

HOUSE BILL NO. 939

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections

on February 27, 2024)

(Patron Prior to Substitute--Delegate Shin)

A BILL to amend and reenact §§ 24.2-107, 24.2-411, 24.2-413, 24.2-604, 24.2-653.01, 24.2-671, 24.2-679, 24.2-701.1, 24.2-707.1, 24.2-712, and 24.2-802.1 of the Code of Virginia, relating to elections administration; certain activities or conduct prohibited at polling places applicable to locations for absentee voting in person; possession of firearm within 100 feet of locations used for certain voting-related and elections-related activities; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-107, 24.2-411, 24.2-413, 24.2-604, 24.2-653.01, 24.2-671, 24.2-679, 24.2-701.1, 24.2-707.1, 24.2-712, and 24.2-802.1 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-107. Meetings; quorum; notice; account of proceedings; seal; records open to inspection.

A. The electoral board of each city and county shall meet during the first week in February of the year in which it is to appoint officers of election pursuant to § 24.2-115 and during the month of March each year at the time set by the board and at any other time on the call of any board member. Two members shall constitute a quorum. Notice of each meeting shall be given to all board members either by the secretary or the member calling the meeting at least three business days prior to the meeting except in the case of an emergency as defined in § 2.2-3701. Notice shall be given to the public as required by § 2.2-3707. All meetings shall be conducted in accordance with the requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) unless otherwise provided by this section.

Notwithstanding the public notice requirements of § 2.2-3707, two or more members of an electoral board may meet on election day to discuss a matter concerning that day's election, where such matter requires resolution on that day, and an effort has been made by all available means to give notice

27 of the meeting to all board members. The presence of two or more board members while the ballots,
28 election materials, or voting equipment are being prepared, current or potential polling places are being
29 inspected, or election officials are being trained, or a telephone call between two board members preparing
30 for a meeting, shall not constitute a meeting provided that no discussion or deliberation takes place that
31 would otherwise constitute a meeting.

32 B. The secretary shall keep an accurate account of all board proceedings in a minute book,
33 including all appointments and removals of general registrars and officers of election. The secretary shall
34 keep in his custody the duly adopted seal of the board.

35 C. Minutes of meetings that are required to be recorded pursuant to § 2.2-3707 shall be posted on
36 the website of the electoral board or the official website for the county or city, when such means are
37 available. Minutes of meetings shall be posted as soon as possible but no later than one week prior to the
38 following meeting of the electoral board.

39 D. Books, papers, and records of the board shall be open to public inspection and copying
40 whenever the general registrar's office is open for business either at the office of the board or the office of
41 the general registrar. The general registrar shall determine a reasonable charge, not to exceed the fee
42 authorized pursuant to subdivision A 8 of § 17.1-275, to be paid for copies made from the books, papers,
43 and records of the board. No election record containing an individual's social security number, or any part
44 thereof, shall be made available for inspection or copying by anyone. The State Board of Elections shall
45 prescribe procedures for local electoral boards and general registrars to make the information in
46 certificates of candidate qualification available in a manner that does not reveal social security numbers
47 or any parts thereof.

48 E. It is unlawful for any person (i) to knowingly carry on or about his person any firearm as defined
49 in § 18.2-308.2:2 and (ii) to knowingly do so within 100 feet of any building, or part thereof, used as a
50 meeting place for the local electoral board, unless such person is (a) a law-enforcement officer or a retired
51 law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (b) occupying his own
52 private property that falls within 100 feet of the building used as a meeting place; or (c) an armed security
53 officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or

54 performance of his duties occurs within 100 feet of any building, or part thereof, used as a meeting place
55 for the local electoral board.

56 **§ 24.2-411. Office of the general registrar.**

57 A. Each local governing body shall furnish the general registrar with a clearly marked and suitable
58 office which shall be the principal office for voter registration. The office shall be owned or leased by the
59 city or county, or by the state for the location of Department of Motor Vehicles facilities, adequately
60 furnished, and located within the city or within the county or a city in which the county courthouse is
61 located. The governing body shall provide property damage liability and bodily injury liability coverage
62 for the office and shall furnish the general registrar with necessary postage, stationery, equipment, and
63 office supplies. The telephone number shall be listed in the local telephone directory separately or under
64 the local governmental listing under the designation "Voter Registration."

