

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 24.2-107, 24.2-411, 24.2-413, 24.2-604, 24.2-653.01, 24.2-671, 24.2-679,*
 3 *24.2-701.1, 24.2-707.1, 24.2-712, and 24.2-802.1 of the Code of Virginia, relating to elections*
 4 *administration; certain activities or conduct prohibited at polling places applicable to locations for*
 5 *absentee voting in person; possession of firearm within 100 feet of locations used for certain voting-*
 6 *related and elections-related activities; penalty.*

7 [H 909]

8 Approved

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

10 **1. That §§ 24.2-107, 24.2-411, 24.2-413, 24.2-604, 24.2-653.01, 24.2-671, 24.2-679, 24.2-701.1, 24.2-707.1,**
 11 **24.2-712, and 24.2-802.1 of the Code of Virginia are amended and reenacted as follows:**

12 **§ 24.2-107. Meetings; quorum; notice; account of proceedings; seal; records open to inspection.**

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

21 Notwithstanding the public notice requirements of § 2.2-3707, two or more members of an electoral board
 22 may meet on election day to discuss a matter concerning that day's election, where such matter requires
 23 resolution on that day, and an effort has been made by all available means to give notice of the meeting to all
 24 board members. The presence of two or more board members while the ballots, election materials, or voting
 25 equipment are being prepared, current or potential polling places are being inspected, or election officials are
 26 being trained, or a telephone call between two board members preparing for a meeting, shall not constitute a
 27 meeting provided that no discussion or deliberation takes place that would otherwise constitute a meeting.

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

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

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

43 E. *It is unlawful for any person (i) to knowingly carry on or about his person any firearm as defined in*
 44 *§ 18.2-308.2:2 and (ii) to knowingly do so within 100 feet of any building, or part thereof, used as a meeting*
 45 *place for the local electoral board, unless such person is (a) a law-enforcement officer or a retired law-*
 46 *enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (b) occupying his own private*
 47 *property that falls within 100 feet of the building used as a meeting place; or (c) an armed security officer,*
 48 *licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or performance*
 49 *of his duties occurs within 100 feet of any building, or part thereof, used as a meeting place for the local*
 50 *electoral board.*

51 **§ 24.2-411. Office of the general registrar.**

52 A. Each local governing body shall furnish the general registrar with a clearly marked and suitable office
 53 which shall be the principal office for voter registration. The office shall be owned or leased by the city or
 54 county, or by the state for the location of Department of Motor Vehicles facilities, adequately furnished, and
 55 located within the city or within the county or a city in which the county courthouse is located. The governing
 56 body shall provide property damage liability and bodily injury liability coverage for the office and shall

57 furnish the general registrar with necessary postage, stationery, equipment, and office supplies. The telephone
 58 number shall be listed in the local telephone directory separately or under the local governmental listing
 59 under the designation "Voter Registration."

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

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

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

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

73 *D. It is unlawful for any person (i) to knowingly carry on or about his person any firearm as defined in*
 74 *§ 18.2-308.2:2 and (ii) to knowingly do so within 100 feet of any building, or part thereof, used as the*
 75 *principal office of the general registrar, unless such person is (a) a law-enforcement officer or a retired law-*
 76 *enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (b) occupying his own private*
 77 *property that falls within 100 feet of the building used as a meeting place; or (c) an armed security officer,*
 78 *licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or performance*
 79 *of his duties occurs within 100 feet of any building, or part thereof, used as the principal office for voter*
 80 *registration.*

81 **§ 24.2-413. Additional registration locations; accessibility requirements; prohibited conduct.**

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

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

92 *B. It is unlawful for any person (i) to knowingly carry on or about his person any firearm as defined in*
 93 *§ 18.2-308.2:2 and (ii) to knowingly do so within 100 feet of any building, or part thereof, used as an*
 94 *additional registration site, unless such person is (a) a law-enforcement officer or a retired law-enforcement*
 95 *officer qualified pursuant to subsection C of § 18.2-308.016; (b) occupying his own private property that falls*
 96 *within 100 feet of the building used as a meeting place; or (c) an armed security officer, licensed pursuant to*
 97 *Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or performance of his duties occurs*
 98 *within 100 feet of the additional registration site.*

