

HOUSE BILL NO. 195

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections

on February 8, 2022)

(Patron Prior to Substitute--Ransone)

A BILL to amend and reenact § 24.2-310 of the Code of Virginia, relating to polling places; location requirements; waiver in certain circumstances.

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

**1. That § 24.2-310 of the Code of Virginia is amended and reenacted as follows:**

**§ 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, unless a waiver has been granted pursuant to subsection G. 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.

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

34 E. It shall be permissible to distribute campaign materials on the election day on the property on  
35 which a polling place is located and outside of the building containing the room where the election is  
36 conducted except as specifically prohibited by law including, without limitation, the prohibitions of §  
37 24.2-604 and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place.  
38 However, and notwithstanding the provisions of clause (i) of subsection A of § 24.2-604, and upon the  
39 approval of the local electoral board, campaign materials may be distributed outside the polling place and  
40 inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the  
41 area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the  
42 structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is  
43 maintained and enforced as provided in § 24.2-604. The local electoral board may approve campaigning  
44 activities inside the building where the election is conducted when an entrance to the building is from an  
45 adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or  
46 delay a qualified voter from entering or leaving the building.

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

52 G. The general registrar or the governing body of the locality may request from the Department of  
53 Elections a waiver to establish a polling place that does not meet the location requirements of subsection

54 A in the event that there is no suitable building that could be used within the precinct or within one mile  
55 of the precinct boundary. The Department shall grant such a waiver and may impose any conditions on  
56 the waiver that it deems necessary or appropriate to ensure accessibility and security of the polling place  
57 and compliance with any other requirements of state or federal law.

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