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### 13.1 City, County, or Town Precinct Requirements and Procedures

A county, city, or town precinct is the territory designated by the governing body. The governing body (city councils, board of supervisors, or town councils) must establish by ordinance the local election district (magisterial) and county, city, and/or town/town precinct lines. Notice shall be published prior to enactment so that the public is aware and provided a chance to comment. [§§ 24.2-306, 24.2-307](#).

If a county or city precinct must be established or updated for an existing and/or new local election district or super district, or town/town precinct and there are at least three and a half months before the election, the electoral board must notify the appropriate governing body.

#### 13.1.1 County/City Precinct

A county or city precinct must be wholly contained within a local election district used for the election of one or more members of the governing body or school board for the city or county if the locality doesn't elect election officials at-large. [§ 24.2-307](#)

A county or city precinct code (four digit numbers), name, and number must be established at the local level.

A county or city precinct cannot have more than 5,000 registered voters at the time it is established. Also, at the time any precinct is established, a **county** precinct cannot have less than **100** voters and a **city** precinct cannot have less than **500** voters. [§ 24.2-307](#).

The electoral board must notify the governing body if the presidential election turnout for a precinct exceeds 4,000. The governing body must revise the precinct boundaries within 6 months to avoid having more than 5,000 registered voters.

### **13.1.2 Town/Town Precinct**

There must be one precinct for each town unless the town council, by ordinance, establishes more than one precinct. A town precinct need not be wholly contained within a county precinct or local election district.

A town/town precinct must be wholly contained within any election district used for the election of one or more town council or school board members. [§ 24.2-308](#).

The town/town precinct name must also be established on the local level; however, the code (four digit numbers) must be retrieved from the applicable federal entity.

<p><b>Note:</b> An alphabetical character associated to the town precinct should appear after the four digits code (example: 9999A, 9999B, 9999C and etc.)</p>
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In addition, to allow for expected changes as a result of the decennial census, the General Assembly customarily enacts legislation “freezing” county, city, and town precinct boundary lines while the counting takes place.<sup>1</sup>

The electoral board should anticipate and include the mailing costs and postage expenses for voter notification in the locality’s budget request.

A completed Polling Place Relocation Form (SBE-15) must be provided to the Department of Elections along with a copy of the ordinance or minutes. The applicable

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<sup>1</sup> The 2010 decennial census “freezing” prohibited localities from enacting changes to county, city, or town precinct boundaries during the period from February 1, 2009 to May 15, 2011. § 24.20-309.2. Because of this prohibition, required changes based on presidential election turnout exceeding 4,000 voters in a county or city precinct had to be adopted promptly during the 2 months following the election. [§ 24.2-307](#) The decennial freeze law includes several exceptions such as a court order; a change in the boundaries of the county, city, or town (as provided by law); a change in the form of government; or an increase or decrease in the number of local elections districts other than at-large districts. Polling place changes could still be enacted during this time.

form can be retrieved in Forms Warehouse at [Local Administration>Polling Place or Office Changes](#).

**Note:** The Polling Place Relocation Form SBE-15) is used for multiple purposes not involving polling place relocation (e.g., precinct line change, name change, town election date change). Please check the necessary boxes upon the form to note the necessary changes requested.

The general registrar must notify *active* voters by mailing a new voter registration notice if their county or city precinct, local election district, town/town precinct, super district, and/or legislative district (congressional, house or senate) when applicable, are changed. All *active* and *affected* voters must be notified by mail at least 15 days prior to the next election. [§ 24.2-306](#). Inactive voters are excluded from this requirement. [§ 24.2-101](#).

The general registrar must enter new or updated county or city precincts, local election districts, town/town precincts, super districts, and legislative districts, when applicable, in the Virginia Election Registration Information System (“VERIS”). This action can be performed in the planned environment in VERIS prior to receiving DOJ approval (reference the Planned Jurisdiction Maintain Step by Steps document for guidance). A copy of the document can be retrieved from the VERIS Homepage in the General Info>VERIS User’s Manual – Step by Steps section.

