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HOUSE BILL NO. 1698

Offered January 11, 2017

Prefiled January 6, 2017

A BILL to amend and reenact § 24.2-310 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-508.1, relating to polling places; memorandum of understanding.

Patron—Marshall, D.W.

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-310 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-508.1 as follows:

§ 2.2-508.1. Development of memorandum of understanding for polling places.

The Attorney General shall develop and make available a template memorandum of understanding to be used by the general registrars when establishing polling places pursuant to § 24.2-310. Such template shall allow a general registrar and the party with whom he is entering into the memorandum to fill out the details of the agreed-upon use of the facilities.

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § 24.2-604 and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § 24.2-604, and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § 24.2-604. The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § 24.2-307 or 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements

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59 of this section. Nothing in this subsection shall be construed to obligate any local government, local
60 electoral board, or the State Board to appropriate funds to any non-governmental entity.

61 *G. When establishing a polling place pursuant to this section, the general registrar shall enter into a*
62 *memorandum of understanding with the entity or person authorized to grant the use of the facility as a*
63 *polling place. The parties shall specify the terms for use of the facility, including the hours and dates*
64 *the facility is to be used, the availability of parking at the facility, and the defined space where the*
65 *elections are to be conducted, using the template prescribed by the Attorney General pursuant to*
66 *§ 2.2-508.1. Such memorandum of understanding shall be entered into for a period of five years, with*
67 *the option to renew at the end of the fourth year. Upon the mutual agreement of the two parties, such*
68 *memorandum of understanding shall be voided.*