

# Assistant Chief Education Program – The Law

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**This presentation has audio, make sure your speakers are not muted and  
your volume is turned up.**



# The Law

## General

- It is vital to understand the law; you do not need to know the citation (e.g., 24.2-115) but the intent of the law IS important to know. This is the “Why?” behind many or most of the things we do.
- Every polling place has a book in it titled Virginia Election Law– you have to remove the shrink wrap to use it.
- Legal citations can be looked up at:  
<https://law.lis.virginia.gov/vacode/title24.2/>
- Title 24.2 of the Code of Virginia is where most of the Virginia law applicable to elections is found.



# The Law

This presentation attempts to make the law easier to read. Much information has necessarily been cut – we are not trying to train election lawyers, but we do want all EOs and particularly Chiefs and Assistants to have a working knowledge of election law as it pertains to them.

## Conventions Used:

- The word SHALL in the law means that you must do something. SHALL NOT means that you must not.
- EO - we commonly say Election Official, Election Officer, Officer of Election – the code exclusively uses “officer of election” – the EO abbreviation is used here as a shorthand for that.
- Pollbook – where the code refers to an electronic pollbook, that is our Poll Pad.
- Poll watchers - authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election.
- Scanner - “Voting or counting machines”, “voting system”, “ballot scanner”, “machines”, “voting devices” and “the equipment” in the code. This is our DS300 (old DS200).
- Words in all caps, e.g., SHALL, are written that way here for emphasis, in the law they are generally lower case.



# Presentation Approach

- In this presentation, each slide on the law will begin with the citation and title of the section just as it appears in the code.
- The material in the body of the slide is a paraphrase of the law. Necessarily some information has been lost in the attempt to distill this down to what you need to know.
- There are a lot more election laws that may impact what happens in an election, but which do not directly affect EOs. They are not discussed here.



## § 24.2-115. Appointment, qualifications, and terms of EOs

- Must be a qualified voter of the Commonwealth and if practicable live in the precinct.
- Equal representations from the two parties if practicable among EOs – this is referred to as parity.
- Chiefs and assistants should not represent the same party if practicable.
- Each Chief and Assistant SHALL be instructed between 3 and 30 days before each election.
- Each EO MAY be instructed in his duties at an appropriate time or times before each November general election.



## § 24.2-115.2. EOs; required training

- Each EO SHALL receive such training, or complete the online training course, before the first election in which he will be serving as an EO. Such requirement SHALL apply to each term for which the EO is appointed.
- Each EO SHALL receive additional training or instruction whenever a change to election procedures is made that alters the duties or conduct of the EOs.
- Such changes SHALL include changes to voting systems, electronic pollbook equipment or programming, voter identification requirements, and provisional ballot requirements.
- Such additional training SHALL be given not less than three days prior to the first election occurring in the locality after the law or regulation has taken effect.



## § 24.2-401. Persons moving from precinct

This gives rise to some of the Mover's Rules

- A qualified voter who moved his residence from one precinct to another within the Commonwealth may vote in the precinct FROM WHICH he has moved up through the following November general election.
- In addition, a person may continue to vote in the precinct FROM WHICH he has moved through the ensuing SECOND general election for federal office, provided that he has moved within the county and submits a change of address to an EO.

Mover's rules only work to let you check a voter in if the voter is on your Poll Pad. If they are not, they either have to go to another precinct or vote provisionally.



## § 24.2-603. Hours polls to be open; closing the polls

- The polls SHALL open at 6:00 a.m. on the election day and close at 7:00 p.m. on the same day.
- At 6:45 p.m. an EO SHALL announce that the polls will close in fifteen minutes. Voters in line at 7:00 get to vote, others do not.

A good practice if you have a line out the door at 7:00 p.m. is to station one or two EOs at the end of the line so they can turn away latecomers.



