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HOUSE BILL NO. 942

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact §§ 24.2-124.1, 24.2-307, 24.2-310, and 24.2-701.2 of the Code of Virginia and to repeal § 24.2-310.1 of the Code of Virginia, relating to polling places and voter satellite offices; locations; restrictions, requirements, and considerations.

 Patron—Shin

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-124.1, 24.2-307, 24.2-310, and 24.2-701.2 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-124.1. Acceptance of certain gifts and funding prohibited.

The State Board, the Department, each local electoral board, and all offices of the general registrar shall not solicit, accept, use, or dispose of any money, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections.

This section shall not be construed to prohibit (i) the operation of a polling place or voter satellite office in a facility furnished by a private individual or nongovernmental entity that otherwise meets the requirements for polling places provided in §§ 24.2-310 and ~~24.2-310.1~~ or for voter satellite offices provided in § 24.2-701.2 or (ii) acceptance of a federal government grant funded in whole or part by donations from private individuals or nongovernmental entities.

§ 24.2-307. Requirements for county and city precincts.

A. The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

B. At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

C. Each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city. In each year ending in one, the governing body of each county and city shall establish the precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district, and local election district that was adopted by the appropriate authority by June 15 of that year. If congressional districts, Senate districts, House of Delegates districts, or local election districts have not been adopted by the appropriate authority by June 15 of a year ending in one, the governing body may use the congressional districts, Senate districts, House of Delegates districts, or local election districts as such districts existed on June 15 of that year as the basis for establishing the precinct boundaries to be used for the elections to be held in November of that year. Such governing body shall establish precinct boundaries to be consistent with any subsequent changes to the congressional districts, Senate districts, House of Delegates districts, or local election districts. If a governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, it shall apply to the State Board for a waiver to administer a split precinct. The State Board may grant the waiver or direct the governing body to establish a precinct with fewer than the minimum number of registered voters as permitted by § 24.2-309. A governing body granted a waiver to administer a split precinct or directed to establish a precinct with fewer than the minimum number of registered voters may use such a precinct for any election held that year.

D. The governing body shall establish by ordinance one polling place for each precinct *except as provided in subsection E.*

E. *For any general election, the tribal council or the chief of a recognized Indian tribe of the Commonwealth whose tribal reservation is located on land within the boundaries of a county or city*

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59 *may request that the governing body of such county or city establish and operate a polling place on the*
60 *tribal reservation on the day of the general election. Such request shall be made no later than 180 days*
61 *before the date of such election.*

62 **§ 24.2-310. Requirements for polling places.**

63 A. The polling place for each precinct shall be located within the county or city and either within the
64 precinct or within one mile of the precinct boundary, unless a waiver has been granted pursuant to
65 subsection G. The polling place for a county precinct may be located within a city (i) if the city is
66 wholly contained within the county election district served by the precinct or (ii) if the city is wholly
67 contained within the county and the polling place is located on property owned by the county. The
68 polling place for a town precinct may be located within one mile of the precinct and town boundary.
69 For town elections held in November, the town shall use the polling places established by the county for
70 its elections.

71 B. The governing body of each county, city, and town shall provide funds to enable the general
72 registrar to provide adequate facilities at each polling place for the conduct of elections. Each polling
73 place shall be located in a public building whenever practicable; *except that no polling place shall be*
74 *located in a police station or sheriff's office but may be located in a public building that houses multiple*
75 *offices, including a police station or sheriff's office.* If more than one polling place is located in the
76 same building, each polling place shall be located in a separate room or separate and defined space.

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

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

89 E. It shall be permissible to distribute campaign materials on the election day on the property on
90 which a polling place is located and outside of the building containing the room where the election is
91 conducted except as specifically prohibited by law including, without limitation, the prohibitions of
92 § 24.2-604 and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling
93 place. However, and notwithstanding the provisions of clause (i) of subsection A of § 24.2-604, and
94 upon the approval of the local electoral board, campaign materials may be distributed outside the polling
95 place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i)
96 includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the
97 area within the structure that is within 40 feet of any entrance to the room where the election is
98 conducted and (ii) is maintained and enforced as provided in § 24.2-604. The local electoral board may
99 approve campaigning activities inside the building where the election is conducted when an entrance to
100 the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the
101 polling place would hinder or delay a qualified voter from entering or leaving the building.