65 No private business enterprise shall be conducted in the general registrar's office.

66 B. The general registrar's office in all counties and cities shall be open a minimum of five days
67 each week, except as provided in subsection C.

68 Additional hours, if any, that the general registrar's office is open for voter registration may be
69 determined and set by the general registrar or the electoral board.

70 C. The general registrar may close the office of the general registrar (i) for off-site training
71 purposes for no more than four consecutive or cumulative days each year, provided that notice of the
72 closure is posted on the official website of the county or city and in no fewer than two public places at
73 least 72 hours before such closure, and (ii) quarterly to provide training in the office for a period not to
74 exceed four hours without providing notice. However, no closure permitted by clause (i) or clause (ii)
75 shall occur (a) within the seven days immediately preceding and immediately following an election, (b)
76 during the period for absentee voting required by subsection A of § 24.2-701, (c) on the final registration
77 day pursuant to § 24.2-414, or (d) on a deadline specified in the Campaign Finance Disclosure Act of 2006
78 (§ 24.2-945 et seq.).

79 D. It is unlawful for any person (i) to knowingly carry on or about his person any firearm as defined
80 in § 18.2-308.2:2 and (ii) to knowingly do so within 100 feet of any building, or part thereof, used as a

81 meeting place for the local electoral board, unless such person is (a) a law-enforcement officer or a retired
 82 law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (b) occupying his own
 83 private property that falls within 100 feet of the building used as a meeting place; or (c) an armed security
 84 officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or
 85 performance of his duties occurs within 100 feet of any building, or part thereof, used as the principal
 86 office for voter registration.

87 **§ 24.2-413. Additional registration locations; accessibility requirements; prohibited conduct.**

88 A. The office of the general registrar, and each agency, business, and establishment set for
 89 registration pursuant to §§ 24.2-411.2 and 24.2-411.3 and subsection B of § 24.2-412 shall be accessible
 90 as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting
 91 Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with
 92 Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The Department shall provide
 93 instructions to the Department of Motor Vehicles, state-designated voter registration agencies, local
 94 electoral boards, and general registrars to assist them in complying with the requirements of the Acts.

95 In the selection of additional registration sites as provided in § 24.2-412, consideration shall be
 96 given to accessibility so that a reasonable number of accessible sites are provided and the requirements of
 97 the above cited Acts are met.

98 B. It is unlawful for any person (i) to knowingly carry on or about his person any firearm as defined
 99 in § 18.2-308.2:2 and (ii) to knowingly do so within 100 feet of any building, or part thereof, used as a
 100 meeting place for the local electoral board, unless such person is (a) a law-enforcement officer or a retired
 101 law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (b) occupying his own
 102 private property that falls within 100 feet of the building used as a meeting place; or (c) an armed security
 103 officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or
 104 performance of his duties occurs within 100 feet of the additional registration site.

105 **§ 24.2-604. Polling places; prohibited activities; prohibited area; penalties.**

106 A. During the times the polls are open and ballots are being counted, or within one hour of opening
 107 or after closing, it is unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of

108 any polling place; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign
109 material to any person or to solicit or in any manner attempt to influence any person in casting his vote;
110 (iii) to hinder or delay a qualified voter in entering or leaving a polling place; or (iv) (a) to knowingly
111 possess, carry on or about his person any firearm as defined in § 18.2-308.2:2 and (b) to knowingly do so
112 within 40 100 feet of any building, or part thereof, used as a polling place.

113 B. Prior to opening the polls, the officers of election shall post, in the area within 40 feet of any
114 entrance to the polling place, sufficient notices that state "Prohibited Area" in two-inch type, except that
115 notice of prohibited firearm possession shall be posted in the area within 100 feet of the entrance. The
116 notices shall also state the provisions of this section in not less than 24-point type. The officers of election
117 shall post the notices within the prohibited area to be visible to voters and the public.

