

CHAPTER 591

HOUSE JOINT RESOLUTION NO. 341

Proposing amendments to Sections 4 and 8 of Article II of the Constitution of Virginia, relating to powers and duties of the General Assembly with respect to registration, voting, elections and election officials.

Agreed to by the House of Delegates, February 22, 1985

Agreed to by the Senate, February 20, 1985

RESOLVED by the House of Delegates, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendments to the Constitution of Virginia be, and the same hereby are, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Sections 4 and 8 of Article II of the Constitution of Virginia as follows:

ARTICLE II

FRANCHISE AND OFFICERS

Section 4. Powers and duties of General Assembly.—The General Assembly shall establish a uniform system for permanent registration of voters pursuant to this Constitution, including provisions for appeal by any person denied registration, correction of illegal or fraudulent registrations, proper transfer of all registered voters, and cancellation of registrations in other jurisdictions of persons who apply to register to vote in the Commonwealth. The General Assembly shall provide for maintenance of accurate and current registration records and shall provide for cancellation of the registration of any voter who has not voted at least once during four consecutive calendar years *and who fails to return a written response indicating a desire to remain registered at the residence address currently on record in response to a notice of pending cancellation.*

The General Assembly may provide for registration and voting by absentee application and ballot for members of the Armed Forces of the United States in active service, persons residing temporarily outside of the United States by virtue of their employment, and their spouses and dependents residing with such persons, who are otherwise qualified to vote, and may provide for voting by absentee ballot for other qualified voters.

The General Assembly shall provide for the nomination of candidates, shall regulate the time, place, manner, conduct, and administration of primary, general, and special elections, and shall have power to make any other law regulating elections not inconsistent with this Constitution.

Section 8. Electoral boards; registrars and officers of election.—There shall be in each county and city an electoral board composed of three members, selected as provided by law. In the appointment of the electoral boards, representation, as far as practicable, shall be given to each of the two political parties which, at the general election next preceding their appointment, cast the highest and the next highest number of votes. The present members of such boards shall continue in office until the expiration of their respective terms; thereafter their successors shall be appointed for the term of three years. Any vacancy occurring in any board shall be filled by the same authority for the unexpired term.

Each electoral board shall appoint the officers ~~and registrars~~ of election *and general registrar* for its county or city. In appointing such officers of election, representation, as far as practicable, shall be given to each of the two political parties which, at the general election next preceding their appointment, cast the highest and next highest number of votes.

No person, nor the deputy of any person, who is employed by or holds any office or

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

CHAPTER 592

An Act to amend the Code of Virginia by adding sections numbered 64.1-64.1 and 64.1-65.1 and to repeal §§ 64.1-64 and 64.1-65 of the Code of Virginia, relating to lapsed and failed bequests and devisees.

[S 294]

Approved April 3, 1985

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 64.1-64.1 and 64.1-65.1 as follows:

§ 64.1-64.1. *When children or descendants of devisee, legatee, etc., to take estate.—Unless a contrary intention appears in the will, if a devisee or legatee, including a devisee or legatee under a class gift, is (i) a grandparent or a descendant of a grandparent of the testator and (ii) dead at the time of execution of the will or dead at the time of testator's death, the children and descendants of deceased children of the deceased devisee or legatee who survive the testator take in the place of the deceased devisee or legatee. If the takers are all of the same degree of kinship to the deceased devisee or legatee, they take equally. However, if the takers are of unequal degree, then those of more remote degree take by representation.*

§ 64.1-65.1. *How devises and bequests that fail, etc., to pass.—A. Unless a contrary intention appears by the will, and except as provided in § 64.1-64.1, if a devise or bequest other than a residuary devise or bequest fails for any reason, it shall become a part of the residue.*

B. *Unless a contrary intention appears by the will and except as provided in § 64.1-64.1, if the residue is devised or bequeathed to two or more persons and the share of one fails for any reason, such share shall pass to the other residuary devisees or legatees in proportion to their interests in the residue.*

C. *Notwithstanding the provisions of § 64.1-190 and unless a contrary intention shall appear in a will, if a testator makes a bequest, not exceeding the value of twenty-five dollars, to a legatee and such legatee refuses to take possession of such bequest then the bequest shall fail and becomes a part of the residue of the testator's estate.*

2. That §§ 64.1-64 and 64.1-65 of the Code of Virginia are repealed.

CHAPTER 593

An Act to amend and reenact §§ 22.1-4 and 22.1-289 of the Code of Virginia, relating to notification of pupils without birth certificates or cumulative records.