

## 1 HOUSE BILL NO. 939

## 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee on Privileges and Elections

4 on \_\_\_\_\_)

5 (Patron Prior to Substitute--Delegate Shin)

6 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-  
7 679, 24.2-701.1, 24.2-707.1, 24.2-712, and 24.2-802.1 of the Code of Virginia, relating to elections  
8 administration; certain activities or conduct prohibited at polling places applicable to locations for  
9 absentee voting in person; possession of firearm within 100 feet of locations used for certain  
10 voting-related and elections-related activities; penalty.

11 **Be it enacted by the General Assembly of Virginia:**

12 **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-**  
13 **707.1, 24.2-712, and 24.2-802.1 of the Code of Virginia are amended and reenacted as follows:**

14 **§ 24.2-107. Meetings; quorum; notice; account of proceedings; seal; records open to**  
15 **inspection.**

16 A. The electoral board of each city and county shall meet during the first week in February of the  
17 year in which it is to appoint officers of election pursuant to § 24.2-115 and during the month of March  
18 each year at the time set by the board and at any other time on the call of any board member. Two members  
19 shall constitute a quorum. Notice of each meeting shall be given to all board members either by the  
20 secretary or the member calling the meeting at least three business days prior to the meeting except in the  
21 case of an emergency as defined in § 2.2-3701. Notice shall be given to the public as required by § 2.2-  
22 3707. All meetings shall be conducted in accordance with the requirements of the Virginia Freedom of  
23 Information Act (§ 2.2-3700 et seq.) unless otherwise provided by this section.

24 Notwithstanding the public notice requirements of § 2.2-3707, two or more members of an  
25 electoral board may meet on election day to discuss a matter concerning that day's election, where such  
26 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 to knowingly possess any firearm as defined in § 18.2-308.2:2  
49 within 100 feet of any building, or part thereof, used as a meeting place for the local electoral board, unless  
50 such person is (i) a law-enforcement officer or a retired law-enforcement officer qualified pursuant to  
51 subsection C of § 18.2-308.016; (ii) occupying his own private property that falls within 100 feet of the  
52 building used as a meeting place; or (iii) an armed security officer, licensed pursuant to Article 4 (§ 9.1-

53 138 et seq.) of Chapter 1 of Title 9.1, whose employment or performance of his duties occurs within 100  
54 feet of any building, or part thereof, used as a meeting place for the local electoral board.

55 **§ 24.2-411. Office of the general registrar.**

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

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

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

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

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

78 D. It is unlawful for any person to knowingly possess any firearm as defined in § 18.2-308.2:2  
79 within 100 feet of any building, or part thereof, used as the principal office for voter registration, unless

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

85 **§ 24.2-413. Additional registration locations; accessibility requirements; prohibited conduct.**

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

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

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

103 **§ 24.2-604. Polling places; prohibited activities; prohibited area; penalties.**

104 A. During the times the polls are open and ballots are being counted, or within one hour of opening  
105 or after closing, it is unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of  
106 any polling place; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign

107 material to any person or to solicit or in any manner attempt to influence any person in casting his vote;  
108 (iii) to hinder or delay a qualified voter in entering or leaving a polling place; or (iv) to knowingly possess  
109 any firearm as defined in § 18.2-308.2:2 within ~~40~~ 100 feet of any building, or part thereof, used as a  
110 polling place.

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

116 C. It is unlawful for any authorized representative permitted in the polling place pursuant to § 24.2-  
117 604.4, any voter, or any other person in the room to (i) hinder or delay a qualified voter; (ii) give, tender,  
118 or exhibit any ballot, ticket, or other campaign material to any person; (iii) solicit or in any manner attempt  
119 to influence any person in casting his vote; (iv) hinder or delay any officer of election; (v) be in a position  
120 to see the marked ballot of any other voter; or (vi) otherwise impede the orderly conduct of the election.

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

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

130 F. The provisions of clause (iv) of subsection A shall not apply to (i) any law-enforcement officer  
131 or any retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (ii) any  
132 person occupying his own private property that falls within ~~40~~ 100 feet of a polling place; or (iii) an armed  
133 security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose

134 employment or performance of his duties occurs within ~~40~~ 100 feet of any building, or part thereof, used  
135 as a polling place.

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

139 **§ 24.2-653.01. Provisional ballots; electoral boards to make determination as to validity.**

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

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

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

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

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

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

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

184 If the electoral board determines that such person was entitled to vote, the name of the voter shall  
185 be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and  
186 the ballot shall be placed in a ballot container without any inspection further than that provided for in §  
187 24.2-646.

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

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

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

206 **§ 24.2-671. Electoral board to meet and ascertain results; conclusiveness of results.**

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

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



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

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

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

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

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

242 representatives and observers lawfully present shall be prohibited from interfering with the officials in  
243 any way.

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

253 **§ 24.2-679. State Board to meet and make statement as to number of votes.**

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

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

263 The statement shall show, for each office and each county, city, and election district, the whole  
264 number of votes given to each candidate and to any other person elected to office. The Board members  
265 shall certify the statements to be correct and sign the statements. The Board shall then determine those  
266 persons who received the greatest number of votes and have been duly elected to each office. The Board  
267 members shall endorse and subscribe on such statements a certificate of their determination. The Board  
268 shall record each certified statement and determination in a suitable book to be kept by it in its office.

