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HOUSE BILL NO. 939

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Privileges and Elections
on February 27, 2024)

(Patron Prior to Substitute—Delegate Shin)

A BILL 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, 24.2-701.1, 24.2-707.1, 24.2-712, and 24.2-802.1 of the Code of Virginia, relating to elections administration; certain activities or conduct prohibited at polling places applicable to locations for absentee voting in person; possession of firearm within 100 feet of locations used for certain voting-related and elections-related activities; penalty.

Be it enacted by the General Assembly of Virginia:

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, 24.2-712, and 24.2-802.1 of the Code of Virginia are amended and reenacted as follows:

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

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

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

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

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

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

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

§ 24.2-411. Office of the general registrar.

A. Each local governing body shall furnish the general registrar with a clearly marked and suitable office which shall be the principal office for voter registration. The office shall be owned or leased by the city or county, or by the state for the location of Department of Motor Vehicles facilities, adequately furnished, and located within the city or within the county or a city in which the county courthouse is

60 located. The governing body shall provide property damage liability and bodily injury liability coverage
 61 for the office and shall furnish the general registrar with necessary postage, stationery, equipment, and
 62 office supplies. The telephone number shall be listed in the local telephone directory separately or under
 63 the local governmental listing under the designation "Voter Registration."

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

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

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

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

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

86 **§ 24.2-413. Additional registration locations; accessibility requirements; prohibited conduct.**

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

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

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

104 **§ 24.2-604. Polling places; prohibited activities; prohibited area; penalties.**

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

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

117 C. It is unlawful for any authorized representative permitted in the polling place pursuant to
 118 § 24.2-604.4, any voter, or any other person in the room to (i) hinder or delay a qualified voter; (ii)
 119 give, tender, or exhibit any ballot, ticket, or other campaign material to any person; (iii) solicit or in any
 120 manner attempt to influence any person in casting his vote; (iv) hinder or delay any officer of election;
 121 (v) be in a position to see the marked ballot of any other voter; or (vi) otherwise impede the orderly

122 conduct of the election.

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

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

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

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

141 **§ 24.2-653.01. Provisional ballots; electoral boards to make determination as to validity.**

142 A. The electoral board shall meet on the day following the election and determine whether each
143 person having submitted a provisional vote pursuant to § 24.2-653 was entitled to do so as a qualified
144 voter in the precinct in which he offered the provisional vote. In the case of persons voting provisionally
145 pursuant to § 24.2-653.3, the electoral board shall determine of which district the person is a qualified
146 voter. At the meeting, the voter may request an extension of the determination of the provisional vote in
147 order to provide information to prove that the voter is entitled to vote in the precinct pursuant to
148 § 24.2-401. The electoral board shall have the authority to grant such extensions that it deems reasonable
149 to determine the status of a provisional vote.

150 If the board is unable to determine the validity of all the provisional ballots offered in the election,
151 or has granted any voter who has offered a provisional ballot an extension, the meeting shall stand
152 adjourned, not to exceed seven calendar days from the date of the election, until the board has
153 determined the validity of all provisional ballots offered in the election.

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

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

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

180 The provisional vote shall be counted if (i) such person is entitled to vote in the precinct pursuant to
181 § 24.2-401 or (ii) the Department of Elections or the voter presents proof that indicates the voter
182 submitted an application for registration to a state-designated voter registration agency or the voter's

183 information was transmitted by the Department of Motor Vehicles to the Department of Elections
184 pursuant to § 24.2-411.3 prior to the close of registration pursuant to § 24.2-416 and the registrar
185 determines that the person was qualified for registration based upon the application for registration
186 submitted by the person pursuant to subsection B of § 24.2-652.

187 If the electoral board determines that such person was entitled to vote, the name of the voter shall be
188 entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and
189 the ballot shall be placed in a ballot container without any inspection further than that provided for in
190 § 24.2-646.

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

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

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

208 **§ 24.2-671. Electoral board to meet and ascertain results; conclusiveness of results.**

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

216 ~~The board shall open the returns delivered by the officers.~~

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

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

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

234 ~~Beginning with the general election in November 2007,~~ a C. A report of any changes made by the
235 local electoral board to the unofficial results ascertained by the officers of election or any subsequent
236 change to the official abstract of votes made by the local electoral board shall be forwarded to the State
237 Board of Elections and the explanation of such change shall be posted on the State Board website.

238 D. Each political party and each independent candidate on the ballot, or each primary candidate, shall
239 be entitled to have representatives present when the local electoral board meets to ascertain the results of
240 the election. Each such party and candidate shall be entitled to have at least as many representatives
241 present as there are teams of officials working to ascertain the results, and the room in which the local
242 electoral board meets shall be of sufficient size and configuration to allow the representatives reasonable
243 access and proximity to view the ballots as the teams of officials work to ascertain the results. The
244 representatives and observers lawfully present shall be prohibited from interfering with the officials in

245 any way.

