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SENATE BILL NO. 431

Offered January 21, 2000

A BILL to amend and reenact §§ 24.2-106 and 24.2-110 of the Code of Virginia, relating to local electoral boards and general registrars.

Patrons—Whipple, Byrne, Colgan, Howell, Lambert, Lucas, Maxwell, Miller, Y.B., Puller and Ticer

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-106 and 24.2-110 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-106. Appointment and terms; vacancies; chairman and secretary; certain prohibitions.

There shall be in each county and city an electoral board composed of three members who shall be appointed by a majority of the circuit judges of the judicial circuit for the county or city. If a majority of the judges cannot agree, the senior judge shall make the appointment. Any vacancy occurring on a board shall be filled by the same authority for the unexpired term. The clerk of the circuit court shall send to the State Board a copy of each order making an appointment to an electoral board.

In the appointment of the electoral board, representation shall be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. Two electoral board members shall be of the political party which cast the highest number of votes for Governor at that election. When the Governor was not elected as the candidate of a political party, representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of the appointment and two board members shall be of the political party having the highest number of members in the General Assembly. The political party entitled to the appointment shall make and file recommendations with the judges for the appointment not later than January 15 of the year of an appointment to a full term or, in the case of an appointment to fill a vacancy, within thirty days of the date of death or notice of resignation of the member being replaced. Its recommendations shall contain the names of at least three qualified voters of the county or city for each appointment. The judges shall promptly make such appointment (i) after receipt of the political party's recommendation or (ii) after January 15 for a full term or after the thirty-day period expires for a vacancy appointment, whichever of the events described in clause (i) or (ii) first occurs.

The circuit judges of the judicial circuit for the county or city shall not appoint to the electoral board (i) any person who is the spouse of an electoral board member or the general registrar for the county or city or (ii) any person, or the spouse of any person, who is the parent, grandparent, sibling, child, or grandchild of an electoral board member or the general registrar of the county or city.

Electoral board members shall serve three-year terms and be appointed to staggered terms, one term to expire at midnight on the last day of February each year. No three-year term shall be shortened to comply with the political party representation requirements of this section.

The board shall elect one of its members as chairman and another as secretary. The chairman and the secretary shall represent different political parties, unless the representative of the second-ranked political party declines in writing to accept the unfilled office.

The secretary of the electoral board shall immediately notify the State Board of any change in the membership or officers of the electoral board and shall keep the Board informed of the name, residence and mailing addresses, and home and business telephone numbers of each electoral board member.

No member of an electoral board shall be eligible to offer for or hold an office to be filled in whole or in part by qualified voters of his jurisdiction. If a member resigns to offer for or hold such office, the vacancy shall be filled as provided in this section.

No member of an electoral board shall serve as the chairman of a state, local or district level political party committee or as a paid worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the jurisdiction of the electoral board.

No member of an electoral board shall be (i) the spouse of a candidate for elected office to be filled in whole or in part by qualified voters of his jurisdiction or (ii) a person, or the spouse of a person, who is the parent, grandparent, sibling, child, or grandchild of a candidate for elected office to be filled in whole or in part by qualified voters of his jurisdiction. Any electoral board member subject to the provisions of this paragraph shall resign from the board by submitting his resignation to the chief judge of the circuit court of his jurisdiction no later than ten days after the filing of a declaration of candidacy by his relative. If a member resigns pursuant to this paragraph, the vacancy shall be filled as

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60 *provided in this section.*

61 § 24.2-110. Appointment, qualifications, and term of general registrar; vacancies; certain prohibitions.

62 Each electoral board shall meet in the first week in March 1995, and every four years thereafter, and
63 shall appoint a general registrar, who shall be a qualified voter of the county or city for which he is
64 appointed. General registrars shall serve four-year terms beginning April 1, 1995, and each fourth year
65 thereafter, and continue in office until a successor is appointed and qualifies.

66 The electoral board shall fill any vacancy in the office of general registrar for the unexpired term.
67 The electoral board shall declare vacant and fill the office of the general registrar if the appointee fails
68 to qualify and deliver a copy of his oath to the secretary of the electoral board within thirty days after
69 he has been notified of his appointment.

70 No general registrar shall hold any other office, by election or appointment, while serving as general
71 registrar; however, with the consent of the electoral board, he may undertake other duties which do not
72 conflict with his duties as general registrar. General registrars shall not serve as officers of election. The
73 election or appointment of a general registrar to any other office shall vacate the office of the general
74 registrar.

75 No general registrar shall be eligible to offer for or hold an office to be filled by election in whole
76 or in part by the qualified voters of his jurisdiction at any election held during the time he serves as
77 general registrar or for the six months thereafter.

78 The electoral board shall not appoint to the office of general registrar any person who is the spouse
79 of an electoral board member or any person, or the spouse of any person, who is the parent,
80 grandparent, sibling, child, or grandchild of an electoral board member.

81 No general registrar shall serve as the chairman of a political party or other officer of a state, local
82 or district level political party committee. No general registrar shall serve as a paid or volunteer worker
83 in the campaign of a candidate for nomination or election to an office filled by election in whole or in
84 part by the qualified voters of his jurisdiction. The restrictions of this paragraph shall apply to paid
85 assistant registrars but shall not apply to unpaid assistant registrars.

86 *No general registrar shall be (i) the spouse of a candidate for elected office to be filled in whole or*
87 *in part by qualified voters of his jurisdiction or (ii) a person, or the spouse of a person, who is the*
88 *parent, grandparent, sibling, child, or grandchild of a candidate for elected office to be filled in whole*
89 *or in part by qualified voters of his jurisdiction. Any general registrar subject to the provisions of this*
90 *paragraph shall resign from his position by submitting his resignation to the secretary of his electoral*
91 *board no later than ten days after the filing of a declaration of candidacy by his relative. If a general*
92 *registrar resigns pursuant to this paragraph, the vacancy shall be filled as provided in this section. The*
93 *provisions of this paragraph shall apply only to the general registrar and not to any assistant registrar.*