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HOUSE BILL NO. 1892

Offered January 14, 2009

Prefiled January 12, 2009

A BILL to amend and reenact § 24.2-103 of the Code of Virginia, relating to the State Board of Elections; powers and duties of the Board.

Patron—Brink

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That § 24.2-103 of the Code of Virginia is amended and reenacted as follows:**

§ 24.2-103. Powers and duties in general.

A. The State Board shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections. It shall make rules and regulations and issue instructions and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws. Electoral boards and registrars shall provide information requested by the Board and shall follow the election laws and the rules, regulations, and instructions of the Board. The failure of any electoral board member, general registrar, or assistant registrar to follow such laws, rules, regulations, and instructions shall subject him to discipline as set forth in this subsection.

B. The Board shall have authority to take disciplinary actions regarding local electoral boards and general registrars and their staffs including, but not limited to, authority to (i) intervene and take administrative control of an electoral board's or general registrar's office and charge the locality for the Board's expenses in connection with its intervention, (ii) withhold funding from noncompliant electoral boards or general registrars, and (iii) enter and inspect any polling place or electoral board's or general registrar's office. Prior to undertaking any disciplinary action pursuant to clause (i) or (ii), the Board shall conduct a public hearing in the affected locality. The Board's assumption of administrative control of the office of an electoral board or general registrar shall be limited to one month in duration. Any action taken by the Board pursuant to this subsection shall require a recorded majority vote of the Board.

C. The Board shall ensure that the members of the electoral boards and general registrars are properly trained to carry out their duties by offering training annually, or more often, as it deems appropriate, and without charging any fees to the electoral boards and general registrars for the training. The Board shall set the training requirements for the officers of election to be fulfilled by the local electoral boards and general registrars.

BD. The Board may institute proceedings pursuant to § 24.2-234 for the removal of any member of an electoral board who fails to discharge the duties of his office in accordance with law. The Board may petition the local electoral board to remove from office any general registrar who fails to discharge the duties of his office according to law. The Board may institute proceedings pursuant to § 24.2-234 for the removal of a general registrar if the local electoral board refuses to remove the general registrar and the State Board finds that the failure to remove the general registrar has a material adverse effect upon the conduct of either the registrar's office or any election. The Board shall have authority to suspend a general registrar from office pending the outcome of a proceeding under § 24.2-234. Any action taken by the Board pursuant to this subsection shall require a recorded majority vote of the Board.

CE. The Board may petition a circuit court or the Supreme Court, whichever is appropriate, for a writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that elections are conducted as provided by law.

F. The Board shall supervise its own staff to assure that no member of its staff shall serve (i) as the chairman of a political party or other officer of a state, local, or district level political party committee or (ii) as a paid or volunteer 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 Commonwealth.

G. The Board shall adopt a seal for its use and bylaws for its own proceedings.

INTRODUCED

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