board relating to the inclusion or deletion of names from the master roster.

(6) Acquire by purchase, or lease, or contract for the use of such equipment as is required to execute the duties of the Board properly.

(7) Utilize any source of information which may assist in carrying out the purposes of this section.

(8) Furnish, at a reasonable price, precinct lists to *courts of the*

*Commonwealth and the United States for jury selection purposes and to duly qualified candidates, political party committees or officials thereof, and to no one else.*

**§ 24.1-29. Appointment, term and oath of members; vacancies; election of chairman and secretary; duty of secretary.**—There shall be in each county and city an electoral board, composed of three members, who shall be appointed by the resident judges of the courts of record of the county or city. If there be more than one resident judge and a majority of such judges cannot agree, the senior judge shall make such appointment. If there be no resident judges, then the judge of the court of record shall make the appointment. Any vacancy occurring in the boards shall be filled by the same authority for the unexpired term. 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. A majority of the electoral board shall be from the political party which cast the highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial 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 a majority of the Board shall be of the political party having the highest number of members in the General Assembly.* The political party entitled to the appointment may make and file recommendations with the judge or judges for the appointment. Such recommendations shall contain the names of at least three qualified voters of the county or city.

The members of the board shall be appointed for a term of three years. The board shall elect one of its members chairman and another secretary. The members of the board shall qualify by taking and subscribing the oaths as set forth in Article II, § 7, of the Constitution before entering upon their term of office. Whenever any secretary of the electoral board is elected he shall at once notify the Board of Elections of his election and inform it of his post-office address and telephone number. The secretary shall also inform the Board of Elections of the names, post-office addresses and telephone numbers of the other members of the electoral board.

**§ 24.1-46. Duties of general registrar.**—In addition to the other duties provided by law, it shall be the duty of the general registrar to:

(1) Maintain the public office provided by the local governing body and to establish and maintain such additional public offices for the registration of voters as are designated by the electoral board; *provided, however, no registrar shall actively solicit any application for registration or any application for a ballot. No registrar shall go outside of the territorial limits of the county or city for which he was appointed to register voters.*

(2) Provide the appropriate forms for application to register and to obtain the information necessary to complete the application pursuant to the provisions of the Constitution.

(3) Maintain, only in the principal office of the general registrar, separate books containing the names of registered voters in alphabetical order for each election district within his jurisdiction and make them available for all elections in such districts.

(4) Maintain in his office suitable books containing lists in alpha-



betical order of persons registered and carry out such other duties as prescribed by the electoral board.

(5) Certify the list of election districts, the number of voters and information as required by the State Board of Elections.

(6) Preserve as part of the official records the written applications of all persons who are registered and preserve for a period of two years the written applications of all persons who are denied registration.

(7) If a person is refused registration, notify such person in writing of such refusal and the reason forthwith.

(8) Upon being informed and determining that a voter is registered in a precinct, election district, county or city, in which he no longer resides, if such voter be within the same jurisdiction, transfer such voter and notify him by mail of such change. If such voter be without the jurisdiction, the general registrar shall notify such voter of the voter's duty to transfer to the election district of his residence, and if such voter fail to comply with the law, remove such voter's name by purge as provided by § 24.1-60.

(9) In the event that election districts are rearranged or a new district created, cause the names of those registered voters residing in the rearranged or new districts to be placed on the books and lists for the proper election district and notify such voters by mail of the changes.

(10) In the event that through annexation, merger or similar means an area in which registered voters reside becomes a part of another election district, county or city, furnish to the appropriate general registrar lists of registered voters so affected. Such registered voters shall be placed on the registration books of the new election district, county or city, so notified by mail, ~~or~~ and stricken from the registration books of the general registrar so transferring them.

(11) In the event of registration of a qualified voter, who was previously registered in another place, notify the appropriate authority of the last place of previous registration of such new registration. Such notice shall be upon a form prescribed or approved by the State Board of Elections.

