

2026 SESSION

INTRODUCED

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1 **HOUSE BILL NO. 1442**

2 Offered January 22, 2026

3 *A BILL to amend and reenact §§ 24.2-604, 24.2-671, and 24.2-802.1 of the Code of Virginia, relating to*
4 *elections; polling places; prohibited activities; acts in furtherance of federal immigration laws.*

5 Patrons—Lopez, Anthony, Clark, Cohen, Cousins, Feggans and Singh

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7 Referred to Committee on Public Safety

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

10 **1. That §§ 24.2-604, 24.2-671, and 24.2-802.1 of the Code of Virginia are amended and reenacted as**
11 **follows:**

12 **§ 24.2-604. Polling places; prohibited activities; prohibited area; penalties.**

13 A. During the times the polls are open and ballots are being counted, or within one hour of opening or
14 after closing, it is unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of any
15 polling place; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign or
16 referendum material to any person or to solicit or in any manner attempt to influence any person in casting his
17 vote; (iii) *within such distance to perform any act for the purpose or in furtherance of enforcement of federal*
18 *immigration laws;* (iv) to hinder or delay a qualified voter in entering or leaving a polling place; or (v) to
19 knowingly possess any firearm as defined in § 18.2-308.2:2 within 40 feet of any building, or part thereof,
20 used as a polling place.

21 B. Prior to opening the polls, the officers of election shall post, in the area within 40 feet of any entrance
22 to the polling place, sufficient notices that state "Prohibited Area" in two-inch type. The notices shall also
23 state the provisions of this section in not less than 24-point type. The officers of election shall post the notices
24 within the prohibited area to be visible to voters and the public.

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

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

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

40 F. The provisions of clause (iv) of subsection A shall not apply to (i) any law-enforcement officer or any
41 retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (ii) any person
42 occupying his own private property that falls within 40 feet of a polling place; or (iii) an armed security
43 officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or
44 performance of his duties occurs within 40 feet of any building, or part thereof, used as a polling place.

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

48 **§ 24.2-671. Electoral board to meet and ascertain results; conclusiveness of results.**

49 A. Each electoral board shall meet at the clerk's or general registrar's office of the county or city for which
50 they are appointed at or before 5:00 p.m. on the day after any election. The board may adjourn to another
51 room of sufficient size in a public building to ascertain the results, and may adjourn as needed, not to exceed
52 10 calendar days from the date of the election unless an extension has been granted to accommodate a
53 risk-limiting audit conducted pursuant to § 24.2-671.2. Written directions to the location of any room other
54 than the clerk's or general registrar's office where the board will meet shall be posted at the doors of the
55 clerk's and general registrar's offices prior to the beginning of the meeting.

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

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

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

72 C. A report of any changes made by the local electoral board to the unofficial results ascertained by the
73 officers of election or any subsequent change to the official abstract of votes made by the local electoral
74 board shall be forwarded to the State Board of Elections and the explanation of such change shall be posted
75 on the State Board website.

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

82 The representatives and observers lawfully present shall be prohibited from interfering with the officials
83 in any way. *It is unlawful for any person to perform any act for the purpose or in furtherance of enforcement*
84 *of federal immigration laws within 40 feet of any building, or part thereof, used as a meeting place for the*
85 *local electoral board while the electoral board meets to ascertain the results of an election.* It is unlawful for
86 any person to knowingly possess any firearm as defined in § 18.2-308.2:2 within 40 feet of any building, or
87 part thereof, used as a meeting place for the local electoral board while the electoral board meets to ascertain
88 the results of an election, unless such person is (a) any law-enforcement officer or any retired
89 law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (b) occupying his own private
90 property that falls within 40 feet of a polling place; or (c) an armed security officer, licensed pursuant to
91 Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or performance of his duties occurs
92 within 40 feet of any building, or part thereof, used as a meeting place for the local electoral board while the
93 electoral board meets to ascertain the results of an election.

94 **§ 24.2-802.1. Preliminary hearing; court to fix procedure for recount, appoint officers, and
95 supervise the recount.**

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

106 The chief judge, subject to review by the full court, may set the place for the recount and may order the
107 delivery of election materials to a central location and the transportation of voting systems to a central
108 location in each county or city under appropriate safeguards. *These safeguards shall include prohibiting any*
109 *person from performing any act for the purpose or in furtherance of enforcement of federal immigration laws*
110 *within 40 feet of any building, or part thereof, used as the place for the recount.* These safeguards shall also
111 include prohibiting any person from knowingly possessing any firearm as defined in § 18.2-308.2:2 within 40
112 feet of any building or part thereof used as the place for the recount, unless such person is (a) any
113 law-enforcement officer or any retired law-enforcement officer qualified pursuant to subsection C of
114 § 18.2-308.016; (b) occupying his own private property that falls within 40 feet of a polling place; or (c) an
115 armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose
116 employment or performance of his duties occurs within 40 feet of any building, or part thereof, used as a
117 place for the recount.

118 B. After the full court is appointed under § 24.2-801 or 24.2-801.1, it shall call a hearing at which all
119 motions shall be disposed of and the rules of procedure shall be fixed finally, and it shall issue a written order
120 setting out such rules of procedure. The court shall call for the advice and cooperation of the Department, the

121 State Board, or any local electoral board, as appropriate, and such boards or agency shall have the duty and
122 authority to assist the court. The court shall fix any additional procedures, that are not provided for in this
123 chapter, that shall provide for the accurate counting of votes in the election. The recount procedures to be
124 followed throughout the election district shall be as uniform as practicable, taking into account the types of
125 ballots and voting systems in use in the election district.

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

132 The court may provide that if, at the time of the recount, any recount official fails to appear, the remaining
133 recount officials present shall appoint substitute recount officials who shall possess the same qualifications as
134 the recount officials for whom they substitute. The court may select pairs of recount coordinators to serve for
135 each county or city in the election district who shall be members of the county or city electoral board and
136 represent different political parties. The court shall have authority to summon such officials and coordinators.
137 On the request of any party to the recount, the court shall allow that party to appoint one representative
138 observer for each team of recount officials. The representative observers shall have an unobstructed view of
139 the work of the recount officials. The expenses of its representatives shall be borne by each party.

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