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**HOUSE BILL NO. 1030**

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on Privileges and Elections  
on February 5, 2016)

(Patron Prior to Substitute—Delegate Sickles)

*A BILL to amend and reenact §§ 24.2-103 and 24.2-115 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-115.2, relating to officers of election; required 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 and that the Code of Virginia is amended by adding a section numbered 24.2-115.2 as follows:**

**§ 24.2-103. Powers and duties in general.**

A. The State Board, through the Department of Elections, 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 State Board and shall follow (i) the elections laws and (ii) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law. The State Board shall post on the Internet within three business days any rules or regulations made by the State Board. Upon request and at a reasonable charge not to exceed the actual cost incurred, the State Board shall provide to any requesting political party or candidate, within three days of the receipt of the request, copies of any instructions or information provided by the State Board to the local electoral boards and registrars.

B. The State Board, through the Department of Elections, 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 State Board shall set the training standards for the officers of election to be fulfilled by the local electoral boards and general registrars. The State 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 each year prior to the November general election by the local electoral board and shall develop standardized training programs for the officers of election to be conducted by the local electoral boards and the general registrars. Training of the officers of election shall be conducted and certified as provided by § 24.2-115.2. The State Board shall provide standardized training materials for such training and shall also offer on the Department of Elections website a training course for officers of election. The content of the online training course shall be consistent with the standardized training programs developed pursuant to this section. The State Board shall review the standardized training materials and the content of the online training course every two years in the year immediately following a general election for federal office.

C. The State 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 State 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 State 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 State Board pursuant to this subsection shall require a recorded majority vote of the Board.

D. The State 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 Department of Elections 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 State Board shall adopt a seal for its use and bylaws for its own proceedings.

G. A telephone call between two members of the Board preparing for a meeting shall not constitute a meeting under the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), provided that no discussion or deliberation takes place that would otherwise constitute a meeting.

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**60 § 24.2-115. Appointment, qualifications, and terms of officers of election.**

61 Each electoral board at its regular meeting in the first week of February of the year in which the  
62 terms of officers of election are scheduled to expire shall appoint officers of election. Their terms of  
63 office shall begin on March 1 following their appointment and continue, at the discretion of the electoral  
64 board, for a term not to exceed three years or until their successors are appointed.

65 Not less than three competent citizens shall be appointed for each precinct. However, a precinct  
66 having more than 4,000 registered voters shall have not less than five officers of election serving for a  
67 presidential election, and the electoral board shall appoint additional officers as needed to satisfy this  
68 requirement. Insofar as practicable, each officer shall be a qualified voter of the precinct he is appointed  
69 to serve, but in any case a qualified voter of the Commonwealth. In appointing the officers of election,  
70 representation shall be given to each of the two political parties having the highest and next highest  
71 number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. The  
72 representation of the two parties shall be equal at each precinct having an even number of officers and  
73 shall vary by no more than one at each precinct having an odd number of officers. If practicable,  
74 officers shall be appointed from lists of nominations filed by the political parties entitled to  
75 appointments. The party shall file its nominations with the secretary of the electoral board at least 10  
76 days before February 1 each year. The electoral board may appoint additional citizens who do not  
77 represent any political party to serve as officers. If practicable, no more than one-third of the total  
78 number of officers appointed for each precinct may be citizens who do not represent any political party.

79 Officers of election shall serve for all elections held in their respective precincts during their terms of  
80 office unless a substitute is required to be appointed pursuant to § 24.2-117 or the electoral board  
81 decides that fewer officers are needed for a particular election, in which case party representation shall  
82 be maintained as provided above. For a primary election involving only one political party, persons  
83 representing the political party holding the primary shall serve as the officers of election if possible.

84 The electoral board shall designate one officer as the chief officer of election and one officer as the  
85 assistant for each precinct. The officer designated as the assistant for a precinct, whenever practicable,  
86 shall not represent the same political party as the chief officer for the precinct. Notwithstanding any  
87 other provision of this section, where representatives for one or both of the two political parties having  
88 the largest number of votes for Governor in the last preceding gubernatorial election are unavailable, the  
89 electoral board may designate as the chief officer and the assistant chief officer citizens who do not  
90 represent any political party. In such case, the electoral board shall provide notice to representatives of  
91 both parties at least 10 days prior to the election that it intends to use nonaffiliated officers so that each  
92 party shall have the opportunity to provide additional nominations. The electoral board may also appoint  
93 at least one officer of election who reports to the precinct at least one hour prior to the closing of the  
94 precinct and whose primary responsibility is to assist with closing the precinct and reporting the results  
95 of the votes at the precinct.

96 The electoral board shall instruct each chief officer and assistant in his duties not less than three nor  
97 more than 30 days before each election. Each electoral board may instruct each officer of election in his  
98 duties at an appropriate time or times before each November general election, and shall conduct training  
99 of the officers of election consistent with the standards set by the State Board pursuant to subsection B  
100 of § 24.2-103. ~~Each electoral board shall certify to the State Board that such training has been conducted~~  
101 ~~every four years as provided by § 24.2-115.2.~~

102 Notwithstanding the provisions of § 24.2-117, if an officer of election is unable to serve at any  
103 election during his term of office, the electoral board may at any time appoint a substitute who shall  
104 hold office and serve for the unexpired term.

105 Additional officers shall be appointed in accordance with this section at any time that the electoral  
106 board determines that they are needed or as required by law.

107 If practicable, substitute officers or additional officers appointed after the electoral board's regular  
108 meeting in the first week of February shall be appointed from lists of nominations filed by the political  
109 parties entitled to appointments. The electoral board shall inform the political parties of its decision to  
110 make such appointments and the party shall file its nominations with the secretary of the electoral board  
111 within five business days.

112 The secretary of the electoral board shall prepare a list of the officers of election that shall be  
113 available for inspection and posted in the general registrar's office prior to March 1 each year. Whenever  
114 substitute or additional officers are appointed, the secretary shall promptly add the names of the  
115 appointees to the public list. Upon request and at a reasonable charge not to exceed the actual cost  
116 incurred, the secretary shall provide a copy of the list of the officers of election, including their party  
117 designation and precinct to which they are assigned, to any requesting political party or candidate.

**118 § 24.2-115.2. Officers of election; required training.**

119 *A. Each officer of election shall receive training consistent with the standards set by the State Board*  
120 *pursuant to § 24.2-103. This training shall be conducted by the electoral boards and general registrars,*  
121 *using the standardized training programs and materials developed by the State Board for this purpose.*

122 However, any electoral board and general registrar may instead require that the officers of election  
123 complete the online training course provided by the State Board pursuant to subsection B of § 24.2-103.  
124 Each officer of election shall receive such training, or complete the online training course, at least once  
125 during the term for which he is appointed.

126 B. Notwithstanding the provisions of subsection A, each officer of election shall receive additional  
127 training or instruction whenever a change to election procedures is made to this title or to regulations  
128 that alters the duties or conduct of the officers of election. Such changes shall include changes to voting  
129 systems, electronic pollbook equipment or programming, voter identification requirements, and  
130 provisional ballot requirements. Such additional training shall be conducted or instruction given  
131 promptly after the law or regulation has taken effect, but not less than three days prior to the November  
132 general election.

133 C. Following any training conducted pursuant to this section, the electoral boards shall certify to the  
134 State Board that the officers of election in its jurisdiction have received the required training. Such  
135 certification shall include the dates of each completed training.