(12) Strike from the list of voters the names of all persons known to him to be disqualified to vote, as provided in the Constitution, unless such disability has been removed as provided by law. The various records concerning such names shall be retained for a period of two years.

(13) Purge the registration books pursuant to §§ 24.1-59 through 24.1-62 and maintain accurate books of registered voters. A voter's name may be removed from the registration records pursuant to § 24.1-60 at any time during the year at which the registrar discovers that such person is no longer entitled to be registered in such district, except within sixty days of the general election in November or within thirty days of any other election in such district.

(14) Whenever the registration books in any election district are so mutilated, blotted, defaced, or otherwise in such condition as to render it difficult, troublesome or unsafe to use them longer, the electoral board shall then order, or may at any time order, that the books shall be copied, cause fair copies to be made of the old registration books, and they shall take the place of the old books. The general registrar shall preserve the old books.

(15) Upon request of the local governing body, to inform in writing those local governmental agencies or departments duly designated the names and addresses of all new registered voters, all those removed from the registration lists and all those changes of address occurring within the period requested.

**§ 24.1-50. No registration between regular day and election; closing registration books prior to special election.**—After the completion of the registration on the regular registration day fixed therefor as provided in § 24.1-49, and in the event that an election is to be held within the county or city, no additional person shall be registered until after the day on which the succeeding primary or general election is held.

For the purpose of registering voters, all registration books not previously closed as hereinabove provided shall be closed for a period of six days ~~next immediately preceding and including~~ the day of any special election or of any election upon a referendum.

**§ 24.1-52. Transfer of voter to another election district in same county or city.**—Whenever a registered voter changes his place of residence from one election district to another, in the same county or city, he shall promptly notify in writing the general registrar of his removal and the address of his new residence. Such notification shall be sufficient to entitle him to be registered in the election district to which he has removed, on its appearing to the satisfaction of the registrar that he has resided, prior to the next election, in such district for thirty days. At any time other than within thirty days prior to the election, the registrar shall enter the name of every such person in the registration books of the election district to which the voter has removed. *No person who moves his residence from one precinct to another thirty days or more prior to an election shall be permitted to vote in such election if he fails to comply with the requirements of this section and § 24.1-53.*

**§ 24.1-53. Transfer of voter to another county or city.**—Whenever a registered voter changes his place of residence from one county or city to another in the Commonwealth, he shall appear in person before the registrar of his new jurisdiction to request transfer of his registration, *except those persons regularly employed outside the continental limits of the United States or the spouse or dependent residing with such person who may request transfer of his registration by mail*, sign an authorization on a form prescribed by the State Board of Elections for cancellation of his previous registration, and provide the registrar in the new jurisdiction with all pertinent information required by law for registration. If it appear to the satisfaction of such registrar that the voter has met the requirements of the Constitution of Virginia, he shall be entitled to be registered in such district, and the name of every such person shall be entered on the registration books of the election district in which such person resides any time during which the registration books be open.

**§ 24.1-60. Registrar to give notice of names of persons to be purged.**—When such books are purged pursuant to the provisions of § 24.1-46 it shall be the duty of the registrar to post at the courthouse a list of the names of all persons who in the judgment of the registrar, or who may be alleged by any three qualified voters of the election district, to be improperly on the registration books of that district, or to publish such list in a newspaper of general circulation in the jurisdiction. The list shall be certified by the registrar *and sent by certified mail to the county or city chairman of each political party.* In addition to the posted or published

list, except for those voters purged pursuant to § 24.1-59, the registrar shall send a notice by mail to the last known address of each voter on the list, stating *the reasons provided by law for the purge and the time or times at which 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 books.* Such hearings shall be held not less than ten days after the mailing of such 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 such jurisdiction.