## § 24.2-604. Polling places; prohibited activities; prohibited area; penalties – **slide 1 of 2**

- While the polls are open and within one hour of opening and closing, the 40 foot line is the limit for people to loiter or congregate or campaign or to possess a firearm.
- Prior to opening the polls, the EOs SHALL post the 40 foot line and a sign stating "Prohibited Area". The 40 foot line is measured from ANY entrance.
- Poll watchers may not hinder or delay voters or campaign or hinder or delay an EO or be where they can see a marked ballot or impede orderly conduct of the election.
- Voters can wear a shirt, hat, or other apparel or sticker or button on which a candidate's name or a political slogan appears. This exemption SHALL NOT APPLY to candidates, representatives of candidates, or any other person who **ENTERS THE POLLING PLACE FOR ANY PURPOSE OTHER THAN VOTING.**



## § 24.2-604. Polling places; prohibited activities; prohibited area; penalties – **slide 2 of 2**

- Candidates can enter a polling place on the day of the election to vote, or to visit a polling place for no longer than 10 minutes per polling place per election day, but only when voting can they wear campaign materials.
- Any law-enforcement officer, any retired qualified law-enforcement officer, any person occupying his own private property that falls within 40 feet of a polling place, and any licensed armed security officer in the performance of his duties at a polling place may bear firearms.
- The EOs may require any person who is found by a majority of the EOs present to be in violation of this section (all of 24.2-604) to remain outside of the prohibited area.
- Violators of this section are guilty of a Class 1 misdemeanor.



## § 24.2-604.3. Election day page program; high school students

- The electoral board, or its general registrar, may conduct a special election day page program for high school students to stimulate the pages' interest in elections and registering to vote, provide assistance to the EOs, and ensure the safe entry and exit of elderly and disabled voters from the polling place.
- Each page SHALL receive training on the duties, responsibilities, and prohibited conduct of election pages.
- Each page SHALL take and sign an oath as an election page, serve under the direct supervision of the chief of his assigned polling place, and observe strict impartiality at all times.
- Election pages may observe the process, ask questions, assist in the arrangement of the voting equipment, furniture, and other materials for the conduct of the election.
- Election pages SHALL NOT enter any voting booth.
- Election pages may, at the direction of the Chief, assist in the counting of unmarked ballots but SHALL NOT handle or touch ballots in any other circumstance.



## § 24.2-604.4. Polling places; authorized representatives of party or candidate; prohibited activities – **slide 1 of 2**

- The EOs SHALL permit one poll watcher of each political party or independent candidate in a general or special election, or one poll watcher of each candidate in a primary election, to remain in the room in which the election is being conducted at all times.
- A poll watcher may serve part of the day and be replaced or not.
- The EOs SHALL PERMIT one poll watcher FOR EACH POLLBOOK station. However, no more than one such representative for each pollbook station or three representatives of any political party or independent candidate, whichever number is larger, SHALL be permitted in the room at any one time.
- Each poll watcher SHALL be a qualified voter of the Commonwealth. No candidate whose name is printed on the ballot SHALL serve as a poll watcher
- Each representative SHALL present to the EOs a written statement designating him to be a representative of the party or candidate that is signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate – photocopies are OK. Note that in a primary all of the candidates are “independent” so the statements require the independent candidate’s signature.



## § 24.2-604.4. Polling places; authorized representatives of party or candidate; prohibited activities – **slide 2 of 2**

- Poll watchers SHALL be allowed to be close enough to the voter check-in table to be able to hear and see what is occurring but may not interfere.
- Any representative who complains to the Chief that he is unable to hear or see the process may accept the chief officer's decision or, if dissatisfied, he may immediately appeal the decision to the local electoral board or general registrar.
- Poll watchers SHALL be allowed, whether in a regular polling place or central absentee voter precinct, to use a cell phone but SHALL NOT take photos inside the polling place or central absentee voter precinct.
- Poll watchers SHALL NOT be allowed in any case to provide assistance to any voter, or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.
- The EOs may require any person who is found by a majority of the officers present to be in violation of this section to remain outside of the prohibited area.



