



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 3

Precincts and Polling Places

September 2026

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3. PRECINCTS AND POLLING PLACES

REQUIRED FORMS	ADDITIONAL RESOURCES	REFERENCE	REGULATIONS
SBE Delegations of Authority (on the About Us page)	1VAC20-20-80 Complaints 1VAC20-60-30 Electronic Devices in Polling Places	ELECT-310C ADACC ADA Compliance Confirmation Standard Polling Place Change (JIRA ticket) Emergency Polling Place Change (JIRA ticket) One Mile Polling Place Waiver (JIRA ticket) Split Precinct Waiver Request (JIRA ticket)	Virginia Constitution Code of Virginia Charter Provisions Physical Security Checklist for Polling Locations (CISA)

3.1 CHAPTER ORGANIZATION

Members of the local electoral board and general registrars work with the local governing body to establish precincts and polling places that meet the requirements of law, the needs of the locality, and the needs of the voters in each precinct. This chapter discusses requirements and best practices for general registrars and electoral boards as they manage precincts and polling places in their locality.

The first part of this chapter, §3.2 Precincts, covers general information that registrars and electoral boards should know concerning precincts. First, §3.2.1 describes what a precinct is. Next, § 3.2.2 describes how to establish or change a precinct. Section 3.2.3 provides the legal framework for precincts and discusses situations in which changing or establishing precincts may be required or prohibited. Finally, §3.2.4 discusses split precincts. This section defines split precincts, discusses why it is ideal to prevent their creation, and how to eliminate them when they do occur.

The second part of this chapter, §3.3 Polling Places, covers general information that registrars and electoral boards should know concerning polling places. First, §3.3.1 provides a general definition of polling place. Next, §3.3.2 explains the process for establishing or relocating a polling place and includes a discussion of emergency polling place relocations. Section 3.3.3 discusses the basic legal requirements that all polling places must meet. A best practice guide that includes non-legal considerations for polling places is also included. Section 3.3.4 concludes the general discussion of polling places with an overview of how to operate a polling place located in a split precinct. Polling place layout, officer training, and Election Day procedures are covered.

Section 3.4 focuses the discussion of establishing and changing precincts and polling places, moving from the general discussion of working with the local governing body in §§3.2 and 3.3 to a more specific discussion of procedures to be followed by the registrar after an ordinance creating a new polling place has been passed. This discussion includes procedures for notifying ELECT and voters.



3.2 PRECINCTS

3.2.1 What is a Precinct?

A precinct is a geographic area within a locality or a town, established by ordinance by the local governing body. As per the Code of Virginia §24.2-307, the “governing body of each county and city may establish as many precincts as it deems necessary.”¹ A precinct must be wholly contained in any district used to elect members of the local governing body.²

3.2.2 How to Establish or Change a Precinct

The governing body (board of supervisors, town council, etc.) of each locality is responsible for establishing or changing local precinct lines and **must do so by ordinance**.³ The local governing body cannot establish a precinct with more than “5000 registered voters.”⁴ At the time any precinct is established, each precinct in a county shall have “no fewer than 100 voters and each precinct in a city shall have no fewer than 500.”⁵

Even though the governing body bears the responsibility for creating local precincts, the general registrar and local electoral board should be directly involved in the process.

3.2.2.1 Governing Body Passes Ordinance

A general registrar or electoral board should alert the governing body to the need for a new precinct or the need to make precinct changes. The general registrar or electoral board should ensure that any proposal to change a precinct complies with federal and Virginia laws, including and especially the accessibility provisions and requirements for enacting a covered practice (see 3.3.2 How to Establish or Relocate a Polling Place). Local elections officials are responsible for helping the governing body understand the relevant considerations that go into determining precinct boundaries.

3.2.2.2 General Registrar Notifies ELECT of Precinct Change

The general registrar must submit a Standard Polling Place Change ([Jira ticket](#)) request to the Department of Elections for any non-emergency change to a local election district, precinct, polling place or local voter registration office move (Note: this Jira ticket submission process replaces the paper SBE-15 Polling Place Relocation form used in the past). For standard polling place changes, ELECT requires the general registrar to attach to the Jira ticket a) the accompanying ordinance and public hearing meeting minutes or b) the accompanying ordinance and the certification of no objection (CNO) from the Office of the Attorney General. ELECT will review the documents and once approved, make the changes in VERIS.

¹ See [§24.2-307](#).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*



3.2.2.3 *Cannot Change Precincts within 60 Days Before a General Election*



Within the 60 days before a general election, changes to precincts are strictly prohibited. There is no emergency provision for making changes to precincts within the prohibited period.



Law Note

The Attorney General's 2006 opinion 06-014 stated that "a county board of supervisors is statutorily authorized to alter the boundaries of voting precincts at any time other than within sixty days before any general election." For more information, see [2006 Op. Va. Att'y Gen. 14 \(March 10, 2006\)](#).

