



2026 GENERAL ELECTION BULLETIN



FROM: Virginia Department of Elections
Virginia Office of the Attorney General

TO: General Registrars, Local Electoral Boards, Local Government Attorneys, and Circuit Court Clerks

DATE: October 15, 2026

RE: Considerations for Local Officials on Polling Place and Election Material Security and Access in the 2026 General Election

INTRODUCTION

The Department of Elections (ELECT) and the Office of the Attorney General (OAG) jointly developed this bulletin to assist local officials with meeting their responsibilities of:

1. Maintaining safe and orderly polling locations, free from intimidation and interference, and
2. Securing and protecting chain of custody of sensitive election materials (i.e. ballots and voting equipment) throughout and after the election.

These core responsibilities are essential to ensuring the continued integrity of elections in Virginia.

There is heightened public concern regarding potential interference in the 2026 General Election. More specifically, concerns about potential actions by the federal government related to elections have been raised including:

- Sending disruptive monitors to polling locations who operate outside of standard established procedure,¹
- Deploying armed federal agents around polling locations,² and
- Seizing sensitive election materials.³

While there is a longstanding tradition of elections operating without incident in the Commonwealth of Virginia, ELECT and the OAG want to ensure local election officials

¹ Tim Balk, *Wyoming Governor Objects to 'Very Odd' D.O.J. Election Monitoring*, The New York Times (Aug. 28, 2026), <https://tinyurl.com/4yc62f54>.

² Michael Karlis, *ICE conducts enforcement action at San Antonio voting location, witnesses say*, San Antonio Current (May 20, 2026), <https://tinyurl.com/55yhajd3>.

³ Maya Homan and Ross Williams, *FBI raids Fulton County elections warehouse seeking 2020 ballots*, Georgia Recorder (Jan. 28, 2026), <https://tinyurl.com/3kzddjkm>.

and key stakeholders are aware of the applicable laws that could address any such challenges.

This bulletin is informational and should not be considered legal advice. In each section, ELECT and the OAG describe portions of relevant law and offer general practices local election officials may consider during their election planning processes. The bulletin is not a substitute for close coordination and planning between local officials. ELECT and the OAG strongly recommend that, prior to Election Day, general registrars and circuit court clerks connect with local attorneys, local law enforcement, and their Commonwealth's attorney, and that together these local officials:

- **Discuss potential security concerns**: Come to a shared understanding of election-related security concerns, including the concerns outlined in this bulletin; and
- **Build communication channels**: Identify and document points of contact for each office and establish escalation protocols to ensure swift responses.

This bulletin also identifies when local officials should escalate issues to ELECT and the OAG. As state agencies, ELECT and the OAG have resources and authorities that may help address developing issues. In particular, the OAG can litigate complex legal cases on behalf of the Commonwealth in federal court and seek emergency relief.

Local election officials can notify ELECT and the OAG of developing issues at the following contacts:

Virginia Department of Elections

Contact your ELECT regional liaison. If you do not have their contact information available, please contact the agency by phone at (804) 864-8901 or by email at ea@elections.virginia.gov.

Virginia Office of the Attorney General

Phone (Election Officials Line): (804) 200-4226

Email: election@oag.state.va.us.

ELECTION OBSERVERS AND MONITORS

Who is authorized to observe in a polling location?

Virginia law strictly limits who may be inside a polling location. Aside from officers of election (poll workers), voters, and the press, there are only two additional groups under state law who are allowed inside a polling location:

- Authorized representatives of the political parties and of independent candidates (with written consent from the party/candidate),⁴ and
- Neutral observers who have express authorization from the local electoral board or the general registrar to be present inside polling locations.^{5,6}

See *also* Va. Code § 24.2-604 (prohibiting anyone from loitering within 40 feet of the entrance of a polling location).