## 13.2 Generating Voter Registration Notices for a New or Updated Precinct or Election District

Upon receiving a completed Reprecincting and Boundary Line Complete Form and/or Polling Place Relocation Form (SBE-15) and ordinance or minutes, the affected voter’s registration record will be updated accordingly. The Department of Elections can generate information for the voter registration notices, but localities are responsible for printing the voter registration notices. The applicable forms can respectively be retrieved from either [GR and EB>Forms Warehouse>Local Administration>VERIS Forms Category](#) or [GR and EB>Forms Warehouse>Local Administration>GR Office Polling Place Changes](#).

**Note:** VERIS will not exclude inactive voters from printing voter registration notices. The locality must print the voter registration notices.

### 13.3 Polling Place Requirements and Procedures

A polling place is the facility where voters cast their ballot.

If a polling place must be established or moved, and there are at least three and a half months before the election, the electoral board shall notify the appropriate governing body (city council, board of supervisors, or town council), which must establish the polling place by ordinance. ~~Even if the locality is bailed out.~~<sup>2</sup> The electoral board should assist the local governing body in finding new polling places by looking for a site that meets all criteria under [§§ 24.2-310](#) and [24.2-310.1](#). The electoral board or its representative should present the desired location to the governing body.

Notice must be published prior to the enactment in a newspaper having general circulation in the election district or county or city precinct once a week for two successive weeks so that the public can be made aware and heard. [§§ 24.2-306, 24.2-307](#).

<p><b>Note:</b> The above process should also be carried out for voter registration office relocations.</p>
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Where possible, a polling place should be in a location that provides maximum accessibility for all voters in the county, city, or town/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 county, city, or town/town precinct.

~~Unless the locality is bailed out, any newly established or changed polling place for a county, city or town/town precinct must be submitted for pre-clearance under the Voting Rights Act (see GREB Chapter 24). This may include something as minor as changing a polling place name, from one room to another in the same building, if the previously approved submission specified the polling place room (not just the building).~~<sup>3</sup> Consider the voter's perspective when determining whether a proposed polling place change affects voting. Could the change confuse or intimidate? The safest course is to make a submission if there is any doubt, particularly with online submission now possible. The Department of Elections cannot offer legal advice in this area. ~~Only by reference to the earlier preclearance for the polling place can the County, City or Town Attorney (as~~

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<sup>2</sup> See footnote 5.

<sup>3</sup>. On June 25, 2013, the U.S. Supreme Court held invalid Section 4 of the Voting Rights Act that outlines the formula for determining what jurisdictions are covered under the Section 5 Preclearance processes. This ruling makes Section 5 dormant until such time as Congress enacts another formula for coverage that is consistent with the Constitution. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice.

appropriate) determine that a submission is not required (see GREB Chapter 24 which outlines preclearance procedures and additional information).<sup>4</sup>

~~Any facility which was previously pre-cleared must be pre-cleared again under Section 5 of the Voting Rights Act of 1965 unless the locality is bailed out (see GREB Chapter 24).~~

~~If the locality is not bailed out, upon receipt of the DOJ approval letter, the Electoral Board must provide Department of Elections and Legislative Services with a copy of the ordinance or minutes, pre-clearance submission and DOJ approval letter for all permanent, temporary or emergency polling place changes. A completed Polling Place Relocation Form (Department of Elections 15) must be provided to only Department of Elections along with a copy of the pre-clearance submission, ordinance or minutes and DOJ approval letter. The form can be retrieved from SharePoint: [GR and EB>Forms Warehouse>Local Administration>GR Office Polling Place Changes Category](#).<sup>5</sup> A completed Polling Place Relocation Form (SBE-15) must be provided to the Department of Elections along with a copy of the ordinance or minutes. The applicable form can be retrieved in Forms Warehouse: [Local Administration>Polling Place or Office Changes Category](#).~~

The electoral board should anticipate and include the mailing costs and postage expenses for voter notification in the budget request to the locality for the change.

The general registrar must notify *active* voters by mailing a new voter registration notice if their county or city polling place when applicable, are changed. All *active* and *affected* voters must be notified by mail at least 15 days prior to the next election. [§ 24.2-306](#). Inactive voters are excluded from this requirement. [§ 24.2-101](#).