3.2.3 Laws Governing Precincts

3.2.3.1 *Compact and Contiguous*

Each precinct must be a compact and contiguous geographic area with clearly defined and clearly observable boundaries.⁶ A "clearly observable boundary" can be man-made (e.g., roads, train tracks, etc.), or natural (e.g., rivers, lakes, etc.).⁷ A single precinct cannot overlap two *unconnected* territories but can contain more than one territory.

A precinct must also be wholly contained within an election district used for the election of one or more members of the governing body or school board for the city, county, or town.⁸ For example, where there are two adjacent districts for two separate school board seats, a single precinct cannot overlap the two districts.

The precinct must be located completely within one school board district or the other, but multiple precincts may be located inside one district.

3.2.3.2 *Minimum and Maximum Populations Served*

In addition to restricting the geographic boundaries of precincts, the Code also restricts the number of voters a precinct can serve.⁹ The Code does not restrict the number of registered voters in a town precinct.

- A **county precinct** – when established, can contain no less than 100 and no more than 5,000 registered voters.
- A **city precinct** – when established, can contain no less than 500 and no more than 5,000 registered voters.

⁶ See [§24.2-305\(A\)](#).

⁷ See [§24.2-305\(B\)](#).

⁸ See [§§24.2-307](#) (county and city) and [24.2-308](#) (town).

⁹ See [§24.2-307](#).





Please note that a precinct containing an insufficient number of registered voters may be established when a larger precinct cannot be created without causing a precinct split (see 3.2.4 Split Precincts below).¹⁰

3.2.3.3 *Changes in Population*

Precincts may need to be established or adjusted for any number of reasons. The general registrar or electoral board should notify the governing body when a precinct experiences a significant shift in population, particularly if the population begins to approach statutory limits. The general registrar **must notify the governing body if the presidential election turnout for a precinct exceeds 4,000**.¹¹ The governing body must revise the precinct boundaries within 6 months to avoid having more than 5,000 registered voters.¹²

3.2.3.4 *Town Precincts*

Counties that contain incorporated towns that conduct elections in accordance with the local charter will also designate town precincts. Town precincts are geographic boundaries that determine where residents of each town will vote. Each town must have at least one precinct.¹³ Town precincts and their associated polling places are only used when the election being conducted in the locality is solely for the election of town offices. Normally, town precincts are relevant to any special election conducted for the election of town offices only.



Best Practice

A town precinct is not prohibited from overlapping the boundary of a county precinct because town precincts are only operational when the surrounding county precincts are not conducting elections. However, when possible, avoid overlapping town precincts. See Code of Virginia §24.2-310(A).

Town elections conducted in conjunction with the November general election will use the surrounding county or city precincts. While town precincts may not divide town council or school board districts, there is no prohibition on these districts being divided by electoral precincts used generally.¹⁴

3.2.4 *Split Precincts*

With the exception of towns, a locality can only have a split precinct if a waiver has been granted by ELECT.¹⁵ A split precinct is one that overlaps election districts such that voters who live in the same precinct vote in different election districts. Not all voters in the same split precinct will receive the same ballot style on Election Day. A split precinct will need to have

¹⁰ See [§24.2-307](#).

¹¹ See [§24.2-307](#).

¹² *Id.*

¹³ See [§24.2-308](#).

¹⁴ See [§24.2-309](#).

¹⁵ See [§24.2-307](#).

multiple ballot styles to serve all voters within the precinct (see GREB 3.3.4 through 3.3.4.5 for additional considerations).

**Policy Note**

Split precincts do not apply to town/county splits, nor do they apply to towns that are split between two or more localities. Split precincts are specifically for precincts that may have 2 or more election districts (i.e., HOD, VA Senate, Congressional districts, etc.) and the number of voters affected by the split is below the minimum threshold to create a precinct set by §24.2-307. The minimum threshold for a county is 100 voters; the minimum threshold for a city is 500 voters.

Precincts can be split by congressional or General Assembly district lines. They can also be split when a town lies within a larger precinct or across locality lines. However, not all elections will result in a split in a precinct. For example, an even-year general election will not be affected by general assembly district splits except in the instance of a special election in the general assembly office.

If a locality has a precinct that does not meet the minimum number of registered voters and the governing body would like to request a waiver from ELECT, localities must fill out a Split Precinct Waiver Request (JIRA ticket), which requires¹⁶:

- Basic information about the request (locality, contact information, etc.)
- Date the Governing Body's meeting occurred.
- Governing Body's Resolution OR
- Governing Body's Meeting Minutes.
- Information on any previous waiver requests.
 - Precinct Number, Name, and a brief explanation of the reason for the request

A locality may only administer a split precinct for elections held in the year the waiver is granted. The governing body of each locality must approve the request for a split precinct waiver each year when the split precinct impacts the elections for that year; resolutions from the previous year will not be accepted to renew a split precinct waiver.

Split precincts can be created in several ways. A precinct can be split if the boundary lines adopted by the General Assembly (i.e., the House of Delegates, State Senate) do not coincide with precinct lines adopted by the locality. This may occur during redistricting. The General Assembly is not required to draw boundaries that align with precinct boundaries.

A split may also be created when a boundary change between two localities (including an annexation) crosses over a General Assembly or congressional district line.