Anyone inside a polling location must follow strict rules on personal conduct. Under Virginia law⁷, a person cannot:

- “Hinder or delay a qualified voter”;
- “Give . . . campaign or referendum material to any person”;
- “Attempt to influence any person in casting his vote”;
- “Hinder or delay any office of election”; “be in a position to see the marked ballot of any other voter”; or “otherwise impede the orderly conduct of the election.”

Moreover, authorized observers cannot use cell phones to take photos in a polling location.⁸ Further, while they are entitled to be close enough to the voter check-in table to hear and see what is occurring there, they do not have a right to access secure locations in a polling location or handle sensitive election material (i.e. ballots and voting equipment). Finally, because of legislation enacted this year,⁹ nobody can challenge the voting qualifications of any voter at the polling location.

Officers of election in a polling location, by a majority vote of those officers of election present, may require an authorized observer to remain outside of the 40-foot perimeter if they are violating these rules.¹⁰ Similarly, the general registrar or electoral board can revoke the authorization for a neutral observer if they break these rules, or if they fail to follow any conditions placed on their authorization.¹¹

In addition to authorized representatives under state law, there are limited instances in which federal monitors and observers may be present. This includes U.S. Congressional observers, observers authorized by a federal court order, and U.S. Department of Justice (DOJ) monitors.

Congressional observers have a right to observe voting locations during federal elections under the federal Confirmation of Congressional Observer Access (COCOA) Act. 52 U.S.C. § 21083a. These observers are designated by the U.S. Senate

⁴ Va. Code § 24.2-604.4.

⁵ Va. Code § 24.2-604.5.

⁶ In addition to these groups, state and local law enforcement personnel may enter polling locations in the performance of their duties (e.g. when responding to an emergency).

⁷ Va. Code § 24.2-604(C).

⁸ Va. Code § 24.2-604.4(D).

⁹ Va. H.B. 640, 2026 Gen. Assembly, Reg. Sess. (Va. 2026)

¹⁰ Va. Code § 24.2-604(G).

¹¹ Va. Code § 24.2-604.5(A).

Committee on Rules and Administration and/or the U.S. Committee on House Administration. Any observer must be designated in writing by the chair or ranking member of one of the committees. The rights of these individuals to observe are governed by federal law and differ from authorized representatives under state law. Local election officials are encouraged to review the COCOA Act with local counsel.

Federal courts may authorize “observers” to access voting locations under the Voting Rights Act of 1965 § 6(d).¹² There is currently no active Court order in Virginia requiring any locality to accept the presence of federal government “observers” under the Voting Rights Act.⁵

DOJ operates an election monitoring program, historically run by the Civil Rights Division, to assess state and local compliance with federal voting rights laws. These monitors have historically carried out these duties in federal elections in some Virginia localities. For these monitors to be present at a polling location, DOJ must request consent from local election officials to place monitors at a polling location.

These requests to monitor elections are treated the same as requests from neutral observers under state law, who may appear at the discretion of local election officials and must follow all rules governing authorized representatives. Monitors must have written authorization to enter a polling location and agree to follow the rules governing authorized representatives under state law. And, to reiterate: officers of election, the general registrar, and/or the local electoral board can remove these monitors from a polling location if they fail to follow the rules governing their authorization.

How can local officials respond to a DOJ request to deploy monitors?

If DOJ *provides advance notice* that it plans to send monitors, share the notice with your counsel as soon as possible. Also, notify your ELECT regional liaison immediately. Local electoral boards and general registrars should also consider the following additional steps:

- **Discuss Scope with DOJ.** Prior to denying or consenting to the request, ask for more information about the legal authorities monitors will be assessing and whether a list of participating individuals from DOJ will be provided. Consider asking whether DOJ is assessing compliance with civil or criminal federal laws.
- **Confirm Conduct Rules.** Prior to denying or consenting to the request, confirm DOJ knows and intends to comply with state conduct rules, and obtain a point of contact to report issues, and withdraw consent, if it becomes necessary.
- **Determine Whether to Consent.** Relevant factors may include, among others, the scope of monitoring, willingness of monitors to follow rules and conditions,

¹² 52 U.S.C. § 10305(d).

transparency about the identity of monitors, the risk of disruptions, and the amount of time to prepare for monitors. The decision to accept the request to monitor is in the sole discretion of the applicable electoral board and general registrar.