## § 24.2-604.5. Polling places; presence of additional persons authorized

- The electoral board or general registrar may authorize in writing the presence in the polling place of additional neutral observers as may be deemed appropriate, such observers may not assist voters and can be voted out if they are in violation.
- The EOs SHALL permit representatives of the news media to visit and film or photograph inside the polling place for a reasonable and limited period of time while the polls are open. They SHALL NOT film anyone who asks not to be, SHALL NOT film anything that divulges how a voter is voting, and SHALL NOT film any voter lists.
- Any interviews with voters, candidates, or other persons; live broadcasts; or taping of reporters' remarks SHALL be conducted outside of the polling place and the prohibited area.
- The EOs may require any person who is found by a majority of the officers present to be in violation of this subsection to leave the polling place and the prohibited area.



## § 24.2-607. Prohibited conduct; intimidation of voters; disturbance of election; how prevented; penalties

- No one SHALL hinder, intimidate, or interfere with any qualified voter so as to prevent the voter from casting a secret ballot. EOs may order a person violating this subsection to cease such action and if they do not, may order their arrest by law enforcement, and, by their warrant, may commit him to the county jail for a period not exceeding twenty-four hours. This is a Class 1 misdemeanor.
- No person SHALL be noisy or riotous at the polls so as to disturb the election or insult or abuse an EO. Law enforcement officers may arrest anyone doing so. But the EOs SHALL permit him to vote if he is so entitled.



## § 24.2-608. Officers to decide order of voting

- EOs SHALL promptly decide in which order qualified voters may vote, based on who the EOs believe was first.



## § 24.2-611. Form and signing of pollbooks; records of persons voting; electronic pollbooks

- Each EO SHALL swear to and sign the oath of election.
- All pollbooks SHALL keep track of the number of voters voting. If paper is used the EOs SHALL keep track.
- Every precinct SHALL have a paper pollbook as a backup.
- If the electronic AND paper pollbooks are unavailable, then keep a list of everyone who votes and vote them all provisionally.

Not in the law, but the bullet above is obviously a “AND CALL THE REGISTRAR” situation.



## § 24.2-624. Opening and closing ballot containers; opening polls

- Before opening the polls, all ballot containers SHALL be opened and inspected to determine they are empty – other EOs and poll watchers may observe this.
- Then the ballot containers are locked and not opened until the close of the polls when they are opened for counting.
- These scanners SHALL be kept in full view during the election.



## § 24.2-636. Instruction as to use of equipment

- Three to thirty days before an election, any previously untrained EO SHALL be trained on using equipment.

You must attend the training the Electoral Board or Registrar says you must.



## § 24.2-638. Voting equipment to be in plain view; officers and others not permitted to see actual voting; unlocking counter compartment of equipment, etc.

- During the election, the exterior of the voting equipment and every part of the polling place SHALL be in plain view of the EOs except in case of emergency.
- In case of emergency that makes a polling place unusable or inaccessible, voting or counting machines may be removed to an alternative polling place.
- The scanner SHALL be placed at least four feet from any table where an EO is working or seated.
- The EOs SHALL NOT be or permit anyone else to be, in or near any position that permits them to see how a voter votes or has voted.
- An EO SHALL inspect the face of the scanner after each vote to verify that the ballots went in their proper places and that the machine has not been damaged.
- During an election, the scanner door SHALL not be unlocked except for good and sufficient reasons, a statement of which SHALL be made and signed by the EOs and attached to the statement of results.
- Voting equipment custodians, vendors, or contractor technicians are authorized to be in the polling place.



## § 24.2-639 - Duties of EOs

- EOs SHALL meet at the polling place by 5:15 a.m. on election day.
- Equipment keys SHALL be secured and not opened until in the polling place and equipment only operated by voters in voting.
- Before the polls open, each EO SHALL and poll watchers may inspect equipment to ensure zero counts.
- If the scanner does not have a zero count, EOs SHALL immediately notify the registrar.




## § 24.2-642. Inoperative equipment

- If the scanner breaks, the EOs SHALL immediately notify the registrar. If possible, a repair or replacement SHALL be made in the presence of 2 EOs representing the parties.
- No broken scanner that contains votes SHALL be removed from the plain view of the EOs or from the polling place at any time during the election through closing.
- Ballots from a broken scanner may be scanned on a working scanner by an EO in the presence of anyone permitted to be there. If no working scanner is available, ballots may be counted manually or as directed by the electoral board.