¹⁶ The Split Precinct Waiver form can be found in JIRA accessed through the Elections Secure Access Portal.

3.2.4.2 *How to Prevent a Split Precinct*

When considering a proposed precinct, a locality may need to make adjustments to local districts together with precinct changes in order to prevent the creation of local splits. To avoid local splits after the decennial census, local redistricting should be done in tandem with local redefining of precinct boundaries.

Localities that elect their local governing bodies from districts in November of a redistricting year (i.e., 2011, 2021, etc.) must complete their work in time for use in any June primary that may be held for those offices and the November elections. The election calendar and redistricting timeframe make it necessary for these localities to do their work at the same time the Redistricting Commission is doing its work. In contrast, localities that do not elect local offices from districts in November of a redistricting year should be able to wait and run their November redistricting year general elections using the new precinct lines that the Redistricting Commission adopts. These localities have until December 31st of the redistricting year to complete redistricting local office districts. Local redistricting that can follow the Redistricting Commission's adopted plan has the advantage of allowing localities to adjust their precinct boundaries to eliminate split precincts or to create new precincts from the split precinct segments.

All localities should monitor the Redistricting Commission's work. This can be done by contacting the Division of Legislative Services. Advance knowledge of the Commission's plans can help localities develop plans to draw local lines that coincide with the state legislative and congressional district lines.¹⁷

3.2.4.3 *How to "Heal" a Split Precinct*

Occasionally, the creation of a split precinct is unavoidable. When a precinct is split, localities can sometimes take steps after the fact to remove the split. This is referred to as "healing" a split precinct.

The Code and accepted practice permit adjustments in lines following the decennial redistricting for the express purpose of making local district/ward lines coincide with state legislative or congressional lines. Methods by which adjustments can be made include the following:

- General Assembly enactment
- Local governing body adjustment affecting no more than the lesser of either 250 persons or 5% of the population of the ward or district¹⁸
- A judicially approved boundary change agreed to by adjacent localities¹⁹

These same strategies can be employed when a split precinct has been created by a boundary change or settlement between localities, an annexation (towns can annex; cities are currently prohibited from doing so), the creation of a new town, or the reversion of a city-to-town status. The decennial district lines must be followed for the

¹⁷ See [Division of Legislative Services](#) for more information.

¹⁸ See [§24.2-304.1](#).

¹⁹ See [§15.2-3106](#) et seq.



General Assembly and congressional elections until the appropriate legislative body enacts changes to align the new jurisdictional lines.

When the methods discussed above are not effective, localities may wish to either create new precincts out of their split precinct segments or to adjust precinct boundaries to eliminate the split precinct. This could add some expense in terms of the number of election officials, machines, etc., but it is often preferable to living with the operational complexity of split precincts.

It is important to note that any changes to the boundaries of an election district or ward in a locality including changes made pursuant to a decennial redistricting measure are considered a covered practice. See 3.3.2 How to Establish or Relocate a Polling Place below, for instructions on how to enact a covered practice.



Best Practice

Voters often overlook or misunderstand voter registration notices. Expect more questions from voters in the year or two after a major redistricting. If the locality has new split precincts, ELECT suggests you provide supplementary training to all office personnel who interface with voters. Train staff not to rely on their own memory or knowledge about which precincts are where, or which districts share a precinct.

3.3 POLLING PLACES

3.3.1 What is a Polling Place

A polling place is a specific location (typically a public building) where voters go to cast their ballots on Election Day. There is one and only one polling place associated with each precinct. The governing body must establish each polling place by ordinance.²⁰ Pursuant to a 2021 Advisory Opinion issued by the Office of the Attorney General, central absentee voter precincts, voter satellite locations, and offices of general registrars that are used as the designated location for early voting are considered “polling places²¹” and are subject to the following provisions of the Virginia Code: §§ 24.2-604.4, 24.2-604.5, 24.2-606, 24.2-607, 24.2-649, 24.2-701.1, 24.2-707.1, 24.2-712.²²

3.3.2 How to Establish or Relocate a Polling Place

The local governing body is responsible for establishing and relocating polling places; this must be done by passing an ordinance.²³ Generally, polling places should be located in public buildings whenever practical; not only does this ensure that the locality has full control over the

²⁰ See [§24.2-307](#).

²¹ 2021 Op. Va. Atty. Gen. 40 ([September 1, 2021](#)).

²² This is not intended as an exhaustive list of code sections subject to the Attorney General’s opinion. See *Generally* 2021 Op. Va. Atty. Gen. 40 ([September 1, 2021](#)).

²³ *Id.*



polling place, but also that the polling place is compliant with state and federal accessibility laws.²⁴



Best Practice for June Primaries in Schools

While Election Day in November is a state holiday, which closes school facilities for the day, the June Primary is not a state holiday and may take place while summer school is in session. If a polling place is located inside a school, consider reaching out to school staff well in advance of the June Primary to discuss if summer school will be in session that day and, if so, what arrangements can be made. For example, the cafeteria where voting usually takes place in November may be used on the day of the June Primary to feed students during summer school; school staff may be able to provide a library or gymnasium instead. If such a move is possible, consider placing additional signs or notices directing people to the new room location to ensure voters know where to go. Moving the location of the polling place within the same facility will not trigger the “covered practice” clause discussed below.