- **Authorize in Writing.** If consenting to DOJ monitoring, provide written authorization for each named monitor.

If consenting to monitors, as with neutral observers, consider training chief officers of election on the following:

- **Check Credentials.** As with neutral observers, require any person claiming to be a DOJ monitor to show written authorization from the general registrar, written authorization from DOJ, and a government identification.
- **No Specialized Access.** Like neutral observers, monitors are entitled to no more access than is available to other authorized representatives and should not receive specialized access.
- **Alerting the Registrar.** If any neutral observer, including a DOJ monitor, acts outside the scope of their authorization, or becomes disruptive, the registrar should be notified. The registrar should also notify their ELECT regional liaison.

Important: If DOJ *does not provide advance notice* and an individual claiming affiliation with DOJ requests access to a polling location while voting is ongoing, officers of election should bring the issue to the attention of the general registrar. Only the general registrar and the electoral board can grant access to a polling location to a neutral observer, and only in writing. Officers of election at a polling location cannot authorize the presence of a neutral observer. While the general registrar and electoral board consider the issue, the requestor must remain outside the 40-foot prohibited area of the polling location.

ADDRESSING PROHIBITED CONDUCT AND UNAUTHORIZED INDIVIDUALS AT POLLING LOCATIONS

What laws protect voters from intimidation or interference at a polling location?

Several provisions of Virginia law help ensure that the area in and around a polling location is orderly and safe for voters entering and leaving the location. It is, for example, unlawful to “loiter or congregate,” within 40 feet of any entrance of a polling location, or to “hinder or delay a qualified voter” entering or leaving a polling location.¹³ It

¹³ Va. Code § 24.2-604(A).

is also unlawful to knowingly carry a firearm within 100 feet of a building used as a polling location,¹⁴ to use loudspeakers within 300 feet of a polling location¹⁵, or to engage in noisy or riotous conduct in or around a polling location that disturbs an election.¹⁶

In addition, Virginia law provides express protection for voters from intimidation and interference. It is unlawful for any person to “hinder, intimidate, or interfere with any qualified voter so as to prevent the voter from casting a secret ballot.”¹⁷ See *also* Va. Code § 24.2-1005 (prohibiting any person from intimidating, threatening, or coercing any other person to vote in a particular way, or to not vote). Likewise, Virginia law prohibits any person from intimidating, threatening, or coercing an election official and hindering and preventing them from administering elections.¹⁸ See *also* Va. Code § 24.2-604(C) (prohibiting hindering or delaying an officer of election or otherwise impeding the orderly conduct of the election). These protections are not limited to the 40-foot boundary, and they also cover voters engaged in curbside voting outside of polling locations and those using ballot drop boxes.

Federal law also protects voters from intimidation. Several statutes prohibit intimidation or interference aimed at a person’s right to vote.¹⁹ Moreover, federal law makes it a criminal offense for federal government officials to deploy armed personnel to polling locations, except in certain rare circumstances.²⁰

How can local officials respond to a federal official present at a polling location?

ELECT has received numerous inquiries regarding what to do in the event a federal official appears at a polling location. As with general preparations for Election Day, communication with stakeholders is key. Election officials, in consultation with counsel, should ensure established lines of communication and designated points of contact with the county/city/town attorney’s office, the local sheriff’s office or police department, and the Commonwealth’s attorney. Having these discussions prior to Election Day ensures that election officials can provide their perspective to local law enforcement about what counts as intimidation and interference during elections, including issues related to the presence of unauthorized individuals.

