

1 SENATE BILL NO. 988

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the Senate Committee on Privileges and Elections

4 on January 28, 2025)

5 (Patron Prior to Substitute—Senator Williams Graves)

6 *A BILL to amend and reenact §§ 24.2-310, 24.2-604, 24.2-604.4, and 24.2-604.5 of the Code of Virginia,*
7 *relating to elections; general provisions; prohibited area; within 10 feet of the curbside voting area.*8 **Be it enacted by the General Assembly of Virginia:**9 **1. That §§ 24.2-310, 24.2-604, 24.2-604.4, and 24.2-604.5 of the Code of Virginia are amended and**
10 **reenacted as follows:**11 **§ 24.2-310. Requirements for polling places.**12 A. The polling place for each precinct shall be located within the county or city and either within the
13 precinct or within one mile of the precinct boundary, unless a waiver has been granted pursuant to subsection14 G. The polling place for a county precinct may be located within a city (i) if the city is wholly contained
15 within the county election district served by the precinct or (ii) if the city is wholly contained within the
16 county and the polling place is located on property owned by the county. The polling place for a town
17 precinct may be located within one mile of the precinct and town boundary. For town elections held in
18 November, the town shall use the polling places established by the county for its elections.19 B. The governing body of each county, city, and town shall provide funds to enable the general registrar
20 to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be
21 located in a public building whenever practicable. If more than one polling place is located in the same
22 building, each polling place shall be located in a separate room or separate and defined space.23 C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians
24 with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52
25 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. §
26 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars
27 to assist the localities in complying with the requirements of the Acts.28 D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general
29 registrar shall provide an alternative polling place and give notice of the change in polling place, including to
30 all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling

31 place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters
32 appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency"
33 means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate
34 action.

35 E. It shall be permissible to distribute campaign materials on the election day on the property on which a
36 polling place is located and outside of the building containing the room where the election is conducted
37 except as specifically prohibited by law including, without limitation, the prohibitions of § 24.2-604 and the
38 establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place *and within 10 feet*
39 *of any area designated for voting outside the polling place pursuant to § 24.2-649.1*. However, and
40 notwithstanding the provisions of clause (i) of subsection A of § 24.2-604, and upon the approval of the local
41 electoral board, campaign materials may be distributed outside the polling place and inside the structure
42 where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure
43 that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40
44 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as
45 provided in § 24.2-604. The local electoral board may approve campaigning activities inside the building
46 where the election is conducted when an entrance to the building is from an adjoining building, or if
47 establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from
48 entering or leaving the building.

49 F. Any local government, local electoral board, or the State Board may make monetary grants to any
50 non-governmental entity furnishing facilities under the provisions of § 24.2-307 or 24.2-308 for use as a
51 polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this
52 section. Nothing in this subsection shall be construed to obligate any local government, local electoral board,
53 or the State Board to appropriate funds to any non-governmental entity.

54 G. The general registrar or the governing body of the locality may request from the Department of
55 Elections a waiver to establish a polling place that does not meet the location requirements of subsection A in
56 the event that there is no suitable building that could be used within the precinct or within one mile of the
57 precinct boundary. The Department shall grant such a waiver and may impose any conditions on the waiver
58 that it deems necessary or appropriate to ensure accessibility and security of the polling place and compliance
59 with any other requirements of state or federal law.

60 § 24.2-604. Polling places; prohibited activities; prohibited area; penalties.

61 A. During the times the polls are open and ballots are being counted, or within one hour of opening or
62 after closing, it is unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of any
63 polling place *or within 10 feet of any area designated for voting outside the polling place pursuant to §*
64 *24.2-649.1*; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign material
65 to any person or to solicit or in any manner attempt to influence any person in casting his vote; (iii) to hinder
66 or delay a qualified voter in entering or leaving a polling place; or (iv) to knowingly possess any firearm as
67 defined in § 18.2-308.2:2 within 40 feet of any building, or part thereof, used as a polling place.

68 B. Prior to opening the polls, the officers of election shall post, in the area within 40 feet of any entrance
69 to the polling place *and within 10 feet of any area designated for voting outside the polling place pursuant to*
70 *§ 24.2-649.1*, sufficient notices that state "Prohibited Area" in two-inch type. The notices shall also state the
71 provisions of this section in not less than 24-point type. The officers of election shall post the notices within
72 the prohibited area to be visible to voters and the public.

