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HOUSE BILL NO. 650**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Public Safety

on _____)

(Patrons Prior to Substitute—Delegates Callsen, Shin [HB 1260], Glass [HB 1265], and Lopez [HBs 1440 and 1442])

A *BILL to amend and reenact §§ 8.01-327.1, 8.01-327.2, 22.1-279.8, 24.2-604, 24.2-671, and 24.2-802.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 5 of Chapter 8 of Title 8.01 sections numbered 8.01-327.3 and 8.01-327.4, by adding a section numbered 19.2-81.7, and by adding in Article 2 of Chapter 8 of Title 23.1 a section numbered 23.1-808.3, relating to prohibiting certain acts in furtherance of federal immigration enforcement in certain protected areas; exceptions; penalties.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-327.1, 8.01-327.2, 22.1-279.8, 24.2-604, 24.2-671, and 24.2-802.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 5 of Chapter 8 of Title 8.01 sections numbered 8.01-327.3 and 8.01-327.4, by adding a section numbered 19.2-81.7, and by adding in Article 2 of Chapter 8 of Title 23.1 a section numbered 23.1-808.3 as follows:

§ 8.01-327.1. Definition of "arrest under civil process."

The terms "arrest under civil process" and "civil arrest" shall be synonymous and shall be the apprehending and detaining of a person pursuant to specific provisions of this title to achieve the following:

1. A full and proper answer or response to interrogatories under § 8.01-506; or

2. His obedience to (i) the orders, judgments, and decrees of any court or (ii) *any civil administrative warrant issued by or on behalf of a state or federal agency or administrative judge or court that may form the basis for an individual's arrest or detention for a civil immigration purpose.*

"Arrest under civil process" and "civil arrest" do not include (a) an arrest for contempt of court pursuant to the provisions of Article 5 (§ 18.2-456 et seq.) of Chapter 10 of Title 18.2; (b) service of or arrest on a warrant, capias, or summons issued pursuant to § 19.2-76; (c) service or enforcement of an administrative child support order issued by the Division of Child Support Enforcement pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 or a civil show cause summons or a capias issued by a court for failure to pay child support with § 16.1-278.16; or (d) other relevant provisions of law under which the court proceeding is taking place or is scheduled to take place.

§ 8.01-327.2. Who are privileged from arrest under civil process.

In addition to the exemptions made by §§ 8.01-327.3, 30-4, 30-6, 30-7, 30-8, 19.2-280, and 44-97, the following persons shall not be arrested, apprehended, or detained under any civil process during the times respectively herein set forth, but shall not otherwise be privileged from service of civil process by this section:

1. The President of the United States, and the Governor of the Commonwealth at all times during their terms of office;

2. The Lieutenant Governor of the Commonwealth during attendance at sessions of the General Assembly and while going to and from such sessions;

3. Members of either house of the Congress of the United States during the session of Congress and for fifteen days next before the beginning and after the ending of any session, and during any time that they are serving on any committee or performing any other service under an order or request of either house of Congress;

4. A judge, grand juror or witness, required by lawful authority to attend any court or place, during such attendance and while going to and from such court or place;

5. *A party required by lawful authority to attend any court of the Commonwealth, such party's family or household member as defined in § 16.1-228, or a person attending the court with such party to serve as a witness for such party during such attendance or while going to or from the court;*

6. Members of the National Guard while going to, attending at, or returning from, any muster or court-martial;

7. Ministers of the gospel while engaged in performing religious services in a place where a congregation is assembled and while going to and returning from such place; and

8. Voters going to, attending at, or returning from an election. Such privilege shall only be on the days of such attendance.

§ 8.01-327.3. Requirements to effect certain civil arrests in a courthouse.

A. No person with the lawful authority to perform civil arrests shall conduct a civil arrest in a courthouse unless such person, upon entering the courthouse, provides to a sheriff, deputy sheriff, law-enforcement officer, or other person designated to provide security to the courthouse pursuant to § 53.1-120 (i) his

identification; (ii) that his reason for entering the courthouse is to effect a civil arrest; and (iii) a judicial warrant or judicial order authorizing the civil arrest.

B. No sheriff, deputy sheriff, law-enforcement officer, or other person designated to provide security to the courthouse pursuant to § 53.1-120 shall knowingly permit any person to access a courthouse to conduct a civil arrest unless the person presents a valid judicial warrant or judicial order authorizing the civil arrest and such judicial warrant or judicial order has been reviewed, and its authenticity confirmed in writing, by a designated judicial officer or discreet and competent attorney at law.