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

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

281 **§ 24.2-701.1. Absentee voting in person.**

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

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

291 Except as provided in subsection F, a registered voter voting by absentee ballot in person shall  
292 provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one  
293 of the forms of identification specified in subsection B of § 24.2-643, he shall be allowed to vote after  
294 signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the  
295 named registered voter he claims to be. A voter who requires assistance in voting by reason of a physical

296 disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be  
297 assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649  
298 regarding voters who are unable to sign shall be followed when assisting a voter in completing this  
299 statement. A voter who does not show one of the forms of identification specified in this subsection or  
300 does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653. The  
301 State Board shall provide instructions to the general registrar for the handling and counting of such  
302 provisional ballots pursuant to § 24.2-653.01 and this section.

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

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

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

318 D. At least two officers of election shall be present during all hours that absentee voting in person  
319 is available and shall represent the two major political parties, except in the case of a party primary, when  
320 they may represent the party conducting the primary. However, such requirement shall not apply when (i)  
321 voting systems that are being used pursuant to subsection C are located in the office of the general registrar  
322 or voter satellite office and (ii) the general registrar or a deputy registrar is present.

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

325 F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of  
326 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in  
327 a federal election in the state. At such election, such individual shall present (i) a current and valid photo  
328 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other  
329 government document that shows the name and address of the voter. Such individual who desires to vote  
330 in person but who does not show one of the forms of identification specified in this subsection shall be  
331 offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of  
332 subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election.  
333 The Department of Elections shall provide instructions to the electoral boards for the handling and  
334 counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

335 **§ 24.2-707.1. Drop-off locations for return of absentee ballots.**

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

345 B. The Department shall set standards for the establishment and operation of drop-off locations,  
346 including necessary security requirements. The Department shall submit such standards annually by  
347 October 1 to the Chairmen of the House and Senate Committees on Privileges and Elections, the Senate  
348 Committee on Finance and Appropriations, and the House Committee on Appropriations.

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

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

360 **§ 24.2-712. Central absentee voter precincts; counting ballots.**

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

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

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

374 D. Absentee ballots shall be processed as required by § 24.2-709.1 by the officers of election at  
375 the central absentee voter precinct prior to the closing of the polls. In the case of machine-readable ballots,

376 the ballot container shall be opened and the absentee ballots shall be inserted in the counting machines  
377 prior to the closing of the polls in accordance with procedures prescribed by the Department of Elections,  
378 including procedures to preserve ballot secrecy, but no ballot count totals by the machines shall be  
379 transmitted outside of the central absentee voter precinct until after the closing of the polls.

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

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

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

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

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

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

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

408 H. It is unlawful for any person to knowingly possess a firearm as defined in § 18.2-308.2:2 within  
409 100 feet of any central absentee voter precinct, unless such person is (i) a law-enforcement officer or a  
410 retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (ii) occupying his  
411 own private property that falls within 100 feet of any central absentee voter precinct; or (iii) an armed  
412 security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose  
413 employment or performance of his duties occurs within 100 feet of any central absentee voter precinct.

414 **§ 24.2-802.1. Preliminary hearing; court to fix procedure for recount, appoint officers, and**  
415 **supervise the recount.**

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

426 The chief judge, subject to review by the full court, may set the place for the recount and may  
427 order the delivery of election materials to a central location and the transportation of voting systems to a  
428 central location in each county or city under appropriate safeguards. These safeguards shall include



429 prohibiting any person from knowingly possessing any firearm as defined in § 18.2-308.2:2 within ~~40~~ 100  
430 feet of any building or part thereof used as the place for the recount, unless such person is (a) any law-  
431 enforcement officer or any retired law-enforcement officer qualified pursuant to subsection C of § 18.2-  
432 308.016; (b) occupying his own private property that falls within ~~40~~ 100 feet of a polling place; or (c) an  
433 armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose  
434 employment or performance of his duties occurs within ~~40~~ 100 feet of any building, or part thereof, used  
435 as a place for the recount.

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

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

450 The court may provide that if, at the time of the recount, any recount official fails to appear, the  
451 remaining recount officials present shall appoint substitute recount officials who shall possess the same  
452 qualifications as the recount officials for whom they substitute. The court may select pairs of recount  
453 coordinators to serve for each county or city in the election district who shall be members of the county  
454 or city electoral board and represent different political parties. The court shall have authority to summon  
455 such officials and coordinators. On the request of any party to the recount, the court shall allow that party

**456** to appoint one representative observer for each team of recount officials. The representative observers  
**457** shall have an unobstructed view of the work of the recount officials. The expenses of its representatives  
**458** shall be borne by each party.

**459** D. The court (i) shall supervise the recount and (ii) may require delivery of any or all pollbooks  
**460** used and any or all ballots cast at the election, or may assume supervision thereof through the recount  
**461** coordinators and officials.

**462** #