



1/1971 Special Session Acts: "~~one copy to the general register of the county or city and <sup>Ch. 247</sup> one copy~~" (Deleted by 1973 Acts Ch. 30)

(2) Same: ~~register and~~ <sup>(4)</sup> (Deleted by 1972 Acts Ch. 620)

(3) Same: The register shall check the names and addresses in such poll book against the election books, 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.

(4) See (2)

(5) Until after results of election have been ascertained as provided in § 24.1-146. The Secretary ~~shall~~ of the electoral board shall then deliver one poll book to the general register. Such books shall be available. 1972 Acts 620

(6) ~~Acts~~ 1973 Acts Ch. 30: both copies

§ 24.1-140. When Ballot Void.—If a ballot is found to have been voted for a greater number of names for any one office than the number of persons required to fill the office, or if the title of the office is erased, the ballot shall be considered void as to all the names designated to fill such office, but no further. No ballot shall be void for having been voted for a less number of names than is authorized to be inserted therein.

§ 24.1-141. Signing and Attesting Books.—The number of ballots being made to agree with the number of names on the poll books in the manner provided in the preceding section, the books shall be signed by the officers; and the number of names thereon shall be set down in words and figures at the foot of the list of qualified voters on the poll books and over the signatures of the officers in the manner and form prescribed by § 24.1-135. Whenever the number of ballots is reduced by fraudulent or void ballots below the number of names of qualified voters on the poll books, the cause of such reduction shall be stated at the foot of the list of qualified voters on the poll books before the same are signed by the officers.

§ 24.1-142. How Votes Counted and Returns Made.—After the poll books are signed, the officers shall, in the presence of such persons as shall be present under § 24.1-137, proceed to ascertain the number of votes cast for each person voted for; and the ballots shall be distinctly read, and as soon as read and counted shall be strung by one of the officers on a string, or marked with a stamp "counted" and placed in an envelope labeled "counted ballots", and an officer shall set down on the poll books, next after the certificate of the officers at the foot of the list of electors as the returns of the election, the name of every person voted for, written in full length, the office for which such person received such votes, and the number of votes he received, the number being expressed in figures and also at full length in writing, in accordance with the form prescribed in § 24.1-135, which returns when so made out, shall be signed and attested as provided in that section, but no person other than the officers of the election shall handle the ballots.

No ballot except an official ballot especially prepared as provided for in this title shall be counted for any person. In the event that any unofficial ballot is found among the official ballots, such unofficial ballot shall be put aside, not counted and appropriately noted in the poll book.

§ 24.1-143. Poll Books and Ballots to be Sealed and Delivered to Clerk.—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 them 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 for the use of the persons who may be lawfully entitled to inspect the same.

§ 24.1-144. Clerk to Keep Ballots for Twelve Months; Destruction.—The clerk to whom the ballots are delivered as aforesaid shall, without breaking the seal, deposit them in a secure place in his office, where they shall be safely kept for twelve months; and he shall not allow the same to be inspected unless in cases of contested elections or unless they become necessary to be used in evidence and then only on the order of the court.

needed as evidence, for the Clerk of such offices to destroy such books and ballots.

§ 24.1-145. Clerk to Send for Books and Ballots on Failure of Return.—If from any cause the officers of election shall fail to return, as provided by § 24.1-143 within the time limited by § 24.1-141 the electoral board to meet and open the returns, it shall be the duty of clerk to whose office such returns ought to have been made to dispense law enforcement officer to obtain such returns, who shall be subject to the same penalties and entitled to the same compensation as an officer for such service.

§ 24.1-146. Electoral Board to Meet and Open Returns and Ascertain Result.—Each electoral board shall meet at the clerk's office of the county or city for which they are appointed at or before noon of the second day, Sunday excepted, after any election held therein, and proceed to open the several returns which shall have been made at that office.

The board shall ascertain from the returns the persons who received the greatest number of votes in the county or city for the several offices to be filled at the election. The result as so ascertained shall be reduced to writing and signed by a majority of the board and attested by the Secretary and shall be annexed to the abstract of votes cast at the election, as provided for in § 24.1-150.

§ 24.1-147. Board to Correct Irregularities in Returns of Officers.—If it shall appear to any electoral board, in determining the persons who have received the greatest number of votes for the several offices voted for in such election, that irregularities or informalities in the returns of the officers of election which can be cured by amendment or correcting the same, it shall be the duty of the board immediately to summon such officers, or such of them as may be requisite, to appear before the board on some day not exceeding three days from the date of the summons, for the purpose of amending such returns so that they may conform to the law. The summons may be executed by any person authorized by law to serve summonses for witnesses.

§ 24.1-148. Candidates Having Highest Number of Votes to I Certificate of Election.—Except in the case of a recount pursuant to the provisions of Chapter 8 of this title, in all elections for the choice of an officer, unless it is otherwise expressly provided, the person having the highest number of votes for any office shall be deemed to have been elected to such office and shall receive the certificate of election.

§ 24.1-149. Determination by Lot in Case of Tie.—If two or more persons have an equal number of votes for any county, city, or district office, and a higher number than any other person, the election shall proceed publicly to determine by lot which of the candidates shall be declared elected.

If any two or more persons have an equal number of votes higher number than any other person for member of the General Assembly or of the Congress of the United States, or Elector of President or Vice President of the United States, the State Board of Elections shall publicly to determine by lot which of them shall be declared elected. Reasonable notice shall be given to such candidates of the time when the election shall be so determined; and if they, or either of them, shall fail to appear in accordance with such notice, the Board shall proceed to determine the election in their absence.

