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SENATE BILL NO. 737

Offered January 8, 2020

Prefiled January 8, 2020

A BILL to amend and reenact § 24.2-106 of the Code of Virginia, relating to local electoral boards; office vacated if board member ceases to be qualified voter of county or city.

Patron—Obenshain

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

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

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

A. There shall be in each county and city an electoral board composed of three members who shall be appointed by the chief judge of the judicial circuit for the county or city or that judge's designee. Such designee shall be any other judge who sits in the judicial circuit. 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, the chief judge or his designee, for good cause, may appoint, 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 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 cast the highest number of votes for Governor at that election. When the Governor was not elected as the candidate of a political party, representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of the appointment and