

"BY THE PEOPLE . . ."

Virginia Election Law

— E. Powell

The root of the governments by and with which the people of the United States live is the ballot. Year by year, by machine or paper ballot, the citizens of all the electoral units of the nation select those individuals who, at least in theory, will serve them in thousands of capacities, both small and great.

The process by which the government is chosen is delineated in each state by the legislatures. In its last session, the legislature of Virginia substantially revised and tightened the election law of that jurisdiction.

Virginia, like many of her sister states, has had to deal with both the elimination of election frauds and an increasing voting population, which is not only more numerous, but more mobile. The legislature has taken steps to correct the problems in both these areas.

One of the greatest invitations to abuse in any election is the casting of absentee ballots. "Black satchelling" these ballots has been a known practice in some areas of the state. The worker with the black satchel approaches the voter, provides him with an application for an absentee ballot, or the ballot itself, sees how it is voted, and then makes sure it is returned. If the worker is buying votes, it is his greatest insurance that he gets what he pays for. If he simply wishes to insure that "his people" are doing right by old State Senator Whatever, he achieved that goal as well. The black satchel destroys the secret ballot.

The new Virginia law makes real inroads on such practices. First, only those with a bona fide reason for being physically *unable* to reach the polls on election day may cast an absentee ballot by mail. This category includes the ill or physically handicapped, military personnel on active duty, business persons who are regularly employed outside the United States, such as the merchant marine, and students and their spouses who are away from their regular residence.

Those voters who are absent from the district on election day because of business or vacation or other personal reasons must appear in person at the office of the registrar and cast their ballots before that officer. This in person requirement not only simplifies the administrative procedure, but, if enforced, should help to eliminate problems of absentee vote fraud.

Tombstone voting, and its relatives, takes a serious blow with the institution of a mandatory automatic purge of the Virginia voting lists. As of December 31,

1974, and annually thereafter, the name of any voter who has not voted at least once during four consecutive calendar years will be purged by the general registrar. This annual automatic purge is badly needed in areas like Tidewater and Northern Virginia where the transient population is large. As families move to another state, they may re-register without notifying the Virginia registrar. Those "Deadwood" names remain on the lists, an open invitation to fraud. In a recent Charlottesville election, won by one vote, party members checking the rolls found that a woman, born in 1840, had voted in 1970. She did not come forward to have her picture taken for the news media.

Until this time, voter registration rolls have been held by local electoral boards and registrars, with little state supervision. Under the new law, by October 1, 1973, the State Board of Elections is to set up a computerized central registration system.

With this in mind, social security numbers are being collected throughout the state. The process of guaranteeing that no person is registered in each of several neighboring electoral units has been extremely inefficient, and a laborious process for election officials and voters alike. The computer system should ease the strain.

Virginia's new law also moves toward recognizing the mobile voter by reducing the residence requirements for registration. Under the old law, a citizen had to be a resident of the state for one year, the city or county for six months, and the precinct for thirty days. The new law specifies six months in the state, and thirty days in the precinct. There are also special provisions for presidential elections where the citizen leaves the state during the thirty days prior to the election. (The voter may return and vote only for presidential electors.)

An important change has been made for the military population. Under the old law, a military person did not have to appear to register to vote. He could appear at the polls, sign an affidavit of residence, and then cast his ballot. The new law requires all military personnel to register, although military casting absentee ballots may also register by mail.

Because it is far easier to tamper with paper ballots, citizens will be pleased to note that Virginia now requires most localities to acquire voting machines, with 1976 as the cut-off date for all precincts having more than 500 registered voters.

Students of election laws will notice many other small but important changes in Virginia's rules. Some improvements appear only in instructions issued for the State Board of Elections. This brief review can only note the major changes. However, the people of Virginia are to be commended for their efforts to bring their electoral process into the twentieth century. A major step has been taken.