99 **§ 24.2-604. Polling places; prohibited activities; prohibited area; penalties.**

100 A. During the times the polls are open and ballots are being counted, or within one hour of opening or
 101 after closing, it is unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of any
 102 polling place; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign or
 103 referendum material to any person or to solicit or in any manner attempt to influence any person in casting his
 104 vote; (iii) to hinder or delay a qualified voter in entering or leaving a polling place; or (iv) to (a) knowingly
 105 possess carry on or about his person any firearm as defined in § 18.2-308.2:2 and (b) knowingly do so within
 106 40 100 feet of any building, or part thereof, used as a polling place.

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

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

118 D. The provisions of subsections A and C shall not be construed to prohibit a person who approaches or

119 enters the polling place for the purpose of voting from wearing a shirt, hat, or other apparel on which a
120 candidate's name or a political slogan appears or from having a sticker or button attached to his apparel on
121 which a candidate's name or a political slogan appears. This exemption shall not apply to candidates,
122 representatives of candidates, or any other person who approaches or enters the polling place for any purpose
123 other than voting.

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

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

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

135 **§ 24.2-653.01. Provisional ballots; electoral boards to make determination as to validity.**

136 A. The electoral board shall meet on the day following the election and determine whether each person
137 having submitted a provisional vote pursuant to § 24.2-653 was entitled to do so as a qualified voter in the
138 precinct in which he offered the provisional vote. In the case of persons voting provisionally pursuant to
139 § 24.2-653.3, the electoral board shall determine of which district the person is a qualified voter. At the
140 meeting, the voter may request an extension of the determination of the provisional vote in order to provide
141 information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral
142 board shall have the authority to grant such extensions that it deems reasonable to determine the status of a
143 provisional vote.

144 If the board is unable to determine the validity of all the provisional ballots offered in the election, or has
145 granted any voter who has offered a provisional ballot an extension, the meeting shall stand adjourned, not to
146 exceed 10 calendar days from the date of the election, until the board has determined the validity of all
147 provisional ballots offered in the election.

148 B. The electoral board shall permit one authorized representative of each political party or independent
149 candidate in a general or special election or one authorized representative of each candidate in a primary
150 election to remain in the room in which the determination is being made as an observer so long as he does not
151 participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized
152 representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is
153 not himself a candidate or party chairman, shall present to the electoral board a written statement designating
154 him to be a representative of the party or candidate and signed by the county or city chairman of his political
155 party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is
156 unavailable to sign such a written designation, such a designation may be made by the state or district
157 chairman of the political party. However, no written designation made by a state or district chairman shall
158 take precedence over a written designation made by the county or city chairman. Such statement, bearing the
159 chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if
160 the copy had been signed.

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

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

172 The provisional vote shall be counted if (i) such person is entitled to vote in the precinct pursuant to
173 § 24.2-401 or (ii) the Department of Elections or the voter presents proof that indicates the voter submitted an
174 application for registration to a state-designated voter registration agency or the voter's information was
175 transmitted by the Department of Motor Vehicles to the Department of Elections pursuant to § 24.2-411.3
176 prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was
177 qualified for registration based upon the application for registration submitted by the person pursuant to
178 subsection B of § 24.2-652.

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

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

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

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

191 *F. It is unlawful for any person (i) to knowingly carry on or about his person any firearm as defined in*
 192 *§ 18.2-308.2:2 and (ii) to knowingly do so within 100 feet of any building, or part thereof, used as a meeting*
 193 *place for the local electoral board, unless such person is (a) a law-enforcement officer or a retired law-*
 194 *enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (b) occupying his own private*
 195 *property that falls within 100 feet of the building used as a meeting place; or (c) an armed security officer,*
 196 *licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or performance*
 197 *of his duties occurs within 100 feet of any building, or part thereof, used as the meeting place for the local*
 198 *electoral board while the electoral board meets pursuant to this section.*

199 **§ 24.2-671. Electoral board to meet and ascertain results; conclusiveness of results.**

200 A. Each electoral board shall meet at the clerk's or general registrar's office of the county or city for which
 201 they are appointed at or before 5:00 p.m. on the day after any election. The board may adjourn to another
 202 room of sufficient size in a public building to ascertain the results, and may adjourn as needed, not to exceed
 203 10 calendar days from the date of the election unless an extension has been granted to accommodate a
 204 risk-limiting audit conducted pursuant to § 24.2-671.2. Written directions to the location of any room other
 205 than the clerk's or general registrar's office where the board will meet shall be posted at the doors of the
 206 clerk's and general registrar's offices prior to the beginning of the meeting.