**§ 24.1-84. Discharge of duties when office of Lieutenant Governor vacant; filling vacancy.**—When a vacancy occurs in the office of Lieutenant Governor only, 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. ~~If there shall be a general election held during the unexpired portion of the term of such Lieutenant Governor, the vacancy shall be filled at such general election.~~

**§ 24.1-101. No loitering near polls; notice of prohibited area.**—During the receiving and counting of the ballots, it shall be unlawful for any person to loiter or congregate within forty feet of any entrance of any polling place; in any manner to hinder or delay a qualified voter in reaching or leaving a polling place; 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.

*One authorized representative of each political party or independent candidate in a general election or one authorized representative of each candidate in a primary or special election, who is a qualified voter of the precinct shall be permitted to remain in the room in which the election is being conducted so long as he does not hinder or delay a qualified voter or give, tender or exhibit any ballot, ticket or other campaign material to any person, or solicit or in any manner attempt to influence any person in casting his vote, and so long as he does not hinder or delay any officer of election or otherwise impede the orderly conduct of the election.*

The officers of election shall, prior to the opening of the polls, determine the area designated, delineate the boundaries of such prohibited area, and post sufficient notices which set forth the words "Prohibited Area" in two-inch type and also set forth the provisions of this section and § 24.1-267 in not less than twenty-four point type. The officers of election shall post the notices on the prohibited boundary to be visible to the voter and the public.

*The officers of election may require any person who is found by a majority of the said officers present to be in violation of this section to remain outside of the prohibited area.*

**§ 24.1-111. Form of ballot.**—The ballots shall be white paper without any distinguishing mark or symbol and shall contain the names of all the candidates complying with the provisions of the law, printed in black ink, immediately below the office for which they have so announced their candidacy. The names on the ballot, in order determined as set forth herein, shall be in clear print, each name in a separate line, and the type used in printing the ballots shall be plain roman type, not smaller than twelve-point pica. Immediately to the left of and on the same line with the name

of each candidate shall be printed a square, not less than one-quarter, nor more than one-half inch in size, printed thus:

JOHN DOE

Except as provided for primary ~~and special~~ elections, the State Board of Elections 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. Where there be more than one candidate representing a political party running for an 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 and § 24.1-207, independents shall be treated as a class under "Independent" and where there be one or more independent candidates for an office, the class "Independent" shall be deemed a political party. No names of political parties shall appear on the ballot, except in presidential elections under article 2 (§ 24.1-158 et seq.) of this chapter.

**§ 24.1-129. Place and manner of marking ballot; disabled persons.—**The qualified voter shall then take the official ballot and retire to the voting booth; provided that a person with a physical disability rendering it unduly burdensome for him to enter the polling place may be handed a ballot outside the polling place but within ~~forty one hundred fifty~~ feet thereof by one of the officers and in his presence but in a secret manner, mark and return the same to such officer who shall proceed as provided in ~~§ 24.1-231~~ § 24.1-131. He shall then mark immediately preceding the name of each candidate he wishes to vote for a check (✓) or a cross (× or +) mark or a line (—) in the square provided for such purpose, leaving the square preceding the name of each candidate he does not wish to vote for unmarked.

At all elections except primary elections it shall be lawful for any voter to place upon the official ballot in his own handwriting the name of any person 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. No ballot with a name or names placed thereon not in conformance herewith shall be counted for such person.

**§ 24.1-143. Poll books and ballots to be sealed and delivered to clerk and general registrar; duties of registrar.—**After ascertaining the votes in the manner aforesaid, the officers, before they adjourn, shall put under cover the poll books, seal the same, and direct ~~one copy both copies to the general registrar of the county or city and one copy~~ to the clerk of the court of record wherein deeds are recorded of the county or city in which the election is held; and the poll books thus sealed and directed, together with the used ballots strung or counted ballot envelope aforesaid enclosed and sealed, and the unused, defaced, spoiled and set aside ballots properly accounted for, shall be conveyed by one of the officers to be determined by lot, if they cannot otherwise agree, to the clerk of court to whom they are directed by noon on the day following the election, there to remain until after results of the election have been ascertained as provided in § 24.1-146. The secretary of the electoral board shall then deliver one poll book to the general registrar. Such books shall be available for the use of the persons who may be lawfully entitled to inspect the same. The registrar shall check the names and addresses in such poll books against the registration records, and shall use the information from such poll books to perform his duties under § 24.1-46. He shall then seal such poll

books and deliver them to the clerk of the court of record wherein deeds are recorded of the county or city.