Any change that reduces the number of, consolidates, or relocates polling places in the locality is considered a “covered practice,” and a locality must meet certain requirements before the change can be enacted.²⁵ These requirements fall under what is called obtaining “preclearance.” (NOTE: Adding a polling place is not considered a covered practice, so would not require preclearance.)

To enact a covered practice, the **governing body** of a locality must adhere to the following:

- The governing body will provide notice to the public at least 45 days in advance of the last date prescribed in the notice for public comment.
- Public comment must be accepted for a period of no fewer than 30 days.
- The governing body must conduct at least one public hearing during the public comment period.
- Wait an additional 30 days following the public comment period before the proposed change becomes effective.

²⁴ See [§24.2-310.1](#).

²⁵ See [§24.2-129](#)





Example Timeline of Preclearance Via Public Comment

If a locality intends to move a polling place before the June Primary, the process will take several weeks. If public comment will be taken from the 1st of March until the 30th of March, the governing body will need to provide public notice of the public comment period no later than 45 days before the end of the public comment period of March 30th. This would require the notice to be sent out by the governing body sometime around mid-February. The governing body will also need to have a public hearing sometime in March during the public comment period. Once March 30th passes, the governing body must wait 30 days before enacting the change, April 29. As a note, the 60-day prohibition on moving a polling place applies to general elections, specifically. Otherwise, the locality should at least be cautious moving polling places too close to a primary.

In lieu of a public comment period, the governing body can [request to receive a certification of no objection \(CNO\) from the Office of the Attorney General](#). The CNO indicates that the covered practice does not have the purpose or effect of denying or abridging the right to vote based on race, color, or membership in a language minority group. The request for a CNO must be submitted by **both** email AND first-class mail. The OAG has up to 60 days to respond to a request for a CNO. Pursuant to §24.2-129(D), if the OAG does not respond within 60 days, a CNO "shall be deemed to have been issued."

General registrars and electoral boards should nonetheless be directly involved in the process: scouting the locality for potential polling places, meeting with operators of proposed polling place facilities, alerting the local governing body to the need for a polling place change, helping the governing body balance the relevant considerations that go into choosing a polling place, and managing existing polling places. A good working relationship with the local governing body and the other agencies of local government is of the utmost importance for accomplishing these tasks.



The local governing body cannot change the location of a polling place within the 60 days before any general election.²⁶ Unlike precincts, however, there are exceptions to this rule for certain emergency relocations of a polling place. See GREB 3.4.2 and 3.4.2.1 for additional information.

3.3.2.2 “Emergency” Polling Place Relocation

When an emergency makes a polling place inaccessible or unusable within 60 days before a General Election, either the electoral board or general registrar should act immediately to work with the local governing body to find an alternate polling place site in compliance with all applicable deadlines.

²⁶ See [§24.2-306\(A\)](#).

**What is an “emergency”?**

The term “emergency” is narrowly defined in § 24.2-310(D) as “a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.” Provide some detail regarding the nature of the emergency in JIRA ticket.

**Policy Note**

In some circumstances where the Code confers responsibilities on the State Board of Elections, the Board has delegated these responsibilities to the Department of Elections. One example of this is the Department’s responsibility for approving emergency relocations of polling places where the Code of Virginia §24.2-310(D) reads that such a relocation is “subject to the prior approval of the State Board.”

**The Department of Elections must provide prior approval for an emergency relocation of a polling place.²⁷**

Preclearance (as described in GREB 3.3.2) is not required for emergency polling place moves. However, pursuant to [§ 24.2-310\(D\)](#), an emergency means “a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.” An emergency request cannot be approved unless it is clear that the nature of the emergency requires immediate action and approval by the Department of Elections; general registrars should provide some detail regarding the reason for the emergency. If a permanent relocation is not possible, the electoral board or general registrar may erect or rent a temporary building (e.g., a trailer) as the temporary site, if it is generally accessible to voters.²⁸ Localities are required to provide notice of any approved emergency relocation to all candidates and voters, appropriate to the circumstances of the emergency relocation.²⁹ Additionally, a notice of the location change must also be posted to the extent practicable in the former location of the polling place. See GREB 3.4.2 and 3.4.2.2 for additional information.

For changes to polling locations within the 60-day prohibition period, only an emergency as defined under Va. Code §24.2-310(D) will suffice for a polling place change. A general registrar who realizes a polling location may be unsuitable for Election Day prior to the 60-day prohibition should submit a Standard Polling Place Change (JIRA ticket) request and the required pre-clearance documentation referenced in Chapter 3.3.2 to make the needed change.

²⁷ See [§24.2-310\(D\)](#), “subject to the prior approval of the State Board.” This has been delegated to ELECT. See also ELECT, [About Us](#).

²⁸ See [§24.2-310\(D\)](#).