Officials should also consider how they will respond to different scenarios that could arise during the election. If, for example, an armed individual attempts to gain access to a polling location, *officials should call local law enforcement immediately.*

¹⁴ Exceptions include law enforcement officers, qualified retired law enforcement officers, persons on their own private property within 100 feet, or properly licensed armed security officers. Va. Code § 24.2-604(F).

¹⁵ Va. Code § 24.2-605.

¹⁶ Va. Code § 24.2-607(B).

¹⁷ Va. Code § 24.2-607(A).

¹⁸ Va. Code § 24.2-1000.

¹⁹ See, e.g., 52 U.S.C. § 10307(b); 18 U.S.C. § 594.

²⁰ 18 U.S.C. § 592.

And if, during the election, federal agents approach or enter a polling location, officials should consider the following responses:

- **Consult before responding.** If requested, do not provide verbal consent to federal agent presence without discussing with necessary stakeholders.
- **Request waiting outside of polling location.** If inside a polling location, and it is safe to do so, two officers of election should request that the agents remain outside the 40-foot perimeter. However, action should not be taken to physically obstruct the federal agent. In the case of a warrant or subpoena, please see the *EXTERNAL REQUESTS AND DEMANDS FOR ELECTION MATERIALS* section below.
- **Call local partners.** Call the local law enforcement point of contact, and local counsel. Ensure ELECT and OAG are notified as soon as circumstances permit.
- **Secure sensitive material.** To the extent possible, ensure that chain of custody procedures are maintained in accordance with required procedures.²¹ If necessary, document any deviations as part of incident reporting when feasible.
- **Document, as practicable.** To the extent feasible, document available information about the federal officer presence, including:
 - Who is present? Name, agency, and quantity of federal officers involved.
 - What do they look like? Describe letters, patches, or identifying numbers (i.e. badge numbers) visible on the agents' clothing/vehicles, and whether the agents were armed.
 - Where are they? The address of the polling location, and a description of the location within or around the polling location where the agents are present/attempting to enter.
 - Why are they there? The reason, if any, they gave for their presence.
 - When did they arrive? The date and times they entered and/or left the polling location or other prohibited area (including the 40-foot polling location perimeter).
 - How did they respond to requests to leave? Document any denials, if applicable.
 - What was the effect on voters and the voting process? Note any voters leaving or declining to enter the polling location.
- **Collect voter reports.** Request contact information for any voter who reports fear about the federal presence at the polling location.

²¹ Va. Code §24.2-668.

- **Relocation.** If prolonged disruption at a polling location is impacting voter access, consider discussing an emergency polling location change with ELECT. Contact your ELECT regional liaison to ensure the proper process is followed.

EXTERNAL REQUESTS AND DEMANDS FOR ELECTION MATERIALS

How are election materials (i.e. ballots and voting equipment) protected from interference?

Virginia law protects the integrity of elections by strictly regulating chain of custody for sensitive election materials, such as ballots and voting equipment. During elections, voting equipment must remain in clear view of officers of election.²² After an election, voting equipment is locked and sealed, with keys and data storage delivered to the clerk of the circuit court for each locality. Voting equipment and storage devices can only be opened with a court order, or under direction from the State Board of Elections.²³ Likewise, circuit court clerks must secure ballots after an election, and access is only permitted under certain specified circumstances.²⁴ Virginia criminalizes attempts to obtain unauthorized access to voting equipment and ballots. It is a Class 5 felony to attempt to steal or tamper with ballot containers, voting equipment or documents. Similarly, Virginia law prohibits unauthorized possession of voting equipment keys.²⁵

If an individual enters a polling location and attempts, without providing legal authorization or identification, to take election materials, such as ballots or voting equipment, contact local law enforcement immediately. Also promptly contact your counsel and alert your ELECT regional liaison and the OAG. To the extent it is safe to do so, election officials should attempt to track any material handled by the individual(s).

Subpoenas

Federal law enforcement officers may seek authorization to search for and seize election materials as part of criminal investigations. Consequently, registrars or circuit court clerks may receive subpoenas (i.e. administrative, grand jury, or judicial subpoenas) seeking access to election materials.