118 C. It is unlawful for any authorized representative permitted in the polling place pursuant to § 24.2-
119 604.4, any voter, or any other person in the room to (i) hinder or delay a qualified voter; (ii) give, tender,
120 or exhibit any ballot, ticket, or other campaign material to any person; (iii) solicit or in any manner attempt
121 to influence any person in casting his vote; (iv) hinder or delay any officer of election; (v) be in a position
122 to see the marked ballot of any other voter; or (vi) otherwise impede the orderly conduct of the election.

123 D. The provisions of subsections A and C shall not be construed to prohibit a person who
124 approaches or enters the polling place for the purpose of voting from wearing a shirt, hat, or other apparel
125 on which a candidate's name or a political slogan appears or from having a sticker or button attached to
126 his apparel on which a candidate's name or a political slogan appears. This exemption shall not apply to
127 candidates, representatives of candidates, or any other person who approaches or enters the polling place
128 for any purpose other than voting.

129 E. This section shall not be construed to prohibit a candidate from entering any polling place on
130 the day of the election to vote, or to visit a polling place for no longer than 10 minutes per polling place
131 per election day, provided that he complies with the restrictions stated in subsections A, C, and D.

132 F. The provisions of clause (iv) of subsection A shall not apply to (i) any law-enforcement officer
133 or any retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (ii) any
134 person occupying his own private property that falls within ~~40~~ 100 feet of a polling place; or (iii) an armed

135 security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose
136 employment or performance of his duties occurs within ~~40~~ 100 feet of any building, or part thereof, used
137 as a polling place.

138 G. The officers of election may require any person who is found by a majority of the officers
139 present to be in violation of this section to remain outside of the prohibited area. Any person violating
140 subsection A or C is guilty of a Class 1 misdemeanor.

141 **§ 24.2-653.01. Provisional ballots; electoral boards to make determination as to validity.**

142 A. The electoral board shall meet on the day following the election and determine whether each
143 person having submitted a provisional vote pursuant to § 24.2-653 was entitled to do so as a qualified
144 voter in the precinct in which he offered the provisional vote. In the case of persons voting provisionally
145 pursuant to § 24.2-653.3, the electoral board shall determine of which district the person is a qualified
146 voter. At the meeting, the voter may request an extension of the determination of the provisional vote in
147 order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-
148 401. The electoral board shall have the authority to grant such extensions that it deems reasonable to
149 determine the status of a provisional vote.

150 If the board is unable to determine the validity of all the provisional ballots offered in the election,
151 or has granted any voter who has offered a provisional ballot an extension, the meeting shall stand
152 adjourned, not to exceed seven calendar days from the date of the election, until the board has determined
153 the validity of all provisional ballots offered in the election.

154 B. The electoral board shall permit one authorized representative of each political party or
155 independent candidate in a general or special election or one authorized representative of each candidate
156 in a primary election to remain in the room in which the determination is being made as an observer so
157 long as he does not participate in the proceedings and does not impede the orderly conduct of the
158 determination. Each authorized representative shall be a qualified voter of any jurisdiction of the
159 Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to
160 the electoral board a written statement designating him to be a representative of the party or candidate and
161 signed by the county or city chairman of his political party, the independent candidate, or the primary

162 candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation,
163 such a designation may be made by the state or district chairman of the political party. However, no written
164 designation made by a state or district chairman shall take precedence over a written designation made by
165 the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may
166 be photocopied and such photocopy shall be as valid as if the copy had been signed.

167 Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.),
168 attendance at meetings of the electoral board to determine the validity of provisional ballots shall be
169 permitted only for the authorized representatives provided for in this subsection, for the persons whose
170 provisional votes are being considered and their representative or legal counsel, and for appropriate staff
171 and legal counsel for the electoral board.