²⁹



Once the emergency concludes, it is preferable for the general registrar to enter a comment on the Emergency Polling Place Change ticket confirming that ELECT System Support should revert the polling place back to the original polling place location.

Alternatively, if use of a temporary polling place extends beyond the initial period of emergency approval, the locality will need to pursue and meet the requirements of a covered practice outlined in Chapter 3.3.2 and submit a new Standard Polling Place Change (JIRA ticket) request accordingly.

3.3.3 Laws Governing Polling Places

The polling place is the site of all major Election Day activities. Localities should select the polling place that best facilitates voting while complying with the following legal requirements.

3.3.3.1 Location Requirements

- There can be one, and only one, polling place for each county, city, or town precinct.³⁰
- The polling place must be located within the boundaries of the precinct it serves or within one mile of that boundary.³¹
- Exception: In the event that there is **no suitable building** that could be used within the precinct or within one mile of the precinct boundary, a locality may request a One Mile Polling Place [Waiver \(JIRA ticket\)](#) from ELECT to establish a polling place that does not meet the location requirements.³² Waivers are generally used only in the case of an emergency, or for precincts that are established with less than the minimum number of registered voters pursuant to §24.2-309.³³
- In circumstances where a polling place is located outside the precinct it serves, multiple polling places may be situated within the same facility.³⁴
- The polling place must also be located in the locality that it serves.³⁵
 - Exception: a county may locate a polling place in a city that is “wholly contained within the county election district served by the precinct.”
 - Exception: a county may locate a polling place in a city where “the city is wholly contained within the county and the polling place is located on property owned by the county.”
- Exception: In the event that there is **no suitable building** that could be used within the precinct or within one mile of the precinct boundary, a locality may request a waiver from ELECT to establish a polling place that does not meet this location requirement.³⁶

³⁰ See [§§24.2-307](#) (counties and cities) and [24.2-308](#) (towns).

³¹ See [§24.2-310\(A\)](#).

³² See [§24.2-310\(G\)](#).

³³ See [§24.2-309](#).

³⁴ See [§24.2-310\(B\)](#).

³⁵ See [§24.2-310\(A\)](#).

³⁶ See [§24.2-310\(G\)](#).



As with precincts, a town election for town offices held in November must use the regular polling places for the county in which most of the town is located.³⁷

3.3.3.2 Facility Requirements



All polling places must be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act,³⁸ the Voting Accessibility for the Elderly and Handicapped Act,³⁹ and the Americans with Disabilities Act⁴⁰ relating to public services.⁴¹

- The Department provides a checklist for determining whether a prospective polling place meets these requirements.⁴²
 - This requirement is discussed in depth in Chapter 5 Accessibility.
 - Localities are required to submit an ADA Compliance Confirmation annually to ELECT to verify that a checklist was used to inspect polling places and that the polling places are compliant.⁴³
- A polling place must be “located in a public building whenever practicable.”⁴⁴
 - If no public building is available, a polling place may be located in a building “which serves primarily as the headquarters, office, or assembly building” for “an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature.”⁴⁵
 - The locality may only locate the polling place in another type of facility if no other building meets the requisite accessibility requirements and only with the approval of the Department of Elections.⁴⁶
- Where multiple polling places have been established within the same facility, each must be located in a “separate room” or have its own “separate and defined space.”⁴⁷ Ensure that OOE are aware of the multiple polling places in the facility and that enough OOE have been assigned to each polling place in the facility.

³⁷ See [§§24.2-601](#) and [24.2-310\(A\)](#).

³⁸ See [§51.5-1 et seq.](#)

³⁹ See [52 U.S.C. §20101 et seq.](#)

⁴⁰ See [42 U.S.C. §12131 et seq.](#)

⁴¹ See [§24.2-310\(C\)](#).

⁴² See [ELECT-310C](#).

⁴³ See [ELECT, Formswarehouse, Accessibility](#).

⁴⁴ See [§24.2-310\(B\)](#).

⁴⁵ See [§24.2-310.1](#).

⁴⁶ *Id.*

⁴⁷ See [§24.2-310\(B\)](#).



**Regulation Note**

1VAC20-20-80: Complaints. Anyone may make an informal complaint either by telephone or electronically (20-20-80(A)). It is the locality's responsibility to respond to these complaints, but the locality may request assistance from the Board as needed (20-20-80(A)). The Board must provide the forms from the Help America Vote Act of 2002 to allow people to make formal requests (20-20-80(B)). These formal complaints require review and a response from the Commissioner or Deputy Commissioner, who may contact the locality to gather more information (20-20-80(B)). If the submitted complaint does not meet the requirements of a formal complaint, it may be responded to informally by the appropriate staff (20-20-80(B)).





Best Practice Guide to Selecting a Polling Place

Availability

The polling place should be available for all general, special, and primary elections. Selection of a public building for the location of a polling place helps to ensure availability.

Accessibility

As discussed above, polling places are legally required to meet accessibility standards related to public services outlined in the Virginians with Disabilities Act, the Voting Accessibility for the Elderly and Handicapped Act, and the Americans with Disabilities Act (“ADA”). Local electoral board should visit each potential new site and conduct an accessibility survey before recommending it. Localities should consider the effort and cost (and available funding) necessary to make the site accessible.