## § 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification – **slide 1 of 2**

- Qualified voters SHALL be permitted to vote and EOs SHALL ensure a voter is qualified before giving them a ballot.
- An EO SHALL ask the voter for his full name and current residence address and the voter may give such information orally OR IN WRITING. The EO SHALL verify with the voter his full name and address and SHALL repeat, in a voice audible to party and candidate representatives present, the full name provided by the voter. The officer SHALL ask the voter to present a valid ID. Ignore the expiration date on a Virginia Driver's License.
- Except for HAVA voters, a voter may sign a statement saying they are who they say they are. Voters who need assistance and have signed the form may be assisted with this statement.

A HAVA voter is one subject to the requirements of the Federal Help America Vote Act of 2002. HAVA requires many things, among them it requires that voters who register to vote by mail provide specific ID the FIRST time they vote in a Federal election. See the last bullet on the next slide for more. 

## § 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification – **slide 2 of 2**

- A voter with an ID, on the pollbook, qualified to vote who is not objected to SHALL be checked in, SHALL be given a ballot and admitted to the marking booths.
- Once a voter is checked in and given a ballot they SHALL remain in the presence of EOs in the polling place until they have voted.
- A voter may be accompanied into the voting booth by children 15 and younger.
- If a voter on the pollbook has moved, they SHALL be given a change of address form to complete and return to an EO.
- HAVA voters must show an ID the first time they vote, either a photo ID or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. If they do not, they are offered a provisional ballot.



## § 24.2-645. Defaced printed ballots

- Any printed ballot unintentionally or accidentally defaced and rendered unfit for voting may be surrendered to an EO to receive another. The returned ballot SHALL be marked spoiled by the EO and placed in the spoiled ballot envelope.



## § 24.2-647. Voting systems; demonstration on election day

- An EO SHALL instruct any voter who requests instruction before voting on the proper manner of voting. The EO may direct the voter's attention to sample ballots.
- If any voter, after entering the marking booth, asks for further instructions concerning the manner of voting, two of the officers from different political parties SHALL give such instructions to him, but no officer SHALL in any manner request or seek to persuade or induce any such voter to vote for or against any particular ticket, candidate, or question. After giving such instructions and before the voter votes, the officers SHALL leave the voting booth, and the voter SHALL cast his ballot in secret.



## § 24.2-649. Assistance for certain voters inside the polling place; penalties – **slide 1 of 2**

- Any qualified voter who requires assistance to vote may, if he signs a request for assistance form, be assisted in voting. The assistant SHALL be someone other than his employer, agent of the employer, officer or agent of the voter's union, and may be an EO.
- The assistant also has to sign the form.
- A voter unable to sign the request for assistance form may make his own mark acknowledged by him before an EO which SHALL be sufficient signature, provided no mark SHALL be required of a voter who is blind.
- The assistant SHALL assist the qualified voter in the preparation of his ballot in accordance with his instructions and SHALL NOT in any manner attempting to influence his vote and SHALL keep his vote private.



## § 24.2-649. Assistance for certain voters inside the polling place; penalties – **slide 2 of 2**

- If the voter requires assistance in a language other than English and does not have a person to assist him, an EO may assist as an interpreter, but SHALL first inquire of the poll watchers present whether they have a volunteer available who can interpret for the voter. One representative interpreter for each party or candidate, insofar as available, SHALL be permitted to observe the EO communicate with the voter.
- In any polling place in which an electronic voting machine is available that provides an audio ballot, the EOs SHALL notify a voter requiring assistance that such machine is available for him to use to vote in privacy without assistance and the EOs SHALL instruct the voter on the use of the voting machine if the voter wants to use it.



## § 24.2-649.1. Assistance for certain voters outside of the polling place

- Voters 65 or over or who are disabled (either permanently or temporarily) are entitled to vote outside.
- The outside voting area SHALL be within 150 feet of the entrance.
- The outside voting area SHALL be clearly marked and the number to call posted and visible.
- Training on providing assistance for voters outside of the polling place SHALL be provided to all EOs.