**§ 24.1-164. How special elections superintended and determined.**—All special elections, and all elections to fill vacancies in office, shall be superintended and held, notice thereof given, 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 so far as may be otherwise provided, and except also that in case where there is a vacancy in the office of any officer who has some duty to perform in such election, the duties of such officer shall be performed by such other officer or person as shall be appointed for that purpose. The order of the names appearing on the ballot shall be determined as provided for ~~primary~~ *in general elections in § 24.1-188.*

**§ 24.1-166. Notice required of nonparty candidates; nominations other than by primary.**—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 notify the State Board of Elections, in writing, attested by two witnesses, of his intention, designating the office for which he is a candidate and such notice shall be delivered to the Board not later than the time fixed for the closing of the polls on the second Tuesday in June, if it be a general election in November, 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. 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.

On receipt of the notices required hereby the State Board of Elections shall notify the respective secretary of electoral board of the election district of the candidacy of each of such persons, which notices shall be forwarded by the State Board of Elections immediately after the expiration of the period during which candidates may give notice of their candidacy as prescribed hereby.

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 give notice not later than the time fixed for the closing of the polls on the second Tuesday in June before the election if it be a general election held in November, and on the first Tuesday in March, if it be a general election in May, 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, to the clerks of the courts wherein deeds are recorded of the counties or cities whose electors vote for such office, which notice shall be in all respects as that required above by this section to be given to the State Board of Elections. *Provided, however, that where the writ of election issued pursuant to § 24.1-76 directs that a special election be held at the second ensuing general election, any person who intends to be a candidate at such an election shall give the aforesaid notice of candidacy no later than the time fixed for the giving of such notice by candidates for offices to be filled in the general election at which time the special election is conducted.* Such clerks shall, within three days

after the filing deadline, deliver in person or transmit by certified mail such notices, and the petitions required by § 24.1-168, to the secretaries of the electoral boards of the respective counties or cities and transmit the names of the candidates who have filed with them to the State Board of Elections.

Nominations, other than by primary, by political parties for candidates for any office, shall be made and completed in the manner provided by law at or before the time fixed for the closing of the polls on the second Tuesday in June next preceding the election for such offices in the case of a general election in November, or in the case of a general election in May, on the first Tuesday in March, and the chairman of each such party shall certify the names of its candidates as required by § 24.1-169. However, in no event shall any party so nominate by any means other than direct primary more than thirty days prior to the second Tuesday in such June, in the case of a general election in November, or thirty days prior to the first Tuesday in such March, in the case of a general election in May.

**§ 24.1-167. Qualification of candidates; person entitled to have name printed on ballot.**—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 *immediately* prior to the commencement of the term of the office for which he offers. Only a person fulfilling all the requirements of a candidate shall have his name printed on the ballot provided for in the election.

**§ 24.1-172. Powers of parties in general; nomination by method other than direct primary.**—Each party shall have the power to make its own rules and regulations, call conventions to proclaim a platform or ratify a nomination, or for any other purpose, and perform all functions inherent in such organizations.

Each party shall have the power to provide for the nomination of its candidates, and the nomination and election of its candidates for office in case of any vacancy, and the nomination and election of its State, county or city committee, except that no party which at the immediately preceding election for a particular office nominated its candidate for such office by a primary, or such candidate filed for a primary but was not opposed, and such nominee was elected at the general election, shall choose to nominate a candidate for the next election for such office by any method other than by a primary, without the consent of all incumbents for such office. For the purposes of this section, 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.