The provisions of this section shall apply to courts of record as defined in § 1-212 and courts not of record as defined in § 16.1-69.5. Nothing in this section shall be construed to authorize the civil arrest of any person otherwise exempt from such civil arrest by §§ 8.01-327.2, 30-4, 30-6, 30-7, 30-8, 19.2-280, and 44-97.

§ 8.01-327.4. Penalty for conducting prohibited civil arrest.

A. Any action taken to perform a civil arrest in willful violation of § 8.01-327.3, including conducting a prohibited civil arrest, or facilitating or assisting with the performance of a prohibited civil arrest, shall constitute contempt of court.

B. In addition to any other right or remedy, a person may bring a civil action for appropriate equitable, injunctive, or declaratory relief against another person who willfully violates the provisions of § 8.01-327.3. Nothing in this subsection shall be construed to limit or prohibit any person injured by a civil arrest performed in violation of § 8.01-327.3 from recovering damages or other appropriate relief.

C. In addition to any other right or remedy, the Attorney General may bring a civil action against any person who willfully violates this section.

§ 19.2-81.7. Protected areas; certain federal immigration enforcement prohibited; penalty.

A. As used in this section, "protected area" means any place or facility that is owned or operated by the Commonwealth or any political subdivision thereof and is (i) a hospital or other facility providing health care services; (ii) a school, including a preschool, primary school, or secondary school, vocational or trade school, or public institution of higher education; or (iii) an office of an attorney for the Commonwealth.

B. No employee or agent acting on behalf of a protected area shall knowingly permit any person to enter a nonpublic area of the protected area for the purpose or in furtherance of an operation executed in whole or part by federal authorities or out-of-state authorities that seeks to identify, arrest, or otherwise impose a penalty upon a person for purposes of federal immigration enforcement, including an immigration enforcement operation. Any violation of the provisions of this subsection shall be punishable as a Class 1 misdemeanor.

C. Nothing in this section shall prohibit a law-enforcement officer from complying with a valid judicial warrant to authorize a law-enforcement officer or federal immigration agent to enter into a protected area or entry into such protected area by a law-enforcement officer or federal immigration agent under exigent circumstances.

D. No person shall perform any act for the purpose or in furtherance of identifying, arresting, or otherwise imposing a penalty upon a person for purposes of federal immigration enforcement in a protected area, unless authorized to conduct such immigration enforcement by a judicial warrant or judicial subpoena. Any violation of the provisions of this subsection shall be punishable as a Class 1 misdemeanor.

§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical emergency response plans required.

A. For the purposes of this section, unless the context requires otherwise:

"School crisis, emergency management, and medical emergency response plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life-threatening medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or facilities. The plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies.

"School safety audit" means a written assessment of the safety conditions in each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues, and (ii) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses shall include recommendations for structural adjustments,

changes in school safety procedures, and revisions to the school board's standards for student conduct.

B. The Virginia Center for School and Campus Safety, in consultation with the Department of Education, shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section. Such items shall include (i) those incidents reported to school authorities pursuant to § 22.1-279.3:1; (ii) a school inspection walk-through using a standardized checklist provided by the Virginia Center for School and Campus Safety, which shall incorporate crime prevention through environmental design principles; and (iii) specific technology systems, including physical security technologies, emergency telecommunication systems, and associated technology including equipment and software.

The Virginia Center for School and Campus Safety shall prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission, which may include instructions for electronic submission.

Each local school board shall require all schools under its supervisory control to annually conduct school safety audits, as defined in this section, consistent with such list and in collaboration with the chief law-enforcement officer of the locality or his designee. As part of each such audit, the school board shall create a detailed and accurate floor plan for each public school building in the local school division or shall certify that the existing floor plan for each such school is sufficiently detailed and accurate. In addition, a component of each such audit shall include a review of the school's comprehensive plan for closures during public health emergencies.

The results of such school safety audits shall be made public within 90 days of completion pursuant to this subsection. The local school board shall retain authority to withhold or limit the release of any security plans, walk-through checklists, floor plans, and specific vulnerability assessment components as provided in subdivision 4 of § 2.2-3705.2. The completed walk-through checklist shall be made available to the chief law-enforcement officer of the locality or his designee. Each school shall maintain a copy of the school safety audit, which may exclude such security plans, walk-through checklists, and vulnerability assessment components, within the office of the school principal and shall make a copy of such report available for review upon written request.