## § 24.2-650. Officers to sign only official papers, etc.

- No EO SHALL sign or otherwise mark any paper, form, or item, other than one furnished by the State Board, his electoral board, or general registrar, at his polling place during the hours that the polls are open.



## § 24.2-651. Voter who is challenged; how challenge tried – **slide 1 of 2**

- Any qualified voter may, and the EOs SHALL, challenge the vote of any person who is listed on the pollbook but is known or suspected not to be a qualified voter.
- The individual making the challenge SHALL complete and sign the challenge part of the Affirmation of Eligibility form.
- Upon receipt of a signed challenge from a qualified voter or EO, an EO SHALL explain to the challenged voter the qualifications of a voter and may examine him concerning his qualifications.
- The EOs may administer the necessary oath or affirmation to any witness brought before them to testify as to the qualifications of any person offering to vote.
- If the person being challenged insists that he is qualified and the challenge is not withdrawn, one of the officers SHALL give him the Affirmation of Eligibility form to sign.



## § 24.2-651. Voter who is challenged; how challenge tried – **slide 2 of 2**

- If the person challenged refuses to sign the statement, he SHALL NOT be permitted to vote.
- If, however, he signs the statement, he SHALL be permitted to vote on the voting system in use at the polling place, unless he is required to cast a provisional ballot pursuant to § 24.2-651.1.
- When the voter has signed the statement and is permitted to vote, the EOs SHALL check him in on the pollbook, and SHALL indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.
- If the envelope containing a voted absentee ballot has been properly signed by the voter, such ballot SHALL NOT be subject to challenge pursuant to this section.



## § 24.2-651.1. Voter who is shown as having already voted; provisional ballots

- Any person who offers to vote, who is listed on the pollbook, and whose name is marked to indicate that he has already voted in person in the election SHALL cast a provisional ballot.



## § 24.2-652. Voter whose name erroneously omitted from pollbook; provisional ballots

- Such person SHALL be allowed to vote by provisional ballot pursuant to § 24.2-653. The EOs SHALL provide to him an application for registration.



## § 24.2-653. Provisional voting; procedures in polling place – **slide 1 of 2**

- Any person voting provisionally SHALL be given a printed ballot and provide on a green envelope supplied by the Department of Elections, the identifying information required on the envelope, including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature.
- Such person SHALL be asked to present an ID or sign an ID confirmation.
- The EOs SHALL note on the green envelope whether or not the voter has presented one of the specified forms of identification or signed the required statement in lieu of presenting one of the specified forms of identification.
- The EOs SHALL enter the appropriate information for the person in the precinct provisional ballots log but SHALL NOT enter the voter on the pollbook.



## § 24.2-653. Provisional voting; procedures in polling place – **slide 2 of 2**

- The voter SHALL then, in the presence of an EO, but in a secret manner, mark the printed ballot and seal it in the green envelope. The envelope containing the ballot SHALL then promptly be placed in the provisional ballot container by an EO.
- An EO SHALL inform the voter by giving him a Provisional Voter Notice that a determination of his right to vote SHALL be made by the electoral board and advise the voter of the beginning time and place for the board's meeting and of the voter's right to be present at that meeting.
- If the voter is provisional because of no ID, the other side of the Notice form SHALL be used to show how he can submit proof of ID.



## § 24.2-653.1. Voters who did not receive absentee ballots; provisional ballots

- Any voter whose name is shown on the pollbook as having applied for an absentee ballot, SHALL be entitled to cast a provisional ballot if, for any reason, he did not receive or has lost the absentee ballot or has chosen to not vote absentee and does not have his absentee ballot to surrender.

If a voter brings their absentee ballot to surrender, they may do so and be checked in to vote normally.




## § 24.2-653.2. Ballots cast after normal close of polling hours due to court-ordered extension; provisional ballots

- If the polling hours are extended by court order, any ballots marked after the normal polling hours by persons who were NOT already in line at the time the polls would have closed, SHALL be treated as provisional ballots under this section.



