

15100564D

HOUSE BILL NO. 1292

Offered January 14, 2015

Prefiled October 28, 2014

A *BILL to amend and reenact §§ 15.2-3543 and 24.2-106 of the Code of Virginia, relating to electoral boards; appointment by senior judge of judicial circuit.*

Patron—Cole

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-3543 and 24.2-106 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-3543. Electoral board, general registrar and officers of election.

A. If any county and all incorporated towns located therein consolidate into a county or city, the members of the electoral board, general registrar and officers of election of the consolidating county or city shall continue to serve as like officers of the consolidated county or city until the expiration of the terms to which they were appointed.

B. If one or more counties or cities consolidate into a single county or city, the provisions set forth in this subsection shall apply as follows:

1. Electoral Board. - The terms of the electoral board members of the consolidating localities shall expire on the effective date of consolidation. The *senior* judges of the circuit courts of the consolidating localities, no later than thirty days prior to the effective date of consolidation, shall appoint pursuant to § 24.2-106 for the consolidated county or city an electoral board of three members who shall qualify and take office on the day following the effective date of consolidation. The term of the first member so appointed shall expire at midnight on the last day of February in the year following the year in which he takes office; the term of the second member appointed shall expire one year later; and the term of the third member shall expire two years later. At a meeting to be held on the day its members take office, the electoral board for the consolidated county or city shall (i) designate one of the general registrars of the consolidating jurisdictions to serve as the general registrar of the consolidated county or city until midnight on March 31 following the effective date of consolidation and (ii) appoint pursuant to §§ 24.2-109 and 24.2-115 the officers of election for the consolidated county or city. At a meeting to be held in the first week of March following the effective date of consolidation, such electoral board shall appoint pursuant to §§ 24.2-109 and 24.2-110 a general registrar for the consolidated county or city who shall qualify and take office on April 1 following the effective date of consolidation and serve for the remainder of the term set forth in § 24.2-110.

2. General Registrar. - The general registrars of the consolidating jurisdictions shall continue in office, with one of them designated the general registrar for the consolidated county or city as hereinabove provided, until midnight on March 31 following the effective date of consolidation during which time they shall compile, on the schedule and in the manner prescribed by the State Board of Elections, the registration records for the consolidated county or city. The governing body of the consolidated county or city shall pay the salary of each such general registrar in the amount authorized by the State Board of Elections and shall be reimbursed for such compensation from the state treasury.

3. Officers of Election. - The terms of the officers of election of the consolidating jurisdictions shall expire on the effective date of consolidation.

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

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~~ *the senior judge* 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. In the event of the temporary absence, or disability that precludes the performance of duties, of one or more members that prevents attaining a quorum, ~~a temporary member the senior judge, for good cause, may appoint, be appointed,~~ on a meeting to meeting basis, a ~~temporary member~~ to the electoral board. The temporary appointee must be eligible for appointment and to the extent practicable maintain representation of political parties under ~~§ 24.2-106 this section.~~ 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 that

INTRODUCED

HB1292

59 cast the highest number of votes for Governor at that election. When the Governor was not elected as
60 the candidate of a political party, representation shall be given to each of the political parties having the
61 highest and next highest number of members of the General Assembly at the time of the appointment
62 and two board members shall be of the political party having the highest number of members in the
63 General Assembly. The political party entitled to the appointment shall make and file recommendations
64 with the ~~judges~~ *senior judge* for the appointment not later than January 15 of the year of an appointment
65 to a full term or, in the case of an appointment to fill a vacancy, within 30 days of the date of death or
66 notice of resignation of the member being replaced. Its recommendations shall contain the names of at
67 least three qualified voters of the county or city for each appointment. The ~~judges~~ *senior judge* shall
68 promptly make such appointment (i) after receipt of the political party's recommendation or (ii) after
69 January 15 for a full term or after the 30-day period expires for a vacancy appointment, whichever of
70 the events described in clause (i) or (ii) first occurs.

71 The ~~circuit judges~~ *senior judge* of the judicial circuit for the county or city shall not appoint to the
72 electoral board (i) any person who is the spouse of an electoral board member or the general registrar
73 for the county or city; (ii) any person, or the spouse of any person, who is the parent, grandparent,
74 sibling, child, or grandchild of an electoral board member or the general registrar of the county or city;
75 or (iii) any person who is ineligible to serve under the provisions of this section.

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

79 The board shall elect one of its members as chairman and another as secretary. The chairman and the
80 secretary shall represent different political parties, unless the representative of the second-ranked political
81 party declines in writing to accept the unfilled office. At any time that the secretary is incapacitated in
82 such a way that makes it impossible for the secretary to carry out the duties of the position, the board
83 may designate one of its other members as acting secretary. Any such designation shall be made in an
84 open meeting and recorded in the minutes of the board.

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

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

91 No member of an electoral board shall be the spouse, grandparent, parent, sibling, child, or
92 grandchild, or the spouse of a grandparent, parent, sibling, child, or grandchild, of a candidate for or
93 holder of an elective office filled in whole or in part by any voters within the jurisdiction of the
94 electoral board.

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

99 At least one member of the electoral board shall attend an annual training program provided by the
100 State Board.