A party selecting a nominee for any office by any method other than by direct primary, shall only do so within the *thirty-two* days, and no more, immediately preceding the regular primary date established for purposes of nominating candidates for the office in question. This limitation shall, however, have no effect on nominations either for special elections or pursuant to § 24.1-197.

Notwithstanding the provisions of §§ 24.1-166 and 24.1-172, conventions or mass meetings for nomination of candidates for boards of supervisors of counties to be voted on at the general election in November nineteen hundred seventy-one; shall be held within the thirty days immedi-

ately preceding the second Tuesday in September nineteen hundred seventy-one, and any person other than a candidate for a party nomination or a party nominee who intends to be a candidate for any such board of supervisors shall give notice of his candidacy as prescribed in § 24.1-166 within the thirty days immediately preceding the second Tuesday in September nineteen hundred seventy-one.

**§ 24.1-209. Furniture and machines to be at polling places; custodians of voting machines.**—It shall be the duty of the electoral board to have the voting machine or machines and all necessary furniture and equipment at the polling places before the time fixed for the opening of the polls, and have the counters on the machines set at zero (000), and otherwise in good and proper order for use at such election. For the purpose of placing ballots in the frames of the machine, putting it in order, setting, testing, adjusting, and delivering the machine, the electoral board may employ one or more competent persons, to be known as custodians of voting machines. Such 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 thirty days before the election ~~and shall be considered as election officers.~~

The board shall have the custody of such machines, furniture, and equipment when not in use at an election and shall maintain such machines in accurate working order and in proper repair.

**§ 24.1-228. Application for absentee ballots.**—It shall be the duty of the electoral board of each county or city to furnish the general registrar with a sufficient number of applications for official ballots on forms prescribed by the State Board of Elections; and it shall be the duty of such registrars to furnish an application form, in person or by mail to any qualified voter requesting the same for the purpose of offering to vote in an election by absentee ballot.

All applications for absentee ballots shall be made in writing to the appropriate registrar and delivered to him by the applicant in person not less than three nor more than forty days prior to the election in which the applicant offers to vote, or by mail as may be required not less than five nor more than forty days prior to the election in which the applicant offers to vote. Any application received more than forty days prior to the election in which the applicant offers to vote shall be held and processed within forty days of the election. Such applications shall be signed by the applicant under the penalty of perjury as to the facts therein stated.

Applications for absentee ballots shall be as follows:

(1) An application made under § 24.1-227 (1), which shall be completed in person before the general registrar or a member of the electoral board only in the office of the registrar or secretary, (such registrar's office to be open a minimum of eight hours between the hours of eight o'clock a.m. and five o'clock p.m. on the first and second Saturdays preceding all elections) shall be made on a form, furnished by the registrar, signed by the applicant in the presence of either the registrar or a member of the electoral board and shall contain the following information:

- (a) The reason why the applicant will be absent;
- (b) The name or number of precinct in which the applicant offers to vote, and
- (c) A statement that he is a resident of and duly registered in such precinct.

(2) An application made under § 24.1-227 (2), which may be made by Federal Post Card Application in conformity with § 1464 of Title 50 of the United States Code, or by other written application which shall contain the following information:

(a) A statement that the applicant or the spouse *or dependent* of the applicant is on active service as a member of the armed forces of the United States and the applicant will be absent from the county or city in which he is entitled to vote on the day of election;

(b) The name or number of precinct in which he offers to vote and a statement that he is a legal resident thereof;

(c) The branch of service to which he or the spouse belongs, his or the spouse's rank, grade or rate, service identification number, his home and service addresses and the date of his birth, and

(d) A statement that the applicant is duly registered in the precinct wherein the ballot will be cast.

(e) In the case of a person who is on active service as a member of the armed forces of the United States or his spouse and who is not a registered voter, such person shall be allowed to register, pursuant to § 24.1-48, by absentee application. In such event the registrar shall supply or correct technical information contained in either application, such as precinct names and number, to the end that servicemen and their spouses have the fullest opportunity possible to exercise their privilege of voting.

