

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act 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*  
 3 *the Code of Virginia and to amend the Code of Virginia by adding in Article 5 of Chapter 8 of Title 8.01*  
 4 *sections numbered 8.01-327.3 and 8.01-327.4, by adding a section numbered 19.2-81.7, and by adding in*  
 5 *Article 2 of Chapter 8 of Title 23.1 a section numbered 23.1-808.3, relating to prohibiting certain acts in*  
 6 *furtherance of federal immigration enforcement in certain protected areas; exceptions; penalties.*

7 [S 351]

8 Approved

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

10 **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**  
 11 **are amended and reenacted and that the Code of Virginia is amended by adding in Article 5 of**  
 12 **Chapter 8 of Title 8.01 sections numbered 8.01-327.3 and 8.01-327.4, by adding a section numbered**  
 13 **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**  
 14 **follows:**

15 **§ 8.01-327.1. Definition of "arrest under civil process."**

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

18 1. A full and proper answer or response to interrogatories under § 8.01-506; *or*  
 19 2. His obedience to (i) the orders, judgments, and decrees of any court or (ii) *any civil administrative*  
 20 *warrant issued by or on behalf of a state or federal agency or administrative judge or court that may form the*  
 21 *basis for an individual's arrest or detention for a civil immigration purpose.*

22 "*Arrest under civil process" and "civil arrest" do not include (a) an arrest for contempt of court pursuant*  
 23 *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*  
 24 *warrant, capias, or summons issued pursuant to § 19.2-76; (c) service or enforcement of an administrative*  
 25 *child support order issued by the Division of Child Support Enforcement pursuant to Chapter 19*  
 26 *(§ 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*  
 27 *pay child support with § 16.1-278.16; or (d) other relevant provisions of law under which the court*  
 28 *proceeding is taking place or is scheduled to take place.*

29 **§ 8.01-327.2. Who are privileged from arrest under civil process.**

30 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  
 31 following persons shall not be arrested, apprehended, or detained under any civil process during the times  
 32 respectively herein set forth, but shall not otherwise be privileged from service of civil process by this  
 33 section:

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

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

38 3. Members of either house of the Congress of the United States during the session of Congress and for  
 39 ~~fifteen~~ 15 days next before the beginning and after the ending of any session, and during any time that they  
 40 are serving on any committee or performing any other service under an order or request of either house of  
 41 Congress;

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

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

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

49 ~~6-~~ 7. Ministers of the gospel while engaged in performing religious services in a place where a  
 50 congregation is assembled and while going to and returning from such place; and

51 ~~7-~~ 8. Voters going to, attending at, or returning from an election. Such privilege shall only be on the days  
 52 of such attendance.

53 **§ 8.01-327.3. Requirements to effect certain civil arrests in a courthouse.**

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

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

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

64 The provisions of this section shall apply to courts of record as defined in § 1-212 and courts not of  
65 record as defined in § 16.1-69.5. Nothing in this section shall be construed to authorize the civil arrest of any  
66 person otherwise exempt from such civil arrest by §§ 8.01-327.2, 30-4, 30-6, 30-7, 30-8, 19.2-280, and  
67 44-97.

68 **§ 8.01-327.4. Penalty for conducting prohibited civil arrest.**

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

72 B. In addition to any other right or remedy, a person privileged from civil arrest pursuant to § 8.01-327.2  
73 may bring a civil action for appropriate equitable, injunctive, or declaratory relief against another person  
74 who willfully violates the provisions of § 8.01-327.3. Nothing in this subsection shall be construed to limit or  
75 prohibit any person injured by a civil arrest performed in violation of § 8.01-327.3 from recovering damages  
76 or other appropriate relief.

77 C. In addition to any other right or remedy, the Attorney General may bring a civil action for appropriate  
78 equitable, injunctive, or declaratory relief against any person who willfully violates this section.

79 **§ 19.2-81.7. Protected areas; certain federal immigration enforcement prohibited; penalty.**

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

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

88 C. No person shall willfully perform any act for the purpose or in furtherance of identifying, arresting, or  
89 otherwise imposing a penalty upon a person for purposes of federal immigration enforcement in a protected  
90 area, unless authorized to conduct such immigration enforcement by a judicial warrant or judicial subpoena.  
91 In addition to any other right or remedy, the Attorney General may bring a civil action for appropriate  
92 equitable, injunctive, or declaratory relief against any person who willfully violates this section.

93 **§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical  
94 emergency response plans required.**

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

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

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

116 B. The Virginia Center for School and Campus Safety, in consultation with the Department of Education,  
117 shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section.  
118 Such items shall include (i) those incidents reported to school authorities pursuant to § 22.1-279.3:1; (ii) a

119 school inspection walk-through using a standardized checklist provided by the Virginia Center for School and  
 120 Campus Safety, which shall incorporate crime prevention through environmental design principles; and (iii)  
 121 specific technology systems, including physical security technologies, emergency telecommunication  
 122 systems, and associated technology including equipment and software.