<p><b>Note:</b> The electoral board must provide the Department of Elections and Legislative Services with a copy of the ordinance or minutes for all permanent, temporary, or emergency polling place changes, or the electoral board directs the general registrar to do so. A completed Polling Place Relocation Form (SBE-15) must be provided to only the Department of Elections along with a copy of the ordinance or minutes. The form can be retrieved from Forms Warehouse: <a href="#">Local Administration&gt;Polling Place or Office Changes Category</a>.</p>
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<sup>4</sup> See footnote 7.

<sup>5</sup> On June 25, 2013, the U.S. Supreme Court held invalid Section 4 of the Voting Rights Act that outlines the formula for determining what jurisdictions are covered under the Section 5 Preclearance processes. This ruling makes Section 5 dormant until such time as Congress enacts another formula for coverage that is consistent with the Constitution. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice.

Virginia law requires a single polling place for each county, city, or town precinct. [§ 24.2-307](#). Also, Virginia law sets requirements and time restrictions for polling places in [§§ 24.2-306 - 310.1](#).

Multiple polling places may be established or moved within the same facility; however, they must be in separate rooms.

Polling places must meet accessibility standards in the Virginians with Disabilities Act, the Voting Accessibility for the Elderly and Handicapped Act, and the Americans with Disabilities Act (“ADA”) related to public services. [§ 24.2-310](#). This requirement is discussed in depth in GREB Chapter 8.

**Note:** A town election for town offices held in November must use the regular polling places (and precinct lines) for the county. The county conducts the town election. One or more polling places may need to be treated as "split precincts." [§ 24.2-601](#); *see also* GREB Chapter 14.

Polling place changes generally cannot be enacted within 60 days before a General Election. [§ 24.2-306](#). Reference [Section 13.4: Emergency Polling Place Change](#) if an emergency makes a polling place unusable or inaccessible.

Where an ideal building and/or location do not exist, the need for maximum accessibility must be balanced with the need for a structure of adequate size and design to accommodate Election Day voter traffic. In some cases, the best location may be outside the boundaries of the county, city, or town precinct.

The Code allows several exceptions to the principle of establishing a polling place within the county, city, or town precinct it serves. [§ 24.2-310](#):

- A polling place may be located up to one mile beyond the boundary of the precinct it serves so long as it is still within the same county or city.
- A polling place for a county precinct is permitted to be located in a city wholly surrounded within the county so long as the property is owned by the county. [§ 24.2-310](#).
- A county polling place may also be within a city as long as the city is completely surrounded by the county and within the single election district served by the polling place.
- More than one polling place may be in the same building as long as each polling place is in a separate room or defined area.
- If a county or city precinct that is smaller than the normal size requirement is established (in order to allow all voters in it to vote the same ballot), then the polling place must be within one mile of the county or city precinct boundary. [§ 24.2-309](#).

The following are among the relevant considerations when choosing a location:

- The polling place must be accessible to all voters with particular consideration given to the needs of the elderly and handicapped. Though the general site may be accessible, the electoral board should also consider if the voting area is accessible. Local election officials 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. [§ 24.2-310](#); *see also*, GREB 8.
- The polling place should have electricity, adequate heating and lighting, and phone availability.
- The polling place should be available for all general, special, and primary elections.
- Wherever practicable, the polling place shall be located in a public building. [§ 24.2-310.1](#). Where possible, it 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 county, city town precinct.
- Department of Elections approval is required to locate a polling place in a private facility that serves primarily as the headquarters, office, or assembly building for any private organization. The Department of Elections must determine that no other building meeting accessibility requirements is available. However, Department of Elections approval is not required for a building used by an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature. [§ 24.2-310.1](#).

Other important issues to consider when choosing a polling place include the following:

- Is it convenient for the voters? 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. Voters become particularly aggravated if they have to drive past other polling places to get to their polling place, so driving patterns should also be considered when drawing county, city, or town precinct lines and choosing polling places.
- Is the facility conducive to protecting the integrity of the process? For example, is it secure if you must leave machines there overnight?
- Can the safety and comfort of election officials at that site be ensured? For example, will it have heat for winter elections and AC for summer elections? Is it available from 5 AM until 9 PM? Does it have adequate lighting? Where are the restroom facilities?
- Can voting be conducted with minimal disruption to the activities that normally take place at that location?
- Look at the overall facility and the actual polling place during a time of normal activity. For example, if 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 the hearing impaired, so other types of rooms are preferred if available.

