

City Code Amendments: Articles II and III, Chapter 12 Precinct Boundaries and Precinct Polling Places

Hampton City Council Legislative Session
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Agenda

- Summary of Legal Requirements
- Summary of Proposed Amendments
- Proposed Amendments and Compliance with Legal Requirements
- Next Steps

Precinct Requirements - Size & Boundaries (Va. Code §§ 24.2-305 & -307)

- Council may establish, increase or decrease the number of precincts as it deems appropriate, subject to Virginia Code requirements
- When a precinct is established, it shall have no fewer than 500 registered voters and no more than 5,000 registered voters
- Local precincts cannot be split across Congressional or General Assembly districts
- Precincts must consist of compact and contiguous territory and have “clearly defined and clearly observable boundary” (Virginia Code provides additional guidance on what is considered an appropriate boundary)

Polling Place Requirements - Location (Va. Code §§ 24.2-310 & -310.1)

- Polling places should be within the precinct or within 1 mile of the precinct boundary
- Polling places should be located within public buildings “whenever practicable”; however, educational facilities are also acceptable

Other Legal Requirements (Va. Code §§ 24.2-129, -306 & -307)

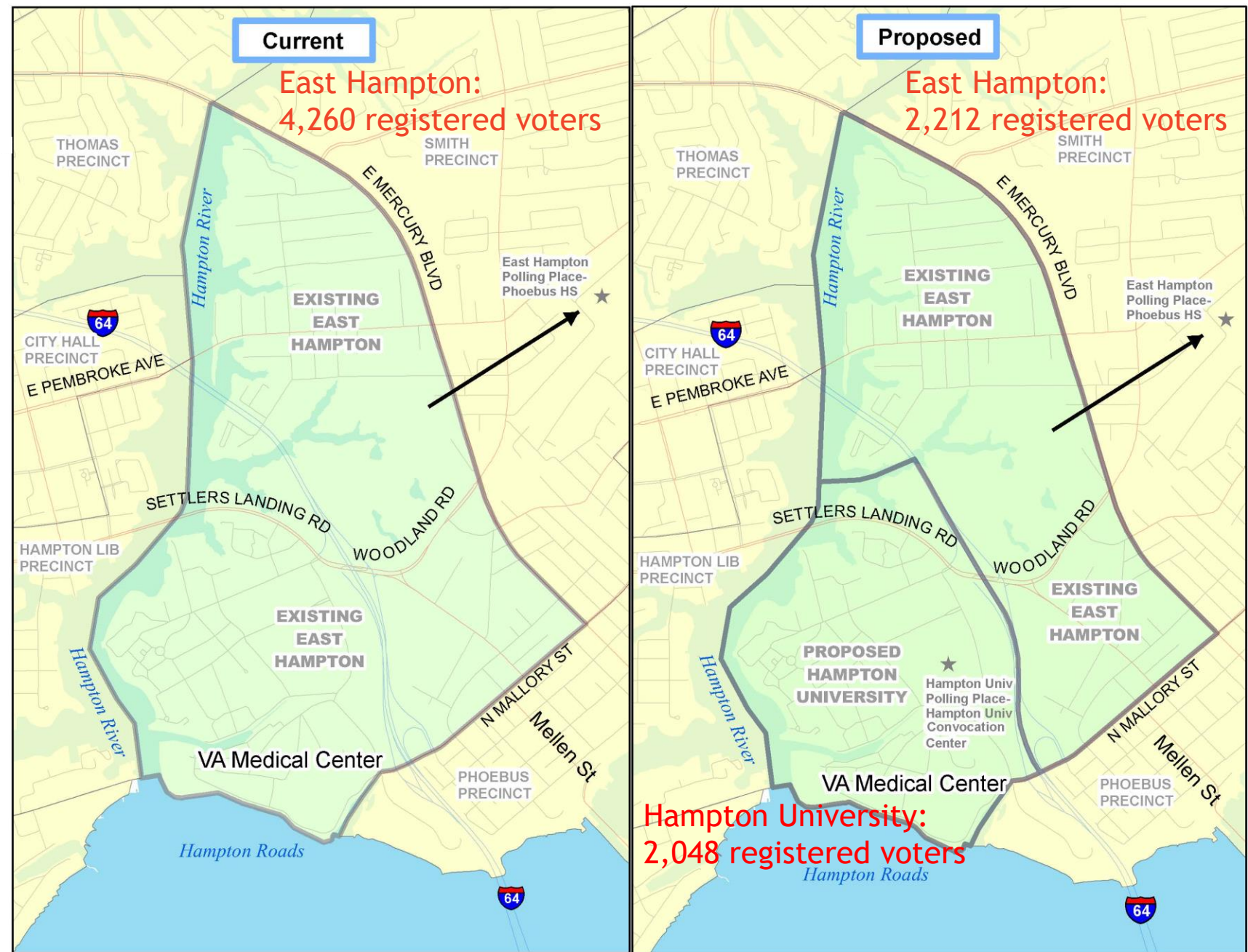
- Precinct and polling place changes must be done by ordinance
- Requires published notice for two successive weeks prior to adoption
- Following adoption but prior to implementation, covered practices (such as polling place changes) must receive a “certificate of no objection” from the Virginia Office of the Attorney General (generally takes up to 60 days)
- No precinct or polling place changes permitted within 60 days before general election
- Notice of change must be mailed to all affected voters at least 30 days before the next general, special or primary election
- Notice of polling place change must also be posted at the prior polling place on election day

Background re: Proposed Amendments

- Earlier this year, the Hampton Electoral Board recommended various precinct boundary changes and the relocation of the East Hampton precinct's polling place
- After further consideration, Council feedback was to create a new Hampton University precinct and make related changes (modify East Hampton precinct boundaries, establish polling place for new precinct)
- The reasoning for the proposed amendments is to ease voter access and improve election administration

Proposed Amendments

1. Establish a new Hampton University precinct (portion of existing East Hampton precinct)
2. Modify the boundaries of the existing East Hampton precinct
3. Establish a polling place location for the new Hampton University precinct



Compliance with Legal Requirements

- Both the proposed Hampton University precinct and modified East Hampton precinct have more than 500 but less than 5,000 registered voters; do not split Congressional or General Assembly districts; and have clearly defined and clearly observable boundaries (as defined in Virginia Code)
- Proposed polling place location for the Hampton University precinct is within the precinct and is an acceptable educational facility (not feasible to be in a public building); the City and Hampton University will execute a polling place license agreement
- Proper notice has been given and consideration of an ordinance to adopt these changes is before Council

Next Steps

- If Council approves, a request for a “certificate of no objection” will be submitted to the Virginia Office of the Attorney General (OAG) - identifying the authority and reasoning for the change, copies of related documents (i.e., adopted ordinance, maps), certifications related to building code and ADA compliance, and a certification the adopted changes have not yet been administered or enforced
- If OAG approves, GIS maps will be sent to required entities and proper notice will be provided to affected voters at least 30 days prior to the next general, special, or primary election
- If approved as stated above, these changes will be implemented more than 60 days before the 2026 general election (exact date depends on OAG response)
- Also, the polling place license agreement will be executed and become effective as of the OAG’s issuance of the certificate of no objection

Questions?