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SENATE BILL NO. 50

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections
on January 26, 2010)

(Patron Prior to Substitute—Senator Martin)

A *BILL to amend and reenact §§ 24.2-103 and 24.2-115 of the Code of Virginia, relating to officers of election; training.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-103 and 24.2-115 of the Code of Virginia are 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 (i) the elections laws and (ii) the rules and regulations of the Board insofar as they do not conflict with Virginia or federal law.

B. 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 standards for the officers of election to be fulfilled by the local electoral boards and general registrars. *The Board shall require certification that officers of election have been trained consistent with the training standards set by the Board. Such certification shall be submitted every four years by the local electoral board or general registrar that conducts the training.*

C. 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. Any action taken by the Board pursuant to this subsection shall require a recorded majority vote of the Board.

D. 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.

E. 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.

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

§ 24.2-115. Appointment, qualifications, and terms 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, at the discretion of the electoral board, for a term not to exceed three years 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 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 10 days before February 1 each year. The electoral board may appoint additional citizens who do not represent any political party to serve as officers but not as the chief officer or the assistant chief officer.

Officers of election shall serve for all elections held in their respective precincts during their terms of office unless the electoral board decides that fewer officers are needed for a particular election, in which case party representation shall be maintained as provided above. For a primary election involving only

60 one political party, persons representing the political party holding the primary shall serve as the officers
61 of election if possible.

62 The electoral board shall designate one officer as the chief officer of election and one officer as the
63 assistant for each precinct. The officer designated as the assistant for a precinct, whenever practicable,
64 shall not represent the same political party as the chief officer for the precinct. The electoral board may
65 also appoint at least one officer of election who reports to the precinct at least one hour prior to the
66 closing of the precinct and whose primary responsibility is to assist with closing the precinct and
67 reporting the results of the votes at the precinct.

68 The electoral board shall instruct each chief officer and assistant in his duties not less than three nor
69 more than 30 days before each election. Each electoral board may instruct each officer of election in his
70 duties at an appropriate time or times before each November general election, *and shall conduct*
71 *training of the officers of election consistent with the standards set by the State Board pursuant to*
72 *subsection B of § 24.2-103. Each electoral board shall certify to the State Board that such training has*
73 *been conducted every four years.*

74 If an officer of election is unable to serve at any election during his term of office, the electoral
75 board may at any time appoint a substitute who shall hold office and serve for the unexpired term.

76 Additional officers shall be appointed in accordance with this section at any time that the electoral
77 board determines that they are needed.

78 The secretary of the electoral board shall prepare a list of the officers of election that shall be
79 available for inspection and posted in the general registrar's office prior to March 1 each year. Whenever
80 substitute or additional officers are appointed, the secretary shall promptly add the names of the
81 appointees to the public list.