## § 24.2-653.3. Voters assigned to split precinct; provisional ballots

- Any voter who is assigned to a precinct that is split between two or more election districts who believes he was given a ballot for the district of which he is not a qualified voter may request, prior to casting the ballot, and SHALL be permitted to cast a provisional ballot both for the district of which he believes he is a qualified voter and for the district in which the pollbook indicates he is registered.
- The provisional ballots SHALL be cast as regular provisionals, except that the voter SHALL be given a printed ballot for the district of which he believes he is a qualified voter and for the district in which the pollbook indicates he is registered, and AN ENVELOPE FOR EACH ballot, which SHALL be labeled with the corresponding district number. After marking each printed ballot, the voter SHALL seal each ballot in its corresponding envelope, and the ballots SHALL then be sealed in the green envelopes provided.

Note, in this case, if the voter was checked in, you must uncheck them in because the voter ONLY votes provisionally. The voter should be flagged as provisional on the Poll Pad, this should throw your provisional count off by one since one voter has two provisional votes. 

§ 24.2-654. Officers to lock and seal voting equipment and ascertain vote after polls closed; statement of results

- As soon as the polls are closed, the EOs SHALL lock the scanner against further voting.
- They SHALL then proceed to ascertain the vote given at the election and continue without adjournment until they declare the results of the election.
- They SHALL seal the scanner.
- In ascertaining the vote, the EOs SHALL complete a statement of results in duplicate.



## § 24.2-655. Representatives of political parties and candidates to be present on request

- Before proceeding to ascertain the vote, the EOs SHALL determine whether up to two poll watchers of each political party having candidates in the election and one representative of each independent candidate or primary candidate request to be present while votes are counted and the statements of results are completed.
- The poll watchers present SHALL have an unobstructed view of the EOs and their actions while votes are counted and the statements of results are completed. The poll watchers are prohibited from interfering with the EOs in any way.



## § 24.2-657. Determination of vote on voting systems

- In the presence of anyone lawfully present at the time, the EOs SHALL determine and announce the results as shown by printed return sheets, including the votes recorded for each office on the write-in ballots, and SHALL also announce the vote on every question. The vote as registered SHALL be entered on the statement of results.
- If there are more votes on the scanner than the number of voters checked in on the pollbook, then the figures recorded by the scanner SHALL be accepted as correct.
- A statement about this discrepancy SHALL be entered by the EOs in the space provided on the statement of results.



## § 24.2-658. Machines with printed return sheets; disposition of sheets

- The printed zero tapes and two copies of the printed results tapes for each scanner SHALL be inserted in the envelope containing the statement of results by the EOs and sealed and returned.



## § 24.2-659. Locking voting systems after election and delivering keys to clerk; printed returns as evidence

- The thumb drive for each scanner SHALL be removed before proceeding to lock and seal each machine. The thumb drive SHALL be enclosed in a sealed envelope and signed by an EO stating the election precinct, the number of each machine, the number on the seal, and the number of the protective counter.
- After the scanner is locked and sealed, its keys are enclosed in an envelope sealed and signed by an EO stating the election precinct, the number of each machine, the number on the seal, and the number of the protective counter.

Albemarle uses 2 EOs to sign the envelopes above.



## § 24.2-667. Completion of statement of results

- After determining the votes cast on scanners and paper ballots, the EOs SHALL verify that all required data has been accurately entered, sign both copies of the statement of results, and affirm that the statement is complete and the information thereon is true and correct.



## § 24.2-708. Return of unused ballots; voting by applicant who did not receive or lost ballot; defaced ballots

- If a voter applied for an absentee ballot and is so marked on the pollbook, they can vote normally in the polling place if they return the ballot and enclosing identifying envelope. If they do not return the ballot and envelope, they may vote provisionally only.



## § 24.2-710. Absentee voter applicant lists

- On the day before the election, the electoral board SHALL deliver one copy of the absentee list provided to it by the general registrar to the chief for each precinct.