*(f) In the case of a person, or the spouse or dependent accompanying such person who is regularly employed outside the continental limits of the United States, the name and address of his employer and his address within and outside the United States.*

(3) An application made under subsections (3) or (4) of § 24.1-227 which shall be signed by the applicant in the presence of one subscribing witness, who shall subscribe the same and vouch, subject to the penalty of perjury, that to the best of his knowledge and belief the facts contained in the application as to which he has knowledge, are true and shall contain the following appropriate information:

(a) The reason why the applicant will be absent;

(b) In the case of a student or the spouse of a student attending a school or institution of learning, the name and address of such school or institution of learning;

(c) In the case of a person who is ill or physically unable to attend the polls on the day of election, the nature of the illness or physical disability;

~~(d) In the case of a person, or the spouse accompanying such person, who is regularly employed outside the continental limits of the United States, the name and address of his employer and his address within and outside of the United States;~~

(e) The name or number of precinct in which the applicant offers to vote, and a statement that he is a legal resident thereof, and duly registered;

(f) The application shall be accompanied by sufficient postage or legal tender, as indicated thereon, to defray the cost of mailing the ballot to the applicant, if to be delivered by mail.

(4) In the case of a person registered under the provisions of article



1 of chapter 5.1 of this title (§§ 24.1-72.1 through 24.1-72.4) to vote in a presidential election, or a person who desires to vote only for elections of President and Vice-President of the United States, he shall state the fact that the application is only to vote for electors of President and Vice-President of the United States.

**§ 24.1-232. How ballots marked and returned; ballots cast in person.**—Upon receipt of the registered or certified letter forwarded by the electoral board, the voter shall not open the sealed envelope, marked “ballot within,” except in the presence of a notary public or other officer authorized by law to take acknowledgments to deeds or administer oaths, or a commissioned officer in the active service of the armed forces, the head of any department or agency of the United States or any civilian official designated by the head of a department or agency of the United States, and shall then and there mark, as provided in § 24.1-129, and refold the ballot without assistance and without making known the manner of marking same. He shall then and there place the ballot in the envelope provided for the purpose, seal the envelope, and fill in and sign the voucher printed on the back of the envelope in the presence of a notary public or other officer hereinabove provided, who shall witness the same in writing. This envelope, together with the coupon, which must be filled out and signed by the notary public, or other officer as herein provided, shall be enclosed within the envelope directed to the electoral board which shall then and there be sealed, and shall be registered or certified and mailed, ~~with return receipt requested,~~ to the electoral board, or delivered personally by the voter to the electoral board or to the general registrar.

In the event that the applicant comes under § 24.1-227 (1), he shall follow the same procedure as set forth above except that it shall be done in person, upon receipt of the items set forth in § 24.1-229, before either the general registrar or the secretary of the electoral board, in lieu of a notary, and failure to do so will render the applicant’s ballot void. Such applicant shall comply with this section and vote in person not less than ~~five~~ *three* days prior to the election in which he offers to vote.

**§ 24.1-251. Elections to which chapter applicable.**—The provisions of this chapter shall apply to all elections held within the Commonwealth except any election for members of the United States Congress, *or any election for any town office, or* ~~and~~ any election for directors of soil and water conservation districts. Every candidate for the United States Congress shall file with the State Board of Elections ~~within thirty days after the election,~~ certified copies of all reports of campaign contributions required by the laws of the United States.

**§ 24.1-277. Writings concerning candidates for office to identify person responsible therefor.**—(1) As used in this section “writing” ~~means includes any pamphlet, poster, card, circular, book, dodger, flyer, banner, handbill, picture, or any other~~ written, printed or otherwise reproduced statement or advertisement of any class or description, but shall not include editorial comment or news coverage which is sponsored and financed by the news medium publishing or broadcasting it.