- If the area used for voter entry/exit and the polling place itself normally contains religious displays or governmental displays (especially photos of incumbent officeholders or candidates), consider how to deal with voter complaints, or ask the building owner/manager for temporary changes (if possible) while voting is taking place. If the registrar's office has a display of elected officials' photos, that display should be taken down while absentee voting is taking place if those people are running for election or re-election at that time.
- Has the locality had problems with that location, type of location, or building "owner" or manager in the past?
- Consider the logistics and availability of storage, parking, phones, copy machines (for emergency ballots), etc.

## 13.4 Emergency Polling Place Change

Under the Code, the term "emergency" is strictly construed to mean "a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action." [§ 24.2-310\(D\)](#) which codified [Op. Va. Att'y Gen. 09-081](#). When such an emergency makes a polling place inaccessible or unusable within the 60 day General Election period discussed in [§ 24.2-306](#), the electoral board should act immediately to work with the local governing body to find an alternate polling place site in compliance with all applicable deadlines, including enactment and advertising more than 60 days before the next General Election. ~~And preclearance, if applicable.~~<sup>6</sup>

The Department of Elections may approve an emergency relocation of that polling place. Localities are required to provide notice to both voters and candidates once approval is granted. [§ 24.2-310\(D\)](#). Authority to approve emergency polling place relocations has been delegated to the Commissioner of Elections so the full State Board of Elections is not required to meet to approve the request. The statute requires prior approval for the relocation *and not* an after-the-fact rubber stamp without any evaluation. The Commissioner of Elections may request the full Board to consider the matter before or

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<sup>6</sup> On June 25, 2013, the U.S. Supreme Court held invalid Section 4 of the Voting Rights Act that outlines the formula for determining what jurisdictions are covered under the Section 5 Preclearance processes. This ruling makes Section 5 dormant until such time as Congress enacts another formula for coverage that is consistent with the Constitution. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice.

after approving a request, as a matter for possible action under §§ 24.2-103 and 24.2-234 or even for referral to a Commonwealth's attorney under § 24.2-1001. An emergency request cannot be approved unless it is clear that the nature of the emergency—as opposed to inaction by responsible persons—requires immediate action and approval by Department of Elections. ~~This approval is subject to preclearance for localities not bailed out from the requirements of section 5 of the Voting Rights Act of 1965.~~<sup>7,8</sup>

If a permanent relocation is not possible, the Electoral Board may erect or rent a temporary building—such as a trailer—as the temporary site, as long as it is generally accessible to voters. Whether the new site is within the same building or at another location, the electoral board must comply with the following requirements:

- Notify the Department of Elections and secure its approval and assistance by submitting a completed *Emergency Polling Place Relocation Approval Request Form* (SBE-310). § 24.2-310. The form can be retrieved from Forms Warehouse: >[Emergency Procedures Category](#).
- Forward the Department of Elections a copy of the ordinance or minutes approving the request (required even if locality is bailed out).
- ~~• Request pre-clearance from the Department of Justice if not bailed out.~~
- ~~• Forward to Department of Elections a copy of the pre-clearance submission of the Voting Rights Act submitted to DOJ for approval.~~<sup>9</sup>
- Notify voters and all candidates on the ballot. Notice to political parties is also recommended to assure notice to candidates. If the relocation is permanent and time allows, voter registration notices should be mailed at least 15 days before the next election or as soon as possible based on the emergency circumstances. If the relocation is temporary and time allows, voters and candidates should be mailed correspondence explaining why the temporary emergency change is necessary. If there is not enough time to mail notice, the electoral board should use the best means of public advertising available such as a large or full page advertisement in local papers.
- ~~• Forward pre-clearance approval letter to Department of Elections and the Division of Legislative Services upon receipt.~~<sup>10</sup>

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<sup>7</sup> This 60 day state law barrier for General Elections in § 24.2-306 should not be confused with the 60 day preclearance review in federal law, ~~42 USC 1973e~~ [52 USC §10304](#). No approval by Department of Elections can excuse or substitute for the requirement of preclearance review when applicable or authorize use of polling places that have not been precleared.