Each school shall submit a copy of its school safety audit to the relevant school division superintendent. The division superintendent shall collate and submit all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School and Campus Safety and shall make available to the chief law-enforcement officer of the locality the results of such audits for his review and recommendations.

C. The division superintendent shall establish a school safety audit committee to include, if available, representatives of parents, teachers, local law enforcement, emergency services agencies, local community services boards, and judicial and public safety personnel. The school safety audit committee shall review the completed school safety audits and submit any plans, as needed, for improving school safety to the division superintendent for submission to the local school board. The division superintendent or his designee and the school safety audit committee may meet annually on the grounds of any public school in the local school division with the chief law-enforcement officer of the locality or a designee from the local law-enforcement agency to discuss the school safety audit completed for such school.

D. Each school board shall ensure that every school that it supervises shall develop a written school crisis, emergency management, and medical emergency response plan, consistent with the definition provided in this section, and shall include the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, in the development of such plans. Each school division shall designate an emergency manager. The Department of Education and the Virginia Center for School and Campus Safety shall provide technical assistance to the school divisions of the Commonwealth in the development of the school crisis, emergency management, and medical emergency response plans that describe the components of a medical emergency response plan developed in coordination with local emergency medical services providers, the training of school personnel and students to respond to a life-threatening emergency, and the equipment required for this emergency response. The local school board, the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, shall annually review the written school crisis, emergency management, and medical emergency response plans. The local school board shall have the authority to withhold or limit the review of any security plans and specific vulnerability assessment components as provided in subdivision 4 of § 2.2-3705.2. The local school division superintendent shall certify this review in writing to the Virginia Center for School and Campus Safety no later than August 31 of each year.

Each such written school crisis, emergency management, and medical emergency response plan may include a procedure for notifying school board employees and the parents of enrolled students of the presence of certain individuals on school property for immigration investigation or enforcement purposes. Such procedure, if included, shall include:

184 1. A requirement that whenever the division superintendent confirms that an individual is present on the
 185 property of a public elementary or secondary school in the school division to investigate compliance with,
 186 enforce, or assist in the investigation for compliance with or enforcement of any federal civil immigration law
 187 or any federal criminal immigration law that penalizes an individual's presence in, entry or reentry into, or
 188 employment in the United States, each school board employee at such school and the parents of each student
 189 enrolled in such school shall be notified of such presence, subject to the following conditions:

190 a. The content and timing of such notification shall consider the safety and well-being of all such students
 191 and school board employees;

192 b. No such notification shall contain any personally identifiable information; and

193 c. Any such notification may include links to additional resources for the parents of enrolled students with
 194 information about their educational rights and state and federal laws that protect parents' and students'
 195 privacy and confidentiality; and

196 2. A prohibition against any individual present on the property of a public elementary or secondary
 197 school in the school division to investigate compliance with, enforce, or assist in the investigation for
 198 compliance with or enforcement of any federal civil immigration law or any federal criminal immigration law
 199 that penalizes an individual's presence in, entry or reentry into, or employment in the United States from
 200 accessing any nonpublic area of such school property without a valid judicial warrant or judicial subpoena.

201 Upon consultation with local school boards, division superintendents, the Virginia Center for School and
 202 Campus Safety, and the Coordinator of Emergency Management, the Board of Education shall develop, and
 203 may revise as it deems necessary, a model school crisis, emergency management, and medical emergency
 204 response plan for the purpose of assisting the public schools in the Commonwealth in developing viable,
 205 effective crisis, emergency management, and medical emergency response plans. Such model shall set forth
 206 recommended effective procedures and means by which parents can contact the relevant school or school
 207 division regarding the location and safety of their school children and; by which school officials may contact
 208 parents, with parental approval, during a critical event or emergency; and by which parents and school board
 209 employees may be notified of the presence of certain individuals on school property for immigration
 210 investigation or enforcement purposes as permitted by this subsection.

211 E. Each school board shall ensure that every public school it supervises employs at least one school
 212 administrator who has completed, either in-person or online, school safety training for public school
 213 personnel conducted by the Virginia Center for School and Campus Safety in accordance with subdivision A
 214 1 of § 9.1-184. However, such requirement shall not apply if such required training is not available online.