172 C. If the electoral board determines that such person was not entitled to vote as a qualified voter
173 in the precinct or district in which he offered the provisional vote, is unable to determine his right to vote,
174 or has not been provided one of the forms of identification specified in subsection B of § 24.2-643, or the
175 signed statement that the voter is the named registered voter he claims to be, the envelope containing his
176 ballot shall not be opened and his vote shall not be counted. The general registrar shall notify in writing
177 pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not
178 counted.

179 The provisional vote shall be counted if (i) such person is entitled to vote in the precinct pursuant
180 to § 24.2-401 or (ii) the Department of Elections or the voter presents proof that indicates the voter
181 submitted an application for registration to a state-designated voter registration agency or the voter's
182 information was transmitted by the Department of Motor Vehicles to the Department of Elections pursuant
183 to § 24.2-411.3 prior to the close of registration pursuant to § 24.2-416 and the registrar determines that
184 the person was qualified for registration based upon the application for registration submitted by the
185 person pursuant to subsection B of § 24.2-652.

186 If the electoral board determines that such person was entitled to vote, the name of the voter shall
187 be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and

188 the ballot shall be placed in a ballot container without any inspection further than that provided for in §
189 24.2-646.

190 D. On completion of its determination, the electoral board shall proceed to count such ballots and
191 certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671.
192 No adjustment shall be made to the statement of results for the precinct in which the person offered to
193 vote. However, any voter who cast a provisional ballot and is determined by the electoral board to have
194 been entitled to vote shall have his name included on the list of persons who voted that is submitted to the
195 Department of Elections pursuant to § 24.2-406.

196 E. The certification of the results of the count together with all ballots and envelopes, whether
197 open or unopened, and other related material shall be delivered by the electoral board to the clerk of the
198 circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

199 F. It is unlawful for any person (i) to knowingly carry on or about his person any firearm as defined
200 in § 18.2-308.2:2 and (ii) to knowingly do so within 100 feet of any building, or part thereof, used as a
201 meeting place for the local electoral board, unless such person is (a) a law-enforcement officer or a retired
202 law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (b) occupying his own
203 private property that falls within 100 feet of the building used as a meeting place; or (c) an armed security
204 officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or
205 performance of his duties occurs within 100 feet of any building, or part thereof, used as the meeting place
206 for the local electoral board while the electoral board meets pursuant to this section.

207 **§ 24.2-671. Electoral board to meet and ascertain results; conclusiveness of results.**

208 A. Each electoral board shall meet at the clerk's or general registrar's office of the county or city
209 for which they are appointed at or before 5:00 p.m. on the day after any election. The board may adjourn
210 to another room of sufficient size in a public building to ascertain the results, and may adjourn as needed,
211 not to exceed seven calendar days from the date of the election unless an extension has been granted to
212 accommodate a risk-limiting audit conducted pursuant to § 24.2-671.2. Written directions to the location
213 of any room other than the clerk's or general registrar's office where the board will meet shall be posted at
214 the doors of the clerk's and general registrar's offices prior to the beginning of the meeting.

215 ~~The board shall open the returns delivered by the officers.~~

216 If the electoral board has exercised the option provided by § 24.2-668 for delivery of the election
217 materials to the office of the general registrar on the night of the election, the electoral board shall meet at
218 the office of the general registrar at or before 5:00 p.m. on the day after any election.

219 B. The board shall open the returns delivered by the officers and ascertain from the returns the
220 total votes in the county or city, or town in a town election, for each candidate and for and against each
221 question and complete the abstract of votes cast at such election, as provided for in § 24.2-675. For any
222 office in which no person was elected by write-in votes, and for which the total number of write-in votes
223 for that office is less than (i) 10 percent of the total number of votes cast for that office and (ii) the total
224 number of votes cast for the candidate receiving the most votes, the electoral board shall ascertain the total
225 votes for each write-in candidate for the office within one week following the election. For offices for
226 which the electoral board issues the certificate of election, the result so ascertained, signed and attested,
227 shall be conclusive and shall not thereafter be subject to challenge except as specifically provided in
228 Chapter 8 (§ 24.2-800 et seq.).

