

HOUSE BILL NO. 942

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Shin)

A BILL to amend and reenact §§ 24.2-310 and 24.2-701.2 of the Code of Virginia, relating to polling places and voter satellite offices; prohibited locations.

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

**1. That §§ 24.2-310 and 24.2-701.2 of the Code of Virginia are 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; except that no polling place 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. 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

27 services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral  
28 boards and general registrars to assist the localities in complying with the requirements of the Acts.

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

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

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

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

60 **§ 24.2-701.2. Absentee voting in person; voter satellite offices.**

61 A. The governing body of any county or city may establish, by ordinance, voter satellite offices to  
62 be used in the locality for absentee voting in person. The governing body may establish as many offices  
63 as it deems necessary. No change in, including the creation or abolishment of, any voter satellite office  
64 shall be enacted within 60 days next preceding any general election. Notice shall be published prior to  
65 enactment in a newspaper having general circulation in the locality once a week for two successive weeks.

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

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

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

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

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

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

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

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