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HOUSE BILL NO. 941

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact § 24.2-701.2 of the Code of Virginia, relating to absentee voting in person; voter satellite offices; establishment on the campus of certain public institutions of higher education.

Patrons—Shin and Anthony; Senator: Surovell

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That § 24.2-701.2 of the Code of Virginia is amended and reenacted as follows:****§ 24.2-701.2. Absentee voting in person; voter satellite offices.**

A. The governing body of any county or city may establish, by ordinance, voter satellite offices to be used in the locality for absentee voting in person. The governing body may establish as many offices as it deems necessary *except as provided in subsection G*. 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~~ *Except as provided in subsection G*, any voter satellite office shall be in a public building owned or leased by the county, city, or town within the county and 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. 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. 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. 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. *For any general election, there shall be at least one voter satellite office established on the campus of any baccalaureate public institution of higher education that has more than 3,000 enrolled students. On or before December 1 each year, the State Council of Higher Education for Virginia shall report to the State Board the number of enrolled students at each baccalaureate public institution of higher education as of October 1 of that year, and the State Board shall use such data as the basis for determining which such institutions meet the enrollment threshold for requiring an on-campus voter satellite office for the general election held the following year. The governing body of a county or city where a baccalaureate public institution of higher education meeting the enrollment threshold is located, or the general registrar serving such county or city, shall collaborate with the State Council of Higher Education for Virginia to select a location for the establishment and operation of a voter satellite office on such institution's campus. The location selected shall be within the student activity center on the*

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59 *institution's campus, unless such placement creates an undue burden on the operation of such institution,*
60 *in which case the location selected shall be centrally located on the institution's campus. For purposes*
61 *of this subsection, "enrolled student" means any full-time or part-time undergraduate or graduate*
62 *student, but does not include a concurrent enrollment student or a student solely registered for online*
63 *courses, and "campus" has the same meaning as provided in § 23.1-815.*

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

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