- An administrative subpoena is issued by a federal agency that has explicit authority under federal law to make demands for testimony or production of documents as part of a civil or criminal investigation.
- Grand jury subpoenas also seek access to documents and testimony as part of criminal investigations, and they can include nondisclosure requirements that apply to any recipients.

²² Va. Code § 24.2-638.

²³ Va. Code § 24.2-659.

²⁴ Va. Code § 24.2-669.

²⁵ Va. Code § 24.2-1010.

- Judicial subpoenas are issued by courts for documents and testimony. Except in rare cases, most subpoenas do not require immediate production.

Judicial Warrants

Judicial warrants are different from subpoenas. Judicial warrants authorize a law-enforcement officer to immediately search for a particular person or place where the issuing court has found probable cause to believe evidence of a criminal violation may be found.

*How should election officials handle a federal subpoena or search warrant for election materials?*²⁶

In preparing for this scenario, consider taking several concrete steps now. These include consulting with counsel to build a response plan if a subpoena is served or a warrant is executed. In addition, if feasible, maintain an inventory of election materials. This will help establish a baseline for what the locality has in its possession prior to a search, which can then be referenced if there are questions about missing materials.

If a registrar's or circuit court clerk's office receives a subpoena, consider the following steps:

- **Preserve proof of service**: Copy any receipt for the subpoena signed by the relevant local official, including the return receipt if the subpoena arrived by certified mail.
- **Provide all documents to counsel**: Send the subpoena, any documents included with the subpoena, and any signed receipt to your legal counsel for their review.
- **Notify the State**: Unless prohibited from disclosure by applicable law, notify ELECT and OAG of the subpoena.
- **Plan next steps with counsel**: Discuss how to respond to the subpoena, whether to move to quash, and what, if any, documents to gather and produce.

If an officer arrives at a polling location with a federal search warrant, consider the following:

- **Request basic information and a copy of the search warrant**. Politely ask for the lead agent's name, agency, and identification; the lead prosecutor's name and contact information; and a copy of the search warrant, which should describe the places to be searched and items to be seized.

²⁶ The steps outlined below apply to federal warrants and subpoenas. Responding to state subpoenas or warrants may involve different steps. Consult your counsel to understand and plan for any differences.

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- **Do not attempt to argue, delay, or interfere with the officer(s).** Do not bar entry, conceal records, or relocate materials.
 - **Contact counsel immediately.** But do not withhold access while waiting for counsel to respond.
 - **Ask to designate an observer.** Federal agents may grant permission to designate a staff member to observe the search and take notes and photographs. If the federal agent denies the request, ask for the name of the officer who declined and note the request and denial (including the given reason). If permitted to observe, instruct the staff member to identify, without interfering, the areas searched, and items taken.
 - **Track the scope.** Officers may search only the areas, and seize the materials described in the warrant. If agents are taking material that is not included in the warrant, notify counsel. You do not need to consent to a search or seizure beyond what is listed in the warrant.
 - **Ask for the inventory.** Ask the officers, before they leave the location, for an inventory of items seized, and request copies of the warrant and receipt for items seized.
 - **Account for what remains.** After the officers leave, inventory the materials still in your possession and note everything that was taken. Compare to what was listed in the inventory provided by the officers to identify any discrepancies.
 - **Notify and plan next steps.** Discuss next steps with your local attorney and notify ELECT and OAG as soon as practicable.
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CONCLUSION

General registrars, local electoral boards, and circuit court clerks – in addition to key local stakeholders -- play an essential role in the administration of Virginia's elections. For decades, it is these officials who have administered successful elections year after year. While the 2026 General Election presents unique considerations, local election officials can be prepared to address these issues, should they arise, with careful planning and coordination with their local government attorneys, local law enforcement, and their Commonwealth's attorney. Moreover, ELECT and the OAG are prepared to consult and support local election officials as they navigate these challenges.