<sup>8</sup> On June 25, 2013, the U.S. Supreme Court held invalid Section 4 of the Voting Rights Act that outlines the formula for determining what jurisdictions are covered under the Section 5 Preclearance processes. This ruling makes Section 5 dormant until such time as Congress enacts another formula for coverage that is consistent with the Constitution. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice.

<sup>9</sup> See footnote 12.

<sup>10</sup> See footnote 12.

~~If DOJ approval is not going to be received before the mandated timeline to notify the voters, Department of Elections cannot provide legal advice as to what action, if any, your jurisdiction may need to take so as to comply with the preclearance requirements of §5 of the Voting Rights Act.~~<sup>11</sup>

With that said, you may wish to consult the Department of Justice's website at [http://www.justice.gov/crt/about/vot/sec\\_5/guidelines.php](http://www.justice.gov/crt/about/vot/sec_5/guidelines.php). It may be useful to review the regulations which the Department has issued regarding §5 compliance. These are located at 28 CFR 51.01 to 51.67. Keep in mind that your jurisdiction must make its own independent determination as to whether its obligations under the Voting Rights Act have been met.

~~When emergencies arise on or shortly before Election Day, the locality may not be able to obtain preclearance from DOJ before the election.~~ On Election Day, voters may be notified by notice in the media, other means of communication, or placing notification on voters' doors. Should this situation arise, please seek advice from the Department of Elections regarding notifying the affected voters under the circumstances (see GREB Chapter 24).

### 13.5 Generating Voter Registration Notices or Mailing Labels for Polling Place Change

All localities are responsible for printing voter registration notices that are sent to alert voters to polling place changes. If the polling place is used in a county and town election it may be necessary to submit both forms. The respective forms can be retrieved from Forms Warehouse: >Local Administration>[Polling Place or Office Changes](#) and >[Emergency Procedures](#)>[Polling Place](#) Categories.

**Note:** A temporary polling place change should not be entered in VERIS. Permanent changes should be entered in VERIS only after required approvals have been received from the Department of Elections. ~~As well as DOJ if the locality is not bailed out.~~ ~~If the locality is bailed out,~~<sup>12</sup> The relocation may be entered in VERIS upon the governing body's (city council, board of supervisor or town council) enactment of an ordinance or minutes for the Polling Place Change.

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<sup>11</sup> See footnote 12.

<sup>12</sup> On June 25, 2013, the U.S. Supreme Court held invalid Section 4 of the Voting Rights Act that outlines the formula for determining what jurisdictions are covered under the Section 5 Preclearance processes. This ruling makes Section 5 dormant until such time as Congress enacts another formula for coverage that is consistent with the Constitution. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice.

Follow the Poll Location Step-by-Step Document for assistance with changing the polling place in VERIS. The document can be retrieved from General Info>VERIS User's Manual – Step by Steps section on VERIS Home Page.

**Note:** If the Polling Place is for a new established county or city precinct, after the general registrar has entered the precinct code, name, and polling place information in VERIS and forwarded the completed Redistricting Complete Form, New Precinct or Precinct Name Change or Correction Form to the Department of Elections, then the Department of Elections will associate the new polling place to the new precinct in VERIS.

## 13.6 Poll Copy

Polling place(s) must be copied in Virginia Voter Election Registration Information System (“VERIS”) from one election to another so that the correct polling place appears on voter registration notices, the Department of Elections public voter registration and polling place lookups, the website, and reports.

The Locality Election Districts, Precinct and Polling Places Report will list the county or city polling places. The Town and Town Precincts and Polling Places by Locality will list town polling places.

Reference the Copying Poll Information to an Election section in the Poll Location Step-by-Step document for detailed information and assistance. The document can be retrieved from the General Info>VERIS User's Manual – Step-by-Steps section on VERIS Home Page.