

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 232

An Act to amend and reenact §§ 24.2-112 and 24.2-115 of the Code of Virginia, relating to assistants to and employees of general registrars and officers of election.

[H 1422]

Approved March 16, 2003

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-112 and 24.2-115 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-112. Assistants to general registrars; employees.

The electoral board shall determine the number and set the term for assistant registrars; however, their terms shall not extend beyond the term set by law of the incumbent general registrar. The general registrar shall establish the duties of assistant registrars, appoint assistant registrars, and have authority to remove any assistant registrar who fails to discharge the duties of his office.

In any county or city whose population is more than 28,600 but less than 29,000, there shall be at least one full-time assistant registrar who shall serve in the office of the general registrar.

In any county or city whose population is over 15,500, there shall be at least one assistant registrar who shall serve at least one day each week in the office of the general registrar.

Any county or city whose population is 15,500 or less shall have at least one substitute registrar who is able to take over the duties of the general registrar in an emergency and who shall assist the general registrar when he requests.

All assistant registrars shall have the same limitations and qualifications and fulfill the same requirements as the general registrar except that (i) an assistant registrar may be an officer of election and (ii) an assistant registrar ~~who serves with pay~~ shall be a qualified voter of the Commonwealth but is not required to be a qualified voter of the county or city in which he serves as registrar. Candidates who are residents in the county or city for which they seek appointment may be given preference in hiring. Localities may mutually agree to share an assistant registrar among two or more localities. Assistant registrars who agree to serve without pay shall be supervised and trained by the general registrar.

All other employees shall be employed by the general registrar. The general registrar may hire additional temporary employees on a part-time basis as needed.

The compensation of any assistant registrar, other than those who agree to serve without pay, or any other employee of the general registrar shall be fixed and paid by the local governing body and shall be the equivalent of or exceed the minimum hourly wage established by federal law in 29 U.S.C. § 206 (a) (1), as amended.

The general registrar shall not appoint to the office of paid assistant registrar his spouse or any person, or the spouse of any person, who is his parent, grandparent, sibling, child, or grandchild.

§ 24.2-115. Appointment, qualifications, and term of officers of election.

Each electoral board at its regular meeting in the first week of February shall appoint officers of election. Their terms of office shall begin on March 1 following their appointment and continue for one year or until their successors are appointed.

Not less than three competent citizens shall be appointed for each precinct and, insofar as practicable, each officer shall be a qualified voter of the precinct he is appointed to serve, but in any case a qualified voter of the ~~city or county~~ Commonwealth. In appointing the officers of election, 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. The representation of the two parties shall be equal at each precinct having an equal number of officers and shall vary by no more than one at each precinct having an odd number of officers. If possible, officers shall be appointed from lists of nominations filed by the political parties entitled to appointments. The party shall file its nominations with the secretary of the electoral board at least ~~ten~~ 10 days before February 1 each year.

Officers of election shall serve for all elections held in their respective precincts during their terms of office. However, for a primary election involving only one political party, persons representing the political party holding the primary shall serve as the officers of election in any county or city in which the political party has submitted a list of nominations as provided above.

The electoral board shall designate one officer as the chief officer of election and one officer as the assistant for each precinct. The officer designated as the assistant for a precinct, whenever practicable, shall not represent the same political party as the chief officer for the precinct.

The electoral board shall instruct each chief officer and assistant in his duties not less than three nor more than ~~thirty~~ 30 days before each election. Each electoral board may instruct each officer of election in his duties at an appropriate time or times before each November general election.

If an officer of election is unable to serve at any election during his term of office, the electoral

board may at any time appoint a substitute who shall hold office and serve for the unexpired term.

The secretary of the electoral board shall prepare a list of the officers of election which shall be available for inspection and posted in the general registrar's office prior to March 1 each year.