## § 24.2-711. Duties of electoral board, general registrar, and EOs

- Paper and electronic pollbooks SHALL be marked with an AB next to the name of any voter on the absentee voter list.
- The chief EO SHALL keep the copy of the absentee voter list in the polling place as a public record open for inspection upon request at all times while the polls are open.



## § 24.2-712. Central absentee voter precincts; counting ballots – **slide 1 of 3**

- Each county or city SHALL have one or more central absentee voter precincts (CAP) in a public buildings for the purpose of receiving, counting, and recording absentee ballots cast.
- Each CAP SHALL have at least three EOs as provided for other precincts. The number of officers SHALL be determined by the electoral board and general registrar.
- Any voter bringing an unmarked ballot to the CAP on the day of the election SHALL be allowed to vote it. Any voter bringing an unmarked ballot to the general registrar on or before the day of the election SHALL be allowed to vote it, and the ballot SHALL be delivered to the CAP.



## § 24.2-712. Central absentee voter precincts; counting ballots – **slide 2 of 3**

- Absentee ballots SHALL be processed by the EOs at the CAP prior to the closing of the polls. The uncounted ballot envelopes SHALL be verified, opened and the absentee ballots SHALL be scanned prior to the closing of the polls in accordance with procedures prescribed by the Department of Elections, including procedures to preserve ballot secrecy, and no ballot count totals by the machines SHALL be transmitted outside of the central absentee voter precinct until after the closing of the polls.
- The use of cellular telephones or other communication devices SHALL be prohibited in the CAP during such processing and tallying and until the closing of the polls. Any person present in the CAP SHALL sign a statement under oath that he will not transmit any counts prior to the closing of the polls.
- Once the polls are closed in the county or city, the EOs at the CAP SHALL proceed promptly to ascertain and record the total vote given by all absentee ballots and report the results.



## § 24.2-712. Central absentee voter precincts; counting ballots – **slide 3 of 3**

- The electoral board or general registrar may provide that the EOs for a CAP may be assigned to work all or a portion of the time that the precinct is open on election day subject to the following conditions:
  - The chief officer and the assistant chief officer, appointed to represent the two political parties, are on duty at all times; and
  - No officer, political party representative, or other candidate representative SHALL leave the polling place after any ballots have been counted until the polls are closed and the count for the precinct is completed and reported.
- The general registrar may provide that the CAP will open after 6:00 a.m. on the day of the election provided that the office of the general registrar will be open for the receipt of absentee ballots until the CAP is open and that the EOs for the CAP obtain the absentee ballots returned to the general registrar's office for the purpose of counting the absentee ballots at the CAP.



## § 24.2-1000. Intimidation and threats toward election officials; penalty

- Any person who, by bribery, intimidation, threats, coercion, or other means in violation of the election laws willfully and intentionally hinders or prevents, or attempts to hinder or prevent, an election official from administering elections according to the law is guilty of a Class 5 felony. The punishment for a Class 5 felony is a prison sentence of 1 to 10 years, or up to 12 months in jail, and a fine of up to \$2,500.
- "Election official" here includes members of the State Board of Elections, the Commissioner of Elections, members of local electoral boards, general registrars, deputy registrars, EOs and persons employed by the Department of Elections or in the office of a general registrar.



## § 24.2-1001. Willful neglect or corrupt conduct

- If any EO, member of an electoral board, or other person who has a duty under the law relative to any election, is guilty of willful neglect of his duty, he SHALL be guilty of a Class 1 misdemeanor. A Class 1 misdemeanor can be punished by up to 1 year in jail, a fine of up to \$2,500, or both.
- If any person listed in subsection A is guilty of any corrupt conduct in the execution of his duty, he SHALL be guilty of a Class 5 felony. The punishment for a Class 5 felony is a prison sentence of 1 to 10 years, or up to 12 months in jail, and a fine of up to \$2,500.



# Afterword

- Laws are not suggestions.
- Your oath requires you to follow the law to the best of your abilities.

*I do solemnly swear (or affirm) that I will perform the duties for this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting this election.*

- When in doubt about what the law requires, call for backup.