215 F. Each division superintendent shall annually designate an employee in the local school division as the
 216 division safety official whose duty is to receive all reports required pursuant to subsection A of § 19.2-83.1
 217 and §§ 19.2-291.1 and 19.2-299.3 and shall include such designation in the collated packet of school safety
 218 audits submitted to the Virginia Center for School and Campus Safety pursuant to subsection B. The
 219 designation required by this subsection shall include updated contact information for the division safety
 220 official, including (i) a current mailing address, (ii) a current working daytime phone number, and (iii) a
 221 current functional email address. It shall be the duty of the division superintendent to update contact
 222 information required by this subsection within 48 hours of any change to such contact information.

223 **§ 23.1-808.3. Presence of individuals on campus for immigration investigation or enforcement**
 224 **purposes; notification; judicial warrant required in certain circumstances.**

225 A. Each public institution of higher education shall notify all students, faculty, and staff whenever the
 226 institution confirms that an individual is present on campus to investigate compliance with, enforce, or assist
 227 in the investigation for compliance with or enforcement of any federal civil immigration law or any federal
 228 criminal immigration law that penalizes an individual's presence in, entry or reentry into, or employment in
 229 the United States, subject to the following conditions and requirements:

230 1. Such notification shall include the date, time, and location of such presence on campus;

231 2. No such notification shall contain any personally identifiable information; and

232 3. Any such notification may include links to additional resources for students with information about
 233 their educational rights and state and federal laws that protect students' privacy and confidentiality.

234 B. Each public institution of higher education shall adopt and implement a policy that prohibits any
 235 individual present on campus to investigate compliance with, enforce, or assist in the investigation for
 236 compliance with or enforcement of any federal civil immigration law or any federal criminal immigration law
 237 that penalizes an individual's presence in, entry or reentry into, or employment in the United States from
 238 accessing any nonpublic area of campus without a valid judicial warrant or judicial subpoena.

239 **§ 24.2-604. Polling places; prohibited activities; prohibited area; penalties.**

240 A. During the times the polls are open and ballots are being counted, or within one hour of opening or
 241 after closing, it is unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of any
 242 polling place; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign or
 243 referendum material to any person or to solicit or in any manner attempt to influence any person in casting his
 244 vote; (iii) within such distance to perform any act for the purpose or in furtherance of enforcement of federal
 245 immigration laws; (iv) to hinder or delay a qualified voter in entering or leaving a polling place; or ~~(iv)~~ (v) to

246 knowingly possess any firearm as defined in § 18.2-308.2:2 within 40 feet of any building, or part thereof,
247 used as a polling place.

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

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

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

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

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

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

275 **§ 24.2-671. Electoral board to meet and ascertain results; conclusiveness of results.**

276 A. Each electoral board shall meet at the clerk's or general registrar's office of the county or city for which
277 they are appointed at or before 5:00 p.m. on the day after any election. The board may adjourn to another
278 room of sufficient size in a public building to ascertain the results, and may adjourn as needed, not to exceed
279 10 calendar days from the date of the election unless an extension has been granted to accommodate a
280 risk-limiting audit conducted pursuant to § 24.2-671.2. Written directions to the location of any room other
281 than the clerk's or general registrar's office where the board will meet shall be posted at the doors of the
282 clerk's and general registrar's offices prior to the beginning of the meeting.

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

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

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

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

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

308 proximity to view the ballots as the teams of officials work to ascertain the results.

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

321 **§ 24.2-802.1. Preliminary hearing; court to fix procedure for recount, appoint officers, and**
322 **supervise the recount.**

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

333 The chief judge, subject to review by the full court, may set the place for the recount and may order the
334 delivery of election materials to a central location and the transportation of voting systems to a central
335 location in each county or city under appropriate safeguards. *These safeguards shall include prohibiting any*
336 *person from performing any act for the purpose or in furtherance of enforcement of federal immigration laws*
337 *within 40 feet of any building, or part thereof, used as the place for the recount.* These safeguards shall also
338 include prohibiting any person from knowingly possessing any firearm as defined in § 18.2-308.2:2 within 40
339 feet of any building or part thereof used as the place for the recount, unless such person is (a) any
340 law-enforcement officer or any retired law-enforcement officer qualified pursuant to subsection C of
341 § 18.2-308.016; (b) occupying his own private property that falls within 40 feet of a polling place; or (c) an
342 armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose
343 employment or performance of his duties occurs within 40 feet of any building, or part thereof, used as a
344 place for the recount.

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

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

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

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