

10103536D

SENATE BILL NO. 416

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact § 24.2-104 of the Code of Virginia, relating to Attorney General's authority to enforce election laws.

Patrons—Vogel and Martin

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-104 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-104. Authority of Attorney General to enforce election laws; investigative committees.

When the State Board is of the opinion that the public interest will be served, it may request the Attorney General, or other attorney designated by the Governor for the purpose, to assist the attorney for the Commonwealth of any jurisdiction in which election laws have been violated. A. The Attorney General, or the other attorney designated by the Governor, shall have full authority to do whatever is necessary or appropriate to enforce the election laws or prosecute violations thereof. When the State Board makes its request pursuant to a unanimous vote of all members, the Attorney General or other attorney designated by the Governor shall exercise the authority granted by this section to conduct an investigation, prosecute a violation, assure the enforcement of the elections laws, and report the results of the investigation to the State Board.

B. When the State Board is of the opinion that the public interest will be served, it may request the Attorney General, or other attorney designated by the Governor for the purpose, to assist the attorney for the Commonwealth of any jurisdiction in which election laws have been violated. When the State Board makes its request pursuant to a unanimous vote of all members, the Attorney General or other attorney designated by the Governor shall exercise the authority granted by this section to conduct an investigation, prosecute a violation, assure the enforcement of the election laws, and report the results of the investigation to the State Board.

C. The attorney for the Commonwealth or a member of the electoral board of any county or city may make a request, in writing, that the Attorney General appoint a committee to make an immediate investigation of the election practices in that city or county, accompanied by a statement under oath that substantial violations of this title have allegedly occurred which may alter or have altered the outcome of an election. On receipt of the request and statement, the Attorney General shall forthwith appoint a committee of two or more persons qualified to make the investigation. Members, officers, and employees of the Board, local electoral boards, and registrars' offices shall not serve on the committee but may provide assistance to the committee.

The Attorney General shall direct the committee to observe, investigate or supervise the election if supervision appears necessary. The committee shall make a preliminary report to the Attorney General within five days of its appointment. If its report shows that violations of this title have occurred, the Attorney General may, notwithstanding any other provision of law, authorize the prosecution of those responsible for the violations.

INTRODUCED

SB416