229 Once the result is so ascertained, the secretary of the electoral board shall deliver one copy of each
230 statement of results to the general registrar to be available for inspection when his office is open for
231 business. The secretary shall then return all pollbooks, any printed inspection and return sheets, and one
232 copy of each statement of results to the clerk.

233 ~~Beginning with the general election in November 2007, a~~ C. A report of any changes made by the
234 local electoral board to the unofficial results ascertained by the officers of election or any subsequent
235 change to the official abstract of votes made by the local electoral board shall be forwarded to the State
236 Board of Elections and the explanation of such change shall be posted on the State Board website.

237 D. Each political party and each independent candidate on the ballot, or each primary candidate,
238 shall be entitled to have representatives present when the local electoral board meets to ascertain the results
239 of the election. Each such party and candidate shall be entitled to have at least as many representatives
240 present as there are teams of officials working to ascertain the results, and the room in which the local
241 electoral board meets shall be of sufficient size and configuration to allow the representatives reasonable

242 access and proximity to view the ballots as the teams of officials work to ascertain the results. The
 243 representatives and observers lawfully present shall be prohibited from interfering with the officials in
 244 any way.

245 E. It is unlawful for any person (i) to knowingly possess, carry on or about his person any firearm
 246 as defined in § 18.2-308.2:2 and (ii) to knowingly do so within ~~40~~ 100 feet of any building, or part thereof,
 247 used as a meeting place for the local electoral board while the electoral board meets to ascertain the results
 248 of an election, unless such person is (a) any law-enforcement officer or any retired law-enforcement officer
 249 qualified pursuant to subsection C of § 18.2-308.016; (b) occupying his own private property that falls
 250 within ~~40~~ 100 feet of a polling place; or (c) an armed security officer, licensed pursuant to Article 4 (§
 251 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or performance of his duties occurs within
 252 ~~40~~ 100 feet of any building, or part thereof, used as a meeting place for the local electoral board while the
 253 electoral board meets to ascertain the results of an election.

254 **§ 24.2-679. State Board to meet and make statement as to number of votes.**

255 A. The State Board shall meet by the first Monday in December to ascertain the results of the
 256 November election. If a majority of the Board is not present or if, for any other reason, the Board is unable
 257 to ascertain the results on that day, the meeting shall stand adjourned from day to day for not more than
 258 three days until a quorum is present and the Board has ascertained the results as provided in this section.

259 The Board shall examine the certified abstracts on file in its office and make statements of the
 260 whole number of votes given at any such election for members of the General Assembly, Governor,
 261 Lieutenant Governor and Attorney General, members of the United States Congress and electors of
 262 President and Vice President of the United States, and any officer shared by more than one county or city,
 263 or any combination thereof, or for so many of such officers as have been voted for at the election.

264 The statement shall show, for each office and each county, city, and election district, the whole
 265 number of votes given to each candidate and to any other person elected to office. The Board members
 266 shall certify the statements to be correct and sign the statements. The Board shall then determine those
 267 persons who received the greatest number of votes and have been duly elected to each office. The Board

268 members shall endorse and subscribe on such statements a certificate of their determination. The Board
269 shall record each certified statement and determination in a suitable book to be kept by it in its office.

270 B. The State Board shall meet as soon as possible after it receives the returns for any special
271 election held at a time other than the November general election to ascertain the results of the special
272 election in the manner prescribed in subsection A. If the returns have not been received within seven days
273 of the election, the Board shall meet and adjourn from day to day until it receives the returns, ascertains
274 the results, and makes its determination.

275 C. It is unlawful for any person (i) to knowingly carry on or about his person any firearm as defined
276 in § 18.2-308.2:2 and (ii) to knowingly do so within 100 feet of any building, or part thereof, used as a
277 meeting place for the local electoral board, unless such person is (a) a law-enforcement officer or a retired
278 law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (b) occupying his own
279 private property that falls within 100 feet of the building used as a meeting place; or (c) an armed security
280 officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or
281 performance of his duties occurs within 100 feet of any building, or part thereof, used as such a meeting
282 place.