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

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

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

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

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

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

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

177 1. *A requirement that whenever the division superintendent confirms that an individual is present on the*  
 178 *property of a public elementary or secondary school in the school division to investigate compliance with,*  
 179 *enforce, or assist in the investigation for compliance with or enforcement of any federal civil or criminal*  
 180 *immigration law that penalizes an individual's presence in, entry or reentry into, or employment in the United*

181 *States, each school board employee at such school and the parents of each student enrolled in such school*  
 182 *shall be notified of such presence, subject to the following conditions:*

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

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

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

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

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

204 E. Each school board shall ensure that every public school it supervises employs at least one school  
 205 administrator who has completed, either in-person or online, school safety training for public school  
 206 personnel conducted by the Virginia Center for School and Campus Safety in accordance with subdivision A  
 207 1 of § 9.1-184. However, such requirement shall not apply if such required training is not available online.

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

216 **§ 23.1-808.3. Presence of individuals on campus for immigration investigation or enforcement**  
 217 **purposes; notification; judicial warrant required in certain circumstances.**

218 *Each public institution of higher education shall adopt and implement a policy that requires any*  
 219 *individual present on campus to investigate compliance with, enforce, or assist in an investigation or*  
 220 *enforcement of any federal immigration law to present valid judicial warrant or judicial subpoena before*  
 221 *accessing any nonpublic area of campus. Such policy may include a notification to students, faculty, and staff*  
 222 *that an individual is present on campus for the purpose of federal civil immigration enforcement.*

223 **§ 24.2-604. Polling places; prohibited activities; prohibited area; penalties.**

224 A. During the times the polls are open and ballots are being counted, or within one hour of opening or  
 225 after closing, it is unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of any  
 226 polling place; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign or  
 227 referendum material to any person or to solicit or in any manner attempt to influence any person in ~~casting his~~  
 228 ~~vote;~~ ~~(iii)~~ *immigration enforcement;* (iv) to hinder or delay a qualified voter in entering or leaving a polling  
 229 place; or ~~(iv)~~ (v) to knowingly possess any firearm as defined in § 18.2-308.2:2 within 40 feet of any  
 230 building, or part thereof, used as a polling place.

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

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

241 D. The provisions of subsections A and C shall not be construed to prohibit a person who approaches or  
 242 enters the polling place for the purpose of voting from wearing a shirt, hat, or other apparel on which a

243 candidate's name or a political slogan appears or from having a sticker or button attached to his apparel on  
 244 which a candidate's name or a political slogan appears. This exemption shall not apply to candidates,  
 245 representatives of candidates, or any other person who approaches or enters the polling place for any purpose  
 246 other than voting.

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

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

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

258 **§ 24.2-671. Electoral board to meet and ascertain results; conclusiveness of results.**

259 A. Each electoral board shall meet at the clerk's or general registrar's office of the county or city for which  
 260 they are appointed at or before 5:00 p.m. on the day after any election. The board may adjourn to another  
 261 room of sufficient size in a public building to ascertain the results, and may adjourn as needed, not to exceed  
 262 10 calendar days from the date of the election unless an extension has been granted to accommodate a  
 263 risk-limiting audit conducted pursuant to § 24.2-671.2. Written directions to the location of any room other  
 264 than the clerk's or general registrar's office where the board will meet shall be posted at the doors of the  
 265 clerk's and general registrar's offices prior to the beginning of the meeting.

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

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

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

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

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

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

304 **§ 24.2-802.1. Preliminary hearing; court to fix procedure for recount, appoint officers, and**

**305 supervise the recount.**

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

**316** The chief judge, subject to review by the full court, may set the place for the recount and may order the  
**317** delivery of election materials to a central location and the transportation of voting systems to a central  
**318** location in each county or city under appropriate safeguards. *These safeguards shall include prohibiting any*  
**319** *person from performing any act for the purpose or in furtherance of federal immigration enforcement within*  
**320** *40 feet of any building, or part thereof, used as the place for the recount.* These safeguards shall also include  
**321** prohibiting any person from knowingly possessing any firearm as defined in § 18.2-308.2:2 within 40 feet of  
**322** any building or part thereof used as the place for the recount, unless such person is (a) any law-enforcement  
**323** officer or any retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (b)  
**324** occupying his own private property that falls within 40 feet of a polling place; or (c) an armed security  
**325** officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or  
**326** performance of his duties occurs within 40 feet of any building, or part thereof, used as a place for the  
**327** recount.

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

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

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

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