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HOUSE BILL NO. 1362

House Amendments in [] - February 6, 2020

A BILL to amend and reenact §§ 24.2-103, 24.2-109, 24.2-111, 24.2-114, and 24.2-115.2 of the Code of Virginia, relating to general registrars; certification requirement; removal from office.

Patron Prior to Engrossment—Delegate Aird

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-103, 24.2-109, 24.2-111, 24.2-114, and 24.2-115.2 of the Code of Virginia are amended and reenacted 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.

C. The State Board, through the Department of Elections, shall conduct a certification program for the general registrars and shall require each general registrar to receive certification through such program from the Department within 12 months of his initial appointment or any subsequent reappointment. [The State Board may grant a waiver requested by a local electoral board to extend, on a case-by-case basis, this deadline by up to three months.] The State Board shall develop a training curriculum for the certification program and standards for completing the program and maintaining certification, including required hours of [annual] training. No fees shall be charged to a general registrar for any required training as part of the certification program. The State Board shall review the certification program every four years, or more often as it deems appropriate.

D. The State Board shall set the training standards for the officers of election 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.

~~E.~~ E. 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.

~~F.~~ F. 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.

~~G.~~ G. The Department of Elections shall supervise its own staff to assure that no member of its staff

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59 shall serve (i) as the chairman of a political party or other officer of a state-, local-, or district-level
60 political party committee or (ii) as a paid or volunteer worker in the campaign of a candidate for
61 nomination or election to an office filled by election in whole or in part by the qualified voters of the
62 Commonwealth.

63 ~~F. H.~~ The State Board shall adopt a seal for its use and bylaws for its own proceedings.

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

67 **§ 24.2-109. Appointment and removal of general registrar and officers of election; powers and**
68 **duties in general.**

69 A. Each electoral board shall appoint the general registrar for its city or county and officers of
70 election for each precinct who shall serve in all elections, including town elections, as provided in this
71 chapter. The secretary of the electoral board shall promptly notify each appointee of his appointment.

72 The electoral board by a recorded majority vote may remove from office, on notice, any general
73 registrar or officer of election who fails to discharge the duties of his office according to law.

74 *The electoral board shall remove from office, on notice, any general registrar who fails to receive or*
75 *maintain certification as required by the State Board pursuant to subsection C of § 24.2-103.*

76 B. The electoral board shall perform the duties assigned by this title including, but not limited to, the
77 preparation of ballots, the administration of absentee ballot provisions, the conduct of the election, and
78 the ascertaining of the results of the election.

79 **§ 24.2-111. Compensation and expenses of general registrars.**

80 The General Assembly shall establish a compensation plan in the general appropriation act for the
81 general registrars. The governing body for the county or city of each general registrar shall pay
82 compensation in accordance with the plan and be reimbursed annually as authorized in the act. The
83 governing body shall be required to provide benefits to the general and assistant registrars and staff as
84 provided to other employees of the locality, and shall be authorized to supplement the salary of the
85 general registrar to the extent provided in the act.

86 Each locality shall pay the reasonable expenses of the general registrar, including reimbursement for
87 mileage at the rate payable to members of the General Assembly. In case of a dispute, the State Board
88 shall approve or disapprove the reimbursement. Reasonable expenses include, but are not limited to,
89 costs for: (i) an adequately trained registrar's staff, including training in the use of computers and other
90 technology to the extent provided to other local employees with similar job responsibilities, and
91 reasonable costs for the general registrar to ~~attend the annual training offered~~ *receive and maintain*
92 *certification as required by the State Board pursuant to subsection C of § 24.2-103*; (ii) adequate
93 training for officers of election; (iii) conducting elections as required by this title; and (iv) voter
94 education.

95 **§ 24.2-114. Duties and powers of general registrar.**

96 In addition to the other duties required by this title, the general registrar, and the assistant registrars
97 acting under his supervision, shall:

98 1. Maintain the office of the general registrar and establish and maintain additional public places for
99 voter registration in accordance with the provisions of § 24.2-412.

100 2. Participate in programs to educate the general public concerning registration and encourage
101 registration by the general public. No registrar shall actively solicit, in a selective manner, any
102 application for registration or for a ballot or offer anything of value for any such application.

103 3. Perform his duties within the county or city he was appointed to serve, except that a registrar may
104 (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of
105 his county or city when conducting registration jointly with the registrar of the contiguous county or city
106 or (ii) notwithstanding any other provision of law, participate in multijurisdictional staffing for voter
107 registration offices, approved by the State Board, that are located at facilities of the Department of
108 Motor Vehicles.

109 4. Provide the appropriate forms for applications to register and to obtain the information necessary
110 to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.

111 5. Indicate on the registration records for each accepted mail voter registration application form
112 returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has
113 registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the
114 State Board so that those persons who registered by mail are identified on the registration records, lists
115 of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to
116 § 24.2-406, and pollbooks used for the conduct of elections.