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

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

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

87 F. The provisions of clause (iv) of subsection A shall not apply to (i) any law-enforcement officer or any
88 retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (ii) any person

89 occupying his own private property that falls within 40 feet of a polling place; or (iii) an armed security
90 officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or
91 performance of his duties occurs within 40 feet of any building, or part thereof, used as a polling place.

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

95 **§ 24.2-604.4. Polling places; authorized representatives of party or candidate; prohibited activities.**

96 A. The officers of election shall permit one authorized representative of each political party or
97 independent candidate in a general or special election, or one authorized representative of each candidate in a
98 primary election, to remain in the room in which the election is being conducted at all times. A representative
99 may serve part of the day and be replaced by successive representatives. The officers of election shall have
100 discretion to permit up to three authorized representatives of each political party or independent candidate in
101 a general or special election, or up to three authorized representatives of each candidate in a primary election,
102 to remain in the room in which the election is being conducted. The officers shall permit one such
103 representative for each pollbook station. However, no more than one such representative for each pollbook
104 station or three representatives of any political party or independent candidate, whichever number is larger,
105 shall be permitted in the room at any one time.

106 B. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. No
107 candidate whose name is printed on the ballot shall serve as a representative of a party or candidate for
108 purposes of this section.

109 Each representative shall present to the officers of election a written statement designating him to be a
110 representative of the party or candidate that is signed by the county or city chairman of his political party, the
111 independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable
112 to sign such a written designation, such a designation may be made by the state or district chairman of the
113 political party. However, no written designation made by a state or district chairman shall take precedence
114 over a written designation made by the county or city chairman. Such statement, bearing the chairman's or
115 candidate's original signature, may be photocopied, and such photocopy shall be as valid as if the copy had
116 been signed.

117 C. Authorized representatives shall be allowed, whether in a regular polling place or central absentee

118 voter precinct, to be close enough to the voter check-in table to be able to hear and see what is occurring;
119 however, such observation shall not violate the secret vote provision of Article II, Section 3 of the
120 Constitution of Virginia or otherwise interfere with the orderly process of the election. Any representative
121 who complains to the chief officer of election that he is unable to hear or see the process may accept the chief
122 officer's decision or, if dissatisfied, he may immediately appeal the decision to the local electoral board or
123 general registrar.

124 D. Authorized representatives shall be allowed, whether in a regular polling place or central absentee
125 voter precinct, to use a handheld wireless communications device but shall not be allowed to use such a
126 device to capture a digital image inside the polling place or central absentee voter precinct. The officers of
127 election may prohibit the use of cellular telephones or other handheld wireless communications devices if
128 such use will result in a violation of subsection A or C of § 24.2-604 or § 24.2-607.

129 E. Authorized representatives shall not be allowed in any case to provide assistance to any voter as
130 permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the
131 polling place or within 40 feet of any entrance to the polling place *or within 10 feet of any area designated*
132 *for voting outside the polling place pursuant to § 24.2-649.1.*

133 F. The officers of election may require any person who is found by a majority of the officers present to be
134 in violation of this section to remain outside of the prohibited area.

135 **§ 24.2-604.5. Polling places; presence of additional persons authorized.**

136 A. A local electoral board or general registrar may authorize in writing the presence in the polling place of
137 additional neutral observers as may be deemed appropriate, except as otherwise prohibited or limited by the
138 provisions of § 24.2-604. Such observers shall comply with the restrictions in subsections A and C of §
139 24.2-604 and shall not be allowed in any case to provide assistance to any voter as permitted under §
140 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or
141 within 40 feet of any entrance to the polling place *or within 10 feet of any area designated for voting outside*
142 *the polling place pursuant to § 24.2-649.1.* The officers of election may require any person who is found by a
143 majority of the officers present to be in violation of this subsection to remain outside of the prohibited area.

144 B. The officers of election shall permit representatives of the news media to visit and film or photograph
145 inside the polling place for a reasonable and limited period of time while the polls are open. However, the
146 media (i) shall comply with the restrictions in subsections A and C of § 24.2-604; (ii) shall not film or

147 photograph any person who specifically asks the media representative at that time that he not be filmed or
148 photographed; (iii) shall not film or photograph the voter or the ballot in such a way that divulges how any
149 individual voter is voting; and (iv) shall not film or photograph the voter list or any other voter record or
150 material at the precinct in such a way that it divulges the name or other information concerning any
151 individual voter. Any interviews with voters, candidates, or other persons; live broadcasts; or taping of
152 reporters' remarks shall be conducted outside of the polling place and the prohibited area. The officers of
153 election may require any person who is found by a majority of the officers present to be in violation of this
154 subsection to leave the polling place and the prohibited area.