Convenience

Where possible, the polling place should be in a location that provides maximum ease of access for all voters in the county, city, or town precinct. A polling place should be on a well-known street or road, in a well-known public building, and in a location that requires the shortest driving time for voters in the outlying parts of the precinct. While there are no rules regarding maximum travel time to a polling place, it is recommended that, in general, a voter should not be expected to spend more than twenty minutes, under normal traffic and weather conditions, driving to the polling place from home.

Security

Polling place facilities should also provide a sense of security to voters while ensuring that a free, open, and transparent election is conducted. The ideal facility should have a secure area where voting equipment and materials can be safely stored overnight, should that be necessary.

Utilities

Proper utilities are important for ensuring the effective operation of election technology and the safety and comfort of voters and election officials at the polling place. At a minimum the polling place should have electricity, adequate lighting, and phone availability. Polling places should also have adequate heat for winter elections and air conditioning for summer elections. Restroom facilities are also important. Make sure election officials are aware of how to operate utilities when the option is available (e.g., if the thermostat for the room in which polling takes place can be adjusted, or if the polling place telephone requires a particular number to reach an outside line).



Order

Voting should be able to be conducted with minimal disruption by the activities that normally take place at a polling location. To evaluate whether this is possible, look at the overall facility and the actual polling place during a time of normal activity. For example, if a proposed polling place is in a school, visit on a day school is in session. Because there are elections throughout the year, this should be done even if the locality normally does not have class on November Election Days. Be careful with the use of gymnasiums in educational facilities. Negotiation with facility management may be necessary to ensure that no sporting or other events are scheduled for the evening of Election Day, particularly for special elections, and to make sure that sports equipment is not left where it can impede voting activities or be accessed by voters. Gyms are often cold and acoustically difficult for voters with hearing disability, so other types of rooms are preferred if available.

When evaluating the suitability of a polling place, identify potential hazard areas (e.g., steps/sidewalks that could be icy in winter, floors that could be slick when wet). Discuss your concerns with facility management or custodial staff to ensure that these problem areas will not cause issues on Election Day. Additionally, you may want to consider the safety in managing the 40-foot line pursuant to §24.2-604. For example, using a polling place entrance within 10-feet of street would lead to unsafe conditions and potentially impact the First Amendment rights of individuals wishing to campaign.

Emergency Preparedness

Each polling place should be equipped to respond to any number of emergency circumstances. Make sure that polling places are equipped with basic safety equipment (e.g., fire alarms, fire extinguishers, clearly marked exits). Talk to the property manager about whether emergency evacuation plans exist for each polling place (evacuation routes, meeting points, etc.). If a plan does not already exist, registrars or electoral boards should consider making one for officers. You should also consider contingency plans should an emergency make the polling place inaccessible on Election Day. For example, is there a secure space outside the polling place that could be used to conduct the election should the polling place become unusable? Is there a nearby facility that the polling place could be moved to in the event of an Election Day emergency? Registrars may consider keeping the contact information of such nearby facilities, just in case such an emergency occurs.

3.3.4 Operating a Split Precinct Polling Location

Split precincts require additional planning beyond that required to run a polling place with only a single ballot style. Current election technology should allow for the smooth operation of split precincts, but officers of election must be mindful of the ballot style that each voter should receive and have a well-documented process for identifying the ballot style that should be issued to each voter.



**Best Practice**

Some localities use colored cards that are handed to voters that they exchange for the correct ballot style, other localities have the ballots accessible to the check in clerks who distribute ballots.

3.3.4.1 Split Precinct Organization

How a split precinct is laid out may vary, but variations tend toward two extremes. Some localities treat precinct segments separately. These localities may use colored cards that direct voters to separate areas where they are handed the correct ballot style and/or given access to the correct voting device. Other localities chose to have a less clear separation between precinct segments.

The choice of how to organize affects your polling place set-up, the number of machines, lines, and officers that you need, as well as the supplies used in the precinct and envelopes for returning the official supplies. Variables that may impact the choice of setup include the type of voting equipment in use, whether e-pollbooks or paper pollbooks are used, and whether you have more than one room inside the polling place available for voting.

3.3.4.2 Officer Training for Split Precincts

Pre-election training sessions should include a special class for officers working in split precincts. It is important that these officers fully understand their responsibilities on Election Day.

Officers of election should be familiar with the geography of the split precinct, and which voters are voting in each election. While the voters' ballot style should be clearly indicated on the electronic pollbook, it is still helpful for the officers of election to know which areas, neighborhoods, and subdivisions in the precinct are in the different segments of the split. This will be helpful in explaining to voters who ask why only certain offices are on their ballot.

Officers should understand the sign-in process, the operation of separate entry slips (if used), how to handle voters who are in the wrong line (if used), when to call the registrar's office, etc. It should be emphasized that a split does not affect how the pollbook will be marked.

Finally, officers in split precincts must understand how to complete the Statements of Results (SOR); two Statements must be completed for each precinct split.