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

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

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

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

227 D. Each political party and each independent candidate on the ballot, or each primary candidate, shall be
 228 entitled to have representatives present when the local electoral board meets to ascertain the results of the
 229 election. Each such party and candidate shall be entitled to have at least as many representatives present as
 230 there are teams of officials working to ascertain the results, and the room in which the local electoral board
 231 meets shall be of sufficient size and configuration to allow the representatives reasonable access and
 232 proximity to view the ballots as the teams of officials work to ascertain the results. The representatives and
 233 observers lawfully present shall be prohibited from interfering with the officials in any way.

234 *E. It is unlawful for any person (i) to knowingly possess carry on or about his person any firearm as*
 235 *defined in § 18.2-308.2:2 and (ii) to knowingly do so within 40 100 feet of any building, or part thereof, used*
 236 *as a meeting place for the local electoral board while the electoral board meets to ascertain the results of an*
 237 *election, unless such person is (a) any law-enforcement officer or any retired law-enforcement officer*
 238 *qualified pursuant to subsection C of § 18.2-308.016; (b) occupying his own private property that falls within*
 239 *40 100 feet of a polling place; or (c) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et*
 240 *seq.) of Chapter 1 of Title 9.1, whose employment or performance of his duties occurs within 40 100 feet of*
 241 *any building, or part thereof, used as a meeting place for the local electoral board while the electoral board*
 242 *meets to ascertain the results of an election.*

243 **§ 24.2-679. State Board to meet and make statement as to number of votes.**

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

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

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

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

264 C. *It is unlawful for any person (i) to knowingly carry on or about his person any firearm as defined in*
265 *§ 18.2-308.2:2 and (ii) to knowingly do so within 100 feet of any building, or part thereof, used as a meeting*
266 *place for the State Board to ascertain the results of an election, unless such person is (a) a law-enforcement*
267 *officer or a retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (b)*
268 *occupying his own private property that falls within 100 feet of the building used as a meeting place; or (c)*
269 *an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose*
270 *employment or performance of his duties occurs within 100 feet of any building, or part thereof, used as such*
271 *a meeting place.*

272 **§ 24.2-701.1. Absentee voting in person.**

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

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

282 Except as provided in subsection F, a registered voter voting by absentee ballot in person shall provide
283 one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the
284 forms of identification specified in subsection B of § 24.2-643, he shall be allowed to vote after signing a
285 statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named
286 registered voter he claims to be. A voter who requires assistance in voting by reason of a physical disability
287 or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in
288 preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters
289 who are unable to sign shall be followed when assisting a voter in completing this statement. A voter who
290 does not show one of the forms of identification specified in this subsection or does not sign this statement
291 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide
292 instructions to the general registrar for the handling and counting of such provisional ballots pursuant to
293 § 24.2-653.01 and this section.

294 B. Absentee voting in person shall be available during regular business hours. The electoral board of each
295 county and city shall provide for absentee voting in person in the office of the general registrar or a voter
296 satellite office established pursuant to § 24.2-701.2. *The provisions of §§ 24.2-604, 24.2-604.4, 24.2-605,*
297 *24.2-606, and 24.2-607 prohibiting certain conduct or activities and allowing for designation of a law-*
298 *enforcement officer in and around a polling place shall apply to such offices whenever absentee voting in*
299 *person is available.*

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

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

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

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

317 F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52
318 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a
319 federal election in the state. At such election, such individual shall present (i) a current and valid photo
320 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other
321 government document that shows the name and address of the voter. Such individual who desires to vote in
322 person but who does not show one of the forms of identification specified in this subsection shall be offered a
323 provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of
324 § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of
325 Elections shall provide instructions to the electoral boards for the handling and counting of such provisional
326 ballots pursuant to § 24.2-653.01 and this section.