283 **§ 24.2-701.1. Absentee voting in person.**

284 A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall
285 continue until 5:00 p.m. on the Saturday immediately preceding the election. In the case of a special
286 election, excluding for federal offices, if time is insufficient between the issuance of the writ calling for
287 the special election and the date of the special election, absentee voting in person shall be available as
288 soon as possible after the issuance of the writ.

289 Any registered voter offering to vote absentee in person shall provide his name and his residence
290 address in the county or city in which he is offering to vote. After verifying that the voter is a registered
291 voter of that county or city, the general registrar shall enroll the voter's name and address on the absentee
292 voter applicant list maintained pursuant to § 24.2-706.

293 Except as provided in subsection F, a registered voter voting by absentee ballot in person shall
294 provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one

295 of the forms of identification specified in subsection B of § 24.2-643, he shall be allowed to vote after
296 signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the
297 named registered voter he claims to be. A voter who requires assistance in voting by reason of a physical
298 disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be
299 assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649
300 regarding voters who are unable to sign shall be followed when assisting a voter in completing this
301 statement. A voter who does not show one of the forms of identification specified in this subsection or
302 does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653. The
303 State Board shall provide instructions to the general registrar for the handling and counting of such
304 provisional ballots pursuant to § 24.2-653.01 and this section.

305 B. Absentee voting in person shall be available during regular business hours. The electoral board
306 of each county and city shall provide for absentee voting in person in the office of the general registrar or
307 a voter satellite office established pursuant to § 24.2-701.2. The provisions of §§ 24.2-604, 24.2-604.4,
308 24.2-605, 24.2-606, and 24.2-607 prohibiting certain conduct or activities in and around a polling place
309 shall apply to such offices whenever absentee voting in person is available.

310 For purposes of this chapter, such offices shall be open to the public a minimum of eight hours
311 between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all
312 elections. The electoral board or general registrar may provide for absentee voting in person in such offices
313 on Sundays. Any applicant who is in line to cast his ballot when the office of the general registrar or voter
314 satellite office closes shall be permitted to cast his absentee ballot that day.

315 C. The general registrar may provide for the casting of absentee ballots in person pursuant to this
316 section on voting systems. The Department shall prescribe the procedures for use of voting systems. The
317 procedures shall provide for absentee voting in person on voting systems that have been certified and are
318 currently approved by the State Board. The procedures shall be applicable and uniformly applied by the
319 Department to all localities using comparable voting systems.

320 D. At least two officers of election shall be present during all hours that absentee voting in person
321 is available and shall represent the two major political parties, except in the case of a party primary, when

322 they may represent the party conducting the primary. However, such requirement shall not apply when (i)
323 voting systems that are being used pursuant to subsection C are located in the office of the general registrar
324 or voter satellite office and (ii) the general registrar or a deputy registrar is present.

325 E. The Department shall include absentee ballots voted in person in its instructions for the
326 preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.

327 F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of
328 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in
329 a federal election in the state. At such election, such individual shall present (i) a current and valid photo
330 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other
331 government document that shows the name and address of the voter. Such individual who desires to vote
332 in person but who does not show one of the forms of identification specified in this subsection shall be
333 offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of
334 subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election.
335 The Department of Elections shall provide instructions to the electoral boards for the handling and
336 counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

337 **§ 24.2-707.1. Drop-off locations for return of absentee ballots.**

338 A. The general registrar of each county or city shall establish at the office of the general registrar
339 and each voter satellite office in operation for an election a drop-off location for the purpose of allowing
340 the deposit of completed absentee ballots for such election. On the day of the election, there shall also be
341 a drop-off location at each polling place in operation for the election. The general registrar may establish
342 additional drop-off locations within the county or city as he deems necessary. All drop-off locations shall
343 be accessible; be on public property, unless located at a polling place; and otherwise comply with any
344 criteria for drop-off locations set by the Department. The provisions of §§ 24.2-604, 24.2-604.4, 24.2-605,
345 24.2-606, and 24.2-607 prohibiting certain conduct or activities in and around a polling place shall apply
346 to drop-off locations.