3.3.4.3 Conducting the Election in a Split Precinct

After the voter has been checked in on the pollbook, the officer of election should either give them an entry slip that clearly shows which machine type or ballot style to use (when treating splits separately) or give them the correct ballot style (when splits are "combined").

For ballot scanner systems, separate scanners may be used for each split or all splits may be programmable on one scanner depending on the type of equipment and how



the locality chooses to manage their splits. Machine officers must be trained on how to manage splits on their equipment prior to Election Day.



Regulation Note

1VAC20-60-30: Electronic Devices in Polling Places. Regulation 20-60-30(A) states that individuals may use and bring electronic devices inside the polling place. Party candidates and representatives, however, are prohibited from taking photos or videos within the polling place.

Officers of election are authorized to monitor and restrict use of electronic devices inside the polling place if an individual's use hinders or delays the voting process, or if this device is being used to influence, intimidate, or solicit another individual's vote (20-60-30(B)).

Those found violating 20-60-30 may be asked to stop using their electronic device, to use their electronic device outside the polling place only, or to leave the polling place entirely (20-60-30(B)). However, a voter may not be removed from the polling place for use of an electronic device until after their ballot is cast (20-60-30(C)). Any determination an officer of election makes as to the use of electronic devices in polling places is subject to immediate appeal to the local electoral board (20-60-30(D)).

Electoral boards are also forbidden from enacting any policy that categorically denies use of electronic devices in polling places (20-60-30(E)).



Office of the Attorney General Opinion

Voters may take pictures of themselves or their ballot while in the polling place. However, voters are not allowed to communicate with others outside of the polling place (i.e., streaming on social media or calling another person) as this would be a violation of §24.2-1006. Taking pictures of other voters in the polling place is permitted unless the voter taking the picture infringes on another voter's ballot secrecy or is otherwise disruptive in the polling place.

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3.3.4.4 *Ascertaining the Results in a Split Precinct*

After the polls close, the officers of election should go about their closing/ascertainment routine as if there were two separate precincts. Two Statements of Results (SORs) should be completed for each precinct segment.

The Statement of Results (SOR) form should be labeled to identify the precinct segment it covers. Everything entered on the form should apply only to the precinct segment it covers. Particular care is required to enter the "number of voters voting" only for the relevant segment.

⁴⁸ See 2016 Op. Va. Att'y. Gen. 38, ([September 29, 2016](#)).

There is no need to separate each segment into separate election materials envelopes for return to the clerk of court or registrar. However, all sensitive materials (materials that will be needed by the electoral board during the canvass or materials that might be needed in a recount or contest) should be separately banded and bundled according to split precinct segments. Each bundle should be labeled with a piece of paper noting the appropriate precinct segment before the bundles are placed in the appropriate envelope. There is no need to separately bundle items that are not germane to a canvass, recount or contest, such as the Code book, officer of election buttons/badges and the like.

3.3.4.5 *Reporting Results in a Split Precinct*

Localities that assemble their unofficial results on election night by calling them into a central office must agree in advance on whether to report results by split precinct segment or by aggregating the segments in order to provide results for the complete precinct. The registrar or electoral board member should, when reporting to the media, report the aggregated results for the entire precinct. Reporting by split precinct segment serves no purpose and will only confuse media representatives.

3.4 PROCESS TO CHANGE PRECINCT OR POLLING PLACES

No changes that reduce the number of, consolidates, or relocates polling places in a locality can move forward without first having a public comment period with a public hearing or receiving a certificate of no objection (CNO) from the Attorney General. Refer to Chapters 3.3.2 through 3.3.2.2 for additional details.

3.4.1 *Providing Notice to the Department of Elections*

Precinct and polling place management in VERIS is handled by the Department of Elections. Once your change request has been submitted by submitting either a Standard or Emergency Polling Place Change ticket in JIRA, ELECT will process your ticket through JIRA and make the necessary updates in VERIS.

3.4.1.1 *More Than 60 Days Before a General Election*

If it is more than 60 days before a general election, a completed Standard Polling Place Change form must be submitted through JIRA to the Department of Elections. The ticket must include: (i) a copy of the ordinance or minutes from the local governing body; and (ii) supporting documentation that shows the preclearance process was followed, such as public hearing minutes or a copy of a certification of no objection. The Standard Polling Place Change form may be used for multiple purposes not involving polling place relocation (e.g., precinct line change, name change, change to the location of the general registrar's office). Please check the boxes on the form that describe the requested change and provide the required information (e.g., ADA compliance and electric company information for a polling place change).

3.4.1.2 *60 Days or Less Before the General Election*

If there are fewer than 60 days before the general election, the general registrar or electoral board should notify the Department of Elections of the proposed emergency relocation of the polling place by submitting a completed Emergency Polling Place



Change form through JIRA.⁴⁹ When submitting the JIRA ticket, the general registrar should provide some detail regarding the reason for the emergency relocation, i.e. a fire occurred at the location, the location is holding an event at day, construction in the parking lot, etc. The locality may also provide the Department with a copy of a letter or some other form of correspondence that demonstrates that the local governing body is aware of the emergency polling place change as preclearance is not required for an emergency change.