327 **§ 24.2-707.1. Drop-off locations for return of absentee ballots.**

328 A. The general registrar of each county or city shall establish at the office of the general registrar and each
329 voter satellite office in operation for an election a drop-off location for the purpose of allowing the deposit of
330 completed absentee ballots for such election. On the day of the election, there shall also be a drop-off location
331 at each polling place in operation for the election. The general registrar may establish additional drop-off
332 locations within the county or city as he deems necessary. All drop-off locations shall be accessible; be on
333 public property, unless located at a polling place; and otherwise comply with any criteria for drop-off
334 locations set by the Department. *The provisions of §§ 24.2-604, 24.2-604.4, 24.2-605, 24.2-606, and 24.2-607*
335 *prohibiting certain conduct or activities, and allowing for designation of a law-enforcement officer, in and*
336 *around a polling place shall apply to drop-off locations.*

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

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

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

351 **§ 24.2-712. Central absentee voter precincts; counting ballots.**

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

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

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

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

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

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

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

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

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

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

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

392 G. The general registrar may provide that the central absentee voter precinct will open after 6:00 a.m. on
 393 the day of the election provided that the office of the general registrar will be open for the receipt of absentee
 394 ballots until the central absentee voter precinct is open and that the officers of election for the central absentee
 395 voter precinct obtain the absentee ballots returned to the general registrar's office for the purpose of counting
 396 the absentee ballots at the central absentee voter precinct and provided further that the central absentee voter
 397 precinct is the same location as the office of the general registrar.

398 *H. It is unlawful for any person (i) to knowingly carry on or about his person any firearm as defined in*
 399 *§ 18.2-308.2:2 and (ii) to knowingly do so within 100 feet of any building, or part thereof, used as a central*
 400 *absentee voter precinct, unless such person is (a) a law-enforcement officer or a retired law-enforcement officer*
 401 *qualified pursuant to subsection C of § 18.2-308.016; (b) occupying his own private property that falls within*
 402 *100 feet of the building used as a meeting place; or (c) an armed security officer, licensed pursuant to Article*
 403 *4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or performance of his duties occurs within*
 404 *100 feet of any central absentee voter precinct.*

405 **§ 24.2-802.1. Preliminary hearing; court to fix procedure for recount, appoint officers, and**
 406 **supervise the recount.**

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

417 The chief judge, subject to review by the full court, may set the place for the recount and may order the
 418 delivery of election materials to a central location and the transportation of voting systems to a central
 419 location in each county or city under appropriate safeguards. These safeguards shall include prohibiting any
 420 person from (a) knowingly ~~possessing~~ *carrying on or about his person* any firearm as defined in
 421 *§ 18.2-308.2:2 and (b) knowingly doing so within 40 100 feet of any building or part thereof used as the place*
 422 *for the recount, unless such person is (a) (1) any law-enforcement officer or any retired law-enforcement*
 423 *officer qualified pursuant to subsection C of § 18.2-308.016; (b) (2) occupying his own private property that*
 424 *falls within 40 100 feet of a polling place; or (c) (3) an armed security officer, licensed pursuant to Article 4*
 425 *(§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or performance of his duties occurs within 40*
 426 *100 feet of any building, or part thereof, used as a place for the recount.*

427 B. After the full court is appointed under § 24.2-801 or 24.2-801.1, it shall call a hearing at which all
 428 motions shall be disposed of and the rules of procedure shall be fixed finally, and it shall issue a written order

429 setting out such rules of procedure. The court shall call for the advice and cooperation of the Department, the
430 State Board, or any local electoral board, as appropriate, and such boards or agency shall have the duty and
431 authority to assist the court. The court shall fix any additional procedures, that are not provided for in this
432 chapter, that shall provide for the accurate counting of votes in the election. The recount procedures to be
433 followed throughout the election district shall be as uniform as practicable, taking into account the types of
434 ballots and voting systems in use in the election district.

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

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

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