117 6. Accept a registration application or request for transfer or change of address submitted by or for a
118 resident of any other county or city in the Commonwealth. Registrars shall process registration
119 applications and requests for transfer or change of address from residents of other counties and cities in
120 accordance with written instructions from the State Board and shall forward the completed application or

121 request to the registrar of the applicant's residence. Notwithstanding the provisions of § 24.2-416, the
 122 registrar of the applicant's residence shall recognize as timely any application or request for transfer or
 123 change of address submitted to any person authorized to receive voter registration applications pursuant
 124 to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of registration. The registrar of the
 125 applicant's residence shall determine the qualification of the applicant, including whether the applicant
 126 has ever been convicted of a felony, and if so, under what circumstances the applicant's right to vote has
 127 been restored, and promptly notify the applicant at the address shown on the application or request of
 128 the acceptance or denial of his registration or transfer. However, notification shall not be required when
 129 the registrar does not have an address for the applicant.

130 7. Preserve order at and in the vicinity of the place of registration. For this purpose, the registrar
 131 shall be vested with the powers of a conservator of the peace while engaged in the duties imposed by
 132 law. He may exclude from the place of registration persons whose presence disturbs the registration
 133 process. He may appoint special officers, not exceeding three in number, for a place of registration and
 134 may summon persons in the vicinity to assist whenever, in his judgment, it is necessary to preserve
 135 order. The general registrar and any assistant registrar shall be authorized to administer oaths for
 136 purposes of this title.

137 8. Maintain the official registration records for his county or city in the system approved by, and in
 138 accordance with the instructions of, the State Board; preserve the written applications of all persons who
 139 are registered; and preserve for a period of four years the written applications of all persons who are
 140 denied registration or whose registration is cancelled.

141 9. If a person is denied registration, notify such person in writing of the denial and the reason for
 142 denial within 14 days of the denial in accordance with § 24.2-422.

143 10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the
 144 pollbooks available to the precincts, and according to the instructions of the State Board provide a copy
 145 of the data from the pollbooks to the State Board after each election for voting credit purposes.

146 11. Retain the pollbooks in his principal office for two years from the date of the election.

147 12. Maintain accurate and current registration records and comply with the requirements of this title
 148 for the transfer, inactivation, and cancellation of voter registrations.

149 13. Whenever election districts, precincts, or polling places are altered, provide for entry into the
 150 voter registration system of the proper district and precinct designations for each registered voter whose
 151 districts or precinct have changed and notify each affected voter of changes affecting his districts or
 152 polling place by mail.

153 14. Whenever any part of his county or city becomes part of another jurisdiction by annexation,
 154 merger, or other means, transfer to the appropriate general registrar the registration records of the
 155 affected registered voters. The general registrar for their new county or city shall notify them by mail of
 156 the transfer and their new election districts and polling places.

157 15. When he registers any person who was previously registered in another state, notify the
 158 appropriate authority in that state of the person's registration in Virginia by providing electronically,
 159 through the Department of Elections, the information contained in that person's registration application.

160 16. Whenever any person is believed to be registered or voting in more than one state or territory of
 161 the United States at the same time, inquire about, or provide information from the voter's registration
 162 and voting records to any appropriate voter registration or other authority of another state or territory
 163 who inquires about, that person's registration and voting history.

164 17. At the request of the county or city chairman of any political party nominating a candidate for
 165 the General Assembly, constitutional office, or local office by a method other than a primary, review
 166 any petition required by the party in its nomination process to determine whether those signing the
 167 petition are registered voters with active status.

168 18. Carry out such other duties as prescribed by the electoral board in his capacity as the director of
 169 elections for the locality in which he serves.

170 19. Attend an annual training program provided by the State Board. A general registrar may
 171 designate one member of his staff to attend such training program if he is unable to attend because of a
 172 personal or family emergency. *Receive and maintain certification through the certification program*
 173 *conducted by the State Board for general registrars pursuant to subsection C of § 24.2-103. Each*
 174 *general registrar shall be required to receive certification through the certification program within 12*
 175 *months of his initial appointment or any subsequent reappointment [, unless a waiver has been granted*
 176 *by the State Board pursuant to subsection C of § 24.2-103] .*

177 **§ 24.2-115.2. Officers of election; required training.**

178 A. Each officer of election shall receive training consistent with the standards set by the State Board
 179 pursuant to § 24.2-103. This training shall be conducted by the electoral boards and general registrars,
 180 using the standardized training programs and materials developed by the State Board for this purpose.
 181 However, any electoral board and general registrar may instead require that the officers of election

182 complete the online training course provided by the State Board pursuant to subsection ~~B~~ D of
183 § 24.2-103. Each officer of election shall receive such training, or complete the online training course,
184 before the first election in which he will be serving as an officer of election. Such requirement shall
185 apply to each term for which the officer of election is appointed.

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

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

196 **2. That any general registrar serving a term that began prior to the effective date of this act shall**
197 **be required to complete the certification program and receive his certification no later than June**
198 **30, 2021.**