Virginia Code §24.2-310(D) defines “emergency” as “a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.”⁵⁰ The use of the Emergency Polling Place Change form should only be used when circumstances meet this definition. For an emergency, only the polling place can be changed, and the change can only be made temporarily.

3.4.2 Providing Notice to Voters

The mailing costs and postage expenses for voter notification should be anticipated and included in the budget request associated with the precinct change.

Pursuant to §24.2-306, “Notice of a change in the location of a polling place shall also be posted, to the extent practicable, at the location last used for such polling place on the day of the first primary election and first general election conducted in the new location. This notice shall also include information on how voters may find their polling place.”⁵¹

3.4.2.1 *More than 60 Days Before the Next Election*

The general registrar or electoral board must notify active voters by mailing a new voter registration notice if their election district, precinct, or polling place is changed. This includes county or city precinct, local election district, town/town precinct, super district, and/or legislative district (congressional, house or senate), when applicable.

- If a polling place is only being *renamed* or being *relocated within the same building* but neither the polling place nor the address has changed (e.g., the name of the building is changing from Brown Rescue Squad to Brown Community Center, or the room is moving from the cafeteria to the gym), preclearance is not required since the actual polling place is not being reduced, consolidated, or relocated. In instances where only the name of the polling place is changing but all other information remains the same, the general registrar must update the name in VERIS. A Polling Place Move ticket in JIRA is not required. However, ELECT requests localities to submit a ticket to ensure ELECT is notified of the change and has complete records. New voters notices are not required in either instance, but providing them is a best practice. If new notices are not mailed, localities should ensure that information is properly updated in VERIS, on a locality’s website, and announced through social media (if available).

⁴⁹ See [§24.2-310](#). See ELECT, FormsWarehouse, [Emergency Procedures](#).

⁵⁰ See [§24.2-310\(D\)](#).

⁵¹ See [§24.2-306](#).



Additionally, signage directing voters to the new location within the building is encouraged in order to reduce confusion.

All active voters must be notified by mail at least 30 days prior to the next election.⁵² Inactive voters are excluded from this requirement.⁵³

Once ELECT has reviewed the details supplied using the Standard Polling Place Change or Emergency Polling Place Change (JIRA ticket) requests, along with the attached proof of relocation by the local governing body (e.g. an ordinance and meeting minutes, or certificate of no objection), the affected voters' registration records will be updated accordingly. The Department of Elections can generate information for the voter registration notices, but localities are responsible for printing and mailing the voter registration notices.⁵⁴ Once ELECT has fully approved and processed a Polling Place Move request, general registrars must **wait** for VERIS to update overnight before printing the voter notices. VERIS will not exclude inactive voters from printing voter registration notices.

Additionally, the registrar or electoral board must publish notice of changes to districts, precincts or polling places prior to enactment.⁵⁵ Notice must be provided in a newspaper that is generally circulated in the affected precinct once a week for two successive weeks. The public notice must "state where descriptions and maps of proposed boundary and polling place changes may be inspected."⁵⁶

3.4.2.2 *60 Days or Less Before the Next Election*

In the event of an emergency polling place relocation, the general registrar must give notice to "all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place."⁵⁷ Registrars must also "provide notice to the voters appropriate to the circumstances of the emergency."⁵⁸ In most circumstances outside the 30 days before the election, notice should look exactly like the notice provided for non-emergency polling place relocations (i.e. mailed voter information notices, and one notice a week for two weeks in a local paper). When the non-emergency requirements cannot be met, registrars should use all prudent means to ensure that all affected voters are notified of the emergency change (e.g. posting signage, via social media, on the locality's website, etc.).

⁵² *Id.*

⁵³ See [§24.2-101](#).

⁵⁴ See [§24.2-114\(13\)](#).

⁵⁵ See [§24.2-306](#).

⁵⁶ *Id.*

⁵⁷ See [§24.2-310\(D\)](#).

⁵⁸ *Id.*



3.5 REVIEW OF INFORMATION WHEN DISTRICT OR PRECINCT BOUNDARIES CHANGE

3.5.1 Locality's Requirement to Provide Information

Any time the governing body of a locality changes the boundaries of a district or precinct, the governing body is required to provide a copy of the ordinance and a Graphic Information System (GIS) map to the following:

- The local electoral board,
- The Department of Elections, and
- The Division of Legislative Services.⁵⁹

If a locality does not have GIS capabilities, they may ask the Department of Elections for assistance in creating and providing the maps.⁶⁰

3.5.2 Department of Elections Review of Information

Once the Department of Elections receives an ordinance and GIS map from a locality, the Department will review the information and compare it to current information in VERIS to ensure voters have been assigned to the correct districts. The Department will notify the General Registrar of any changes that may need to be made.⁶¹

⁵⁹ See §§ [24.2-103.1](#), [24.2-304.3](#), and [24.2-306](#).

⁶⁰ See [§24.2-103.1](#).

⁶¹ See [§24.2-103.1](#).