(2) It shall be unlawful for any person to cause any writing other than a television or radio broadcast to appear concerning any candidate for any office elective by the qualified voters unless such writing plainly identifies the person responsible therefor and, where the writing is caused by a candidate, carries the statement “by authority of .....,

(Name)  
duly designated Treasurer of .....,”; except that  
(name of candidate)

a candidate serving as his own treasurer may use the statement "by authority of the candidate." Where the writing is not caused by a candidate, the person causing the writing shall be identified by full name and address on the writing. It shall be unlawful for any person to cause any radio or television statement to appear unless the advertisement or statement contains information which plainly identifies the person or group responsible therefor.

(3) It shall be unlawful for any person to use a false or fictitious name or address on any such writing described in the preceding paragraph.

(4) Any person violating any provision of this section shall be deemed guilty of a misdemeanor. *Violation of this section shall not, however, require or result in the voiding of any election.*

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### SENATE JOINT RESOLUTION NO.

Proposing an amendment to Section 1 of Article II of the Constitution of Virginia relating to the qualifications of voters.

Resolved by the Senate of Virginia, the House of Delegates 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 concurrences in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia; namely:

Amend § 1 of Article II of the Constitution of Virginia as follows:

Section 1. Qualifications of voters.

In elections by the people, the qualifications of voters shall be as follows: Each voter shall be a citizen of the United States, shall be eighteen years of age, shall ~~fulfill the residence requirements set forth in this section~~ *be a resident of the Commonwealth and of the precinct where he votes*, and shall be registered to vote pursuant to this article. No person who has been convicted of a felony shall be qualified to vote unless his civil rights have been restored by the Governor or other appropriate authority. As prescribed by law, no person adjudicated to be mentally incompetent shall be qualified to vote until his competency has been reestablished.

~~The residence requirements shall be that each voter shall have been a resident of the Commonwealth for six months and of the precinct where he votes for thirty days. A person who is qualified to vote except for having moved his residence from one precinct to another fewer than thirty days prior to an election may in any such election vote in the precinct from which he has moved. Residence, for all purposes of qualification to vote, requires both domicile and a place of abode. The General Assembly may provide, in elections for President and Vice-President of the United States, a residence requirement of less than six months and alternatives to registration for new residents of the Commonwealth.~~

Any person who will be qualified with respect to age to vote at the next general election shall be permitted to register in advance and also to vote in any intervening primary or special election.

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## APPENDIX B

### Election Laws Study Commission on Carry-over Legislation

1. Senate Bill 237—More information on proposal requested.
2. Senate Bill 238—To be heard at a later date with Senate Bill 481.
3. Senate Bill 362—To be carried over until meeting of General Assembly. More information on proposal requested.
4. Senate Bill 435—No action as not heard by members of Subcommittee.
5. Senate Bill 479—No action as not heard by members of Subcommittee.
6. Senate Bill 481—No action as not heard by members of Subcommittee.
7. House Bill 103—More information requested from Mr. Quillen.
8. House Bill 218—Bill deemed not necessary.
9. House Bill 329—No action as not heard by members of Subcommittee.
10. House Bill 352—More information requested.
11. House Bill 583—Mr. Davis to be asked for more information.
12. House Bill 618—Staff asked to poll all legislators from multi-member districts for their views on the proposal.
13. House Bill 689—Passed over indefinitely.
14. House Bills 913 and 937—Referred to Senator Andrews' Subcommittee for possible inclusion in legislative proposal of his Subcommittee.
15. House Bill 1089—Staff asked to write Mr. Quillen for his ideas on proposal.
16. House Joint Resolution 24—No action as not heard by members of the Subcommittee.
17. House Joint Resolution 74—No action as not heard by members of the Subcommittee
18. House Joint Resolution 113—Mr. Williams was asked to make some refinements in his proposal.
19. House Joint Resolution 115—Passed over indefinitely.
20. House Joint Resolution 134—Passed over indefinitely
21. House Joint Resolution 137—No action as not heard by the members of the Subcommittee.

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