347 B. The Department shall set standards for the establishment and operation of drop-off locations,
348 including necessary security requirements. The Department shall submit such standards annually by

349 October 1 to the Chairmen of the House and Senate Committees on Privileges and Elections, the Senate
350 Committee on Finance and Appropriations, and the House Committee on Appropriations.

351 C. Not later than 55 days prior to any election, the general registrar shall post notice of the sites of
352 the drop-off locations in the locality in the office of the general registrar and on the official website of the
353 county or city. Such notice shall remain in the office of the general registrar and on the official website of
354 the county or city for the duration of the period during which absentee ballots may be returned.

355 D. Absentee ballots shall be collected from drop-off locations in accordance with the instructions
356 provided by the Department. Such instructions shall include chain of custody requirements and
357 recordkeeping requirements. Absentee ballots shall be collected at least daily by (i) two officers of election
358 or electoral board members representing the two major political parties where practicable or (ii) two
359 employees from the office of the general registrar, unless the drop-off location is in the office of the
360 general registrar, in which case the general registrar or a deputy general registrar may collect the absentee
361 ballots.

362 **§ 24.2-712. Central absentee voter precincts; counting ballots.**

363 A. Notwithstanding any other provision of law, the governing body of each county or city shall
364 establish one or more central absentee voter precincts in the courthouse or other public buildings for the
365 purpose of receiving, counting, and recording absentee ballots cast in the county or city. A central absentee
366 voter precinct shall be made by the governing body by ordinance; the ordinance shall state for which
367 elections the precinct shall be used. The decision to abolish any absentee voter precinct shall be made by
368 the governing body by ordinance. Immediate notification of either decision shall be sent to the Department
369 of Elections and the electoral board.

370 B. Each central absentee voter precinct shall have at least three officers of election as provided for
371 other precincts. The number of officers shall be determined by the electoral board and general registrar.

372 C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day of the
373 election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the general registrar on
374 or before the day of the election, he shall be allowed to vote it, and his ballot shall be delivered to the
375 absentee voter precinct.

376 D. Absentee ballots shall be processed as required by § 24.2-709.1 by the officers of election at
377 the central absentee voter precinct prior to the closing of the polls. In the case of machine-readable ballots,
378 the ballot container shall be opened and the absentee ballots shall be inserted in the counting machines
379 prior to the closing of the polls in accordance with procedures prescribed by the Department of Elections,
380 including procedures to preserve ballot secrecy, but no ballot count totals by the machines shall be
381 transmitted outside of the central absentee voter precinct until after the closing of the polls.

382 In the case of absentee ballots that are counted by hand, the officers of election shall begin tallying
383 such ballots at any time after noon on the day of the election in accordance with the procedures prescribed
384 by the Department of Elections, including procedures to preserve ballot secrecy. No counts of such tallies
385 shall be determined or transmitted outside of the central absentee voter precinct until after the closing of
386 the polls.

387 The use of cellular telephones or other communication devices shall be prohibited in the central
388 absentee voter precinct during such processing and tallying and until the closing of the polls. Any person
389 present in the central absentee voter precinct shall sign a statement under oath that he will not transmit
390 any counts prior to the closing of the polls. Any person who transmits any counts in violation of this
391 section is guilty of a Class 1 misdemeanor.

392 E. As soon as the polls are closed in the county or city, the officers of election at the central
393 absentee voter precinct shall proceed promptly to ascertain and record the total vote given by all absentee
394 ballots and report the results in the manner provided for counting and reporting ballots generally in Article
395 4 (§ 24.2-643 et seq.) of Chapter 6.

396 F. The electoral board or general registrar may provide that the officers of election for a central
397 absentee voter precinct may be assigned to work all or a portion of the time that the precinct is open on
398 election day subject to the following conditions:

- 399 1. The chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to represent
400 the two political parties, are on duty at all times; and

401 2. No officer, political party representative, or other candidate representative shall leave the
402 precinct after any ballots have been counted until the polls are closed and the count for the precinct is
403 completed and reported.