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

255 **§ 24.2-679. State Board to meet and make statement as to number of votes.**

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

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

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

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

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

285 **§ 24.2-701.1. Absentee voting in person.**

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

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

295 Except as provided in subsection F, a registered voter voting by absentee ballot in person shall
296 provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show
297 one of the forms of identification specified in subsection B of § 24.2-643, he shall be allowed to vote
298 after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he
299 is the named registered voter he claims to be. A voter who requires assistance in voting by reason of a
300 physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649,
301 may be assisted in preparation of this statement in accordance with that section. The provisions of
302 § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in
303 completing this statement. A voter who does not show one of the forms of identification specified in
304 this subsection or does not sign this statement shall be offered a provisional ballot under the provisions
305 of § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and

306 counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

307 B. Absentee voting in person shall be available during regular business hours. The electoral board of
308 each county and city shall provide for absentee voting in person in the office of the general registrar or
309 a voter satellite office established pursuant to § 24.2-701.2. *The provisions of §§ 24.2-604, 24.2-604.4,*
310 *24.2-605, 24.2-606, and 24.2-607 prohibiting certain conduct or activities in and around a polling place*
311 *shall apply to such offices whenever absentee voting in person is available.*

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

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

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

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

329 F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of
330 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes
331 in a federal election in the state. At such election, such individual shall present (i) a current and valid
332 photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck,
333 or other government document that shows the name and address of the voter. Such individual who
334 desires to vote in person but who does not show one of the forms of identification specified in this
335 subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification
336 requirements of subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter
337 at such election. The Department of Elections shall provide instructions to the electoral boards for the
338 handling and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

339 **§ 24.2-707.1. Drop-off locations for return of absentee ballots.**

340 A. The general registrar of each county or city shall establish at the office of the general registrar
341 and each voter satellite office in operation for an election a drop-off location for the purpose of allowing
342 the deposit of completed absentee ballots for such election. On the day of the election, there shall also
343 be a drop-off location at each polling place in operation for the election. The general registrar may
344 establish additional drop-off locations within the county or city as he deems necessary. All drop-off
345 locations shall be accessible; be on public property, unless located at a polling place; and otherwise
346 comply with any criteria for drop-off locations set by the Department. *The provisions of §§ 24.2-604,*
347 *24.2-604.4, 24.2-605, 24.2-606, and 24.2-607 prohibiting certain conduct or activities in and around a*
348 *polling place shall apply to drop-off locations.*

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

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

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

365 **§ 24.2-712. Central absentee voter precincts; counting ballots.**

366 A. Notwithstanding any other provision of law, the governing body of each county or city shall
367 establish one or more central absentee voter precincts in the courthouse or other public buildings for the

368 purpose of receiving, counting, and recording absentee ballots cast in the county or city. A central
369 absentee voter precinct shall be made by the governing body by ordinance; the ordinance shall state for
370 which elections the precinct shall be used. The decision to abolish any absentee voter precinct shall be
371 made by the governing body by ordinance. Immediate notification of either decision shall be sent to the
372 Department of Elections and the electoral board.

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

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

379 D. Absentee ballots shall be processed as required by § 24.2-709.1 by the officers of election at the
380 central absentee voter precinct prior to the closing of the polls. In the case of machine-readable ballots,
381 the ballot container shall be opened and the absentee ballots shall be inserted in the counting machines
382 prior to the closing of the polls in accordance with procedures prescribed by the Department of
383 Elections, including procedures to preserve ballot secrecy, but no ballot count totals by the machines
384 shall be transmitted outside of the central absentee voter precinct until after the closing of the polls.

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

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

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

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

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

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

407 G. The general registrar may provide that the central absentee voter precinct will open after 6:00
408 a.m. on the day of the election provided that the office of the general registrar will be open for the
409 receipt of absentee ballots until the central absentee voter precinct is open and that the officers of
410 election for the central absentee voter precinct obtain the absentee ballots returned to the general
411 registrar's office for the purpose of counting the absentee ballots at the central absentee voter precinct
412 and provided further that the central absentee voter precinct is the same location as the office of the
413 general registrar.

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

421 **§ 24.2-802.1. Preliminary hearing; court to fix procedure for recount, appoint officers, and**
422 **supervise the recount.**

423 A. Within seven calendar days of the filing of the petition for a recount of any election other than an
424 election for presidential electors, or within five calendar days of the filing of a petition for a recount of
425 an election for presidential electors, the chief judge of the circuit court shall call a preliminary hearing
426 at which (i) motions may be disposed of and (ii) the rules of procedure may be fixed, both subject to
427 review by the full court. The petitioner and his counsel and each other party and their counsel under
428 supervision of the electoral board and its agents shall have access to pollbooks and other materials used

429 in the election for examination purposes, provided that individual ballots cast in the election shall not be
430 examined at the preliminary hearing. The chief judge during the preliminary hearing shall review all
431 security measures taken for all ballots and voting systems and direct, as he deems necessary, all
432 appropriate measures to ensure proper security to conduct the recount.

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

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

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

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

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