Section 24.1-144

- (A) 1973 Acts Ch. 30: "except <sup>(B)</sup> on order of a court before which there is pending a proceeding for a contest or a recount under Chapter 8 (§24.1-236 et seq.) of this title or before which there is then pending a proceeding in which the ballots are necessary for use in evidence.
- (B) <sup>(C)</sup> "by the officers of election and then only at the direction of the electoral board in accordance with §24.1-147 when the provisions of §24.1-139 have not been followed or 1975 Acts. Ch. 515
- (C) 1978 Acts: added §24.1-144 (i) & part of (ii) & (iii)

§24.1-146

- (1) 1973 Acts Ch. 30: The result so ascertained shall be conclusive and shall not thereafter be subject to challenge by any person except as specifically provided in Chapter 8 (§24.1-236 et seq.) of this title.



primary ballots the names of the candidates to be printed thereon. Such chairman shall also certify the order and date and time of filing for purposes of printing the ballots as prescribed in § 24.1-188. Each such chairman shall comply with the provision of this section not less than fifty-five days before the primary.

§ 24.1-188. Primary Ballots.—The primary ballots for the several parties taking part in a primary shall be composed, arranged, printed, delivered and provided in the same manner as the general election ballots except that across the top of each official primary ballot shall be printed in plain black type the date of the primary, the name of the political party, and immediately underneath the following words "Primary Election Ballot." The names of the candidates for various offices shall appear on the ballot in an order determined by the priorities of the time of filing for the office. In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board or the State Board of Elections.

§ 24.1-189. Poll Books and Ballot Boxes.—There shall be two poll books and a separate ballot box provided for each party taking part in any primary. The ballot box for each party shall have plainly marked upon its top the words, "Primary Ballot Box", and immediately under the words the name of the party which uses the same. Each poll book shall bear conspicuously upon its cover the name of the party whose voters are recorded therein, and shall have printed therein the following:

Tally Sheet

For (name of party) for the ..... Precinct in the county,  
(or city) of ..... for primary held on ..... day of  
..... A.D.

The names of candidates for nominations shall be placed on the tally sheets of each political party by the officers of election in the order in which they appear on the primary ballot.

§ 24.1-190. One Poll Book Delivered to Chairman.—After the vote has been ascertained one poll book shall be delivered by the secretary of the electoral board to the chairman of the city or county committee of the party for which the primary is held. The nominee of the party shall be entitled at his own expense, to copy the poll book retained by the clerk of court.

§ 24.1-191. Abstracts of Votes.—As soon as the electoral board shall determine the persons who have received the highest number of votes for nomination to any such office, the secretary shall immediately make out abstracts and certificates of the votes cast as provided in § 24.1-150, and certified copies thereof shall be placed in an envelope by the secretary and forwarded by certified mail as follows: for United States Senator and State officers to the State Board of Elections; for members of the House of Representatives of the United States, to the chairman of the congressional district committee; for members of the General Assembly, to the chairman or several chairmen, as the case may be, of the county or counties and cities composing the district; and for county and city district officers, to the chairman of the county or city; and the secretary shall endorse on the back of the envelope in which the certified copies are enclosed: "Copy of the abstract of votes cast in the primary election in ..... County (or City as the case may be) on ..... nineteen hundred and ....."

The chairman or chairmen hereinbefore referred to are the chairman

Nominee Declared.—As soon as possible after receipt of abstract and not later than seven days after the day of the Board of Elections shall open and tabulate the returns. Completion of such tabulation the Board shall declare the nominee and form as it does in general elections.

§ 24.1-193. If Abstracts Not Forwarded, Officer Them.—If from any county or city the abstract of vote been received by the State Board of Elections within six State primary election, it shall dispatch a law enforcement them as provided in § 24.1-153.

§ 24.1-194. Procedure to Fill Vacancies Caused by nation or Removal.—Whenever, by reason of the death removal of the incumbent, a vacancy in any office shall sixty (60) days before the date fixed by § 24.1-174 for primary, but more than thirty days before such date, the constituted party authorities may permit the filing of declaration for nomination in the primary to such office. Notice and the right to file declarations of candidacy to fill the advertised by the party committee or committees in at least of general circulation within the Commonwealth, if it be election by the people at large, and in case of all other manner prescribed by the properly constituted party authorities declaration of candidacy shall be filed with the committee until such advertisement is had, nor within fifteen days for holding the primary.

§ 24.1-195. When Nominee by Default Dies or Withdraws Primary.—If any person who shall have been nominated date of a political party for any office in any general election of the fact that he is the only person who has filed the of and petition for candidacy, dies, or withdraws as such date, at a time which is thirty days or more before the such primary would have been held if two or more candidates, any person desiring to become a candidate for nomination at such primary who is otherwise qualified may and petition for his candidacy with the proper chairman his party committee or committees. Such notice and petition in every respect, except as to the time of filing same, shall be filed which applied to the qualification as a primary nominee who has died or withdrawn. Such notice and petition shall be filed at least twenty days before the day on which the primary is held. If more than one person qualifies, the party chairman shall promptly certify their names to the appropriate electoral boards as having qualified under the provisions of this section for such primary election shall either (a) cause to be the name of every person so certified to it as qualifying this section, or (b) if the official ballots containing the dates for the party's nomination for another office or offices already been printed, they may cause separate ballots to be printed for the office for which two or more persons have qualified provisions of this section and print thereon the names of the persons so certified to it as so qualifying. In the event that only one person is so certified to it as so qualifying in accordance with this section, such person so qualifying shall be deemed to

(H)-1972 lcts lh 620: "after it has been returned by the  
register in accordance with § 24.1-143.