102 F. *No polling place shall be located in a building that serves primarily as the headquarters, office,*
103 *or assembly building for any private organization, other than an organization of a civic, educational,*
104 *religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has*
105 *approved the use of the building because no other building meeting the accessibility requirements of this*
106 *title is available.*

107 G. Any local government, local electoral board, or the State Board may make monetary grants to any
108 non-governmental entity furnishing facilities under the provisions of § 24.2-307 or 24.2-308 for use as a
109 polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements
110 of this section. Nothing in this subsection shall be construed to obligate any local government, local
111 electoral board, or the State Board to appropriate funds to any non-governmental entity.

112 G. H. The general registrar or the governing body of the locality may request from the Department
113 of Elections a waiver to establish a polling place that does not meet the location requirements of
114 subsection A in the event that there is no suitable building that could be used within the precinct or
115 within one mile of the precinct boundary. The Department shall grant such a waiver and may impose
116 any conditions on the waiver that it deems necessary or appropriate to ensure accessibility and security
117 of the polling place and compliance with any other requirements of state or federal law.

118 **§ 24.2-701.2. Absentee voting in person; voter satellite offices.**

119 A. The governing body of any county or city may establish, by ordinance, voter satellite offices to
120 be used in the locality for absentee voting in person. The governing body may establish as many offices

as it deems necessary. No change in, including the creation or abolishment of, any voter satellite office shall be enacted within 60 days next preceding any general election. Notice shall be published prior to enactment in a newspaper having general circulation in the locality once a week for two successive weeks.

B. Any voter satellite office shall be in a public building owned or leased by the county, city, or town within the county ~~and; except that no voter satellite office shall be located in a police station or sheriff's office but may be located in a public building that houses multiple offices, including a police station or sheriff's office.~~ A voter satellite office may be in a facility that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. Such location shall be deemed the equivalent of the office of the general registrar for the purposes of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706. Any such location shall have adequate facilities for the protection of all elections materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.

C. Voter satellite offices 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. *When selecting a location for a voter satellite office, the governing body shall consider a location's proximity to public transportation, the availability of sufficient parking at or close to the location, and the location's proximity to historically underrepresented or underserved communities. The governing body shall also take into account the existence and location of population centers within the locality and any geographic features within the locality that tend to affect access and convenience. Locations selected for the establishment of a voter satellite office shall be equitably distributed among population centers within the locality's boundaries to provide maximally convenient options for voters.*

E. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each voter satellite office for the conduct of elections.

~~E.~~ F. Not later than 55 days prior to any election, the general registrar shall post notice of all voter satellite office locations in the locality and the dates and hours of operation of each location in the office of the general registrar and on the official website for the county or city. Such notice shall remain in the office of the general registrar and on the official website for the county or city for the duration of the period during which absentee voting in person is available. If the county or city does not have an official website, such notice shall be published in a newspaper of general circulation in the county or city at least once prior to the election but not later than 55 days prior to such election.

~~F.~~ G. If an emergency makes a voter satellite office unusable or inaccessible, the electoral board or the general registrar shall provide an alternative voter satellite office, subject to the approval of the State Board, and shall give notice of the change in the location of the voter satellite office. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

~~G.~~ H. The provisions of subsection E of § 24.2-310 providing certain limited circumstances in which a local electoral board may approve an exception to the prohibition on the distribution of campaign materials inside the prohibited area outside of a polling place shall apply to voter satellite offices and the building in which such offices may be located.

~~H.~~ I. A voter satellite office established pursuant to this section shall be deemed to be the equivalent of an office of the general registrar for purposes of completing an application for an absentee ballot in person pursuant to §§ 24.2-701, 24.2-701.1, and 24.2-706.

J. *For any general election, the tribal council or the chief of a recognized Indian tribe of the Commonwealth whose tribal reservation is located on land within the boundaries of a county or city may request that the governing body of such county or city establish and operate a voter satellite office on the tribal reservation on the first and second Saturday immediately preceding the general election. Such request shall be made no later than 180 days before the date of such election.*

2. That § 24.2-310.1 of the Code of Virginia is repealed.