404 G. The general registrar may provide that the central absentee voter precinct will open after 6:00
405 a.m. on the day of the election provided that the office of the general registrar will be open for the receipt
406 of absentee ballots until the central absentee voter precinct is open and that the officers of election for the
407 central absentee voter precinct obtain the absentee ballots returned to the general registrar's office for the
408 purpose of counting the absentee ballots at the central absentee voter precinct and provided further that
409 the central absentee voter precinct is the same location as the office of the general registrar.

410 H. It is unlawful for any person (i) to knowingly carry on or about his person any firearm as defined
411 in § 18.2-308.2:2 and (ii) to knowingly do so within 100 feet of any building, or part thereof, used as a
412 meeting place for the local electoral board, unless such person is (a) a law-enforcement officer or a retired
413 law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (b) occupying his own
414 private property that falls within 100 feet of the building used as a meeting place; or (c) an armed security
415 officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or
416 performance of his duties occurs within 100 feet of any central absentee voter precinct.

417 **§ 24.2-802.1. Preliminary hearing; court to fix procedure for recount, appoint officers, and**
418 **supervise the recount.**

419 A. Within seven calendar days of the filing of the petition for a recount of any election other than
420 an election for presidential electors, or within five calendar days of the filing of a petition for a recount of
421 an election for presidential electors, the chief judge of the circuit court shall call a preliminary hearing at
422 which (i) motions may be disposed of and (ii) the rules of procedure may be fixed, both subject to review
423 by the full court. The petitioner and his counsel and each other party and their counsel under supervision
424 of the electoral board and its agents shall have access to pollbooks and other materials used in the election
425 for examination purposes, provided that individual ballots cast in the election shall not be examined at the
426 preliminary hearing. The chief judge during the preliminary hearing shall review all security measures

427 taken for all ballots and voting systems and direct, as he deems necessary, all appropriate measures to
428 ensure proper security to conduct the recount.

429 The chief judge, subject to review by the full court, may set the place for the recount and may
430 order the delivery of election materials to a central location and the transportation of voting systems to a
431 central location in each county or city under appropriate safeguards. These safeguards shall include
432 prohibiting any person (a) from knowingly ~~possessing~~ carrying on or about his person any firearm as
433 defined in § 18.2-308.2:2 and (b) from knowingly doing so within ~~40~~ 100 feet of any building or part
434 thereof used as the place for the recount, unless such person is ~~(a)~~ (1) any law-enforcement officer or any
435 retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; ~~(b)~~ (2) occupying
436 his own private property that falls within ~~40~~ 100 feet of a polling place; or ~~(c)~~ (3) an armed security officer,
437 licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or
438 performance of his duties occurs within ~~40~~ 100 feet of any building, or part thereof, used as a place for
439 the recount.

440 B. After the full court is appointed under § 24.2-801 or 24.2-801.1, it shall call a hearing at which
441 all motions shall be disposed of and the rules of procedure shall be fixed finally, and it shall issue a written
442 order setting out such rules of procedure. The court shall call for the advice and cooperation of the
443 Department, the State Board, or any local electoral board, as appropriate, and such boards or agency shall
444 have the duty and authority to assist the court. The court shall fix any additional procedures, that are not
445 provided for in this chapter, that shall provide for the accurate counting of votes in the election. The
446 recount procedures to be followed throughout the election district shall be as uniform as practicable, taking
447 into account the types of ballots and voting systems in use in the election district.

448 C. The court shall permit each candidate, or petitioner and governing body or chief executive
449 officer, to select an equal number of the officers of election to be recount officials and to count printed
450 ballots. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable
451 period. The court may permit each party to the recount to submit a list of alternate officials in the number
452 the court directs. There shall be at least one team from each locality using ballot scanner machines to insert
453 the ballots into one or more scanners. Each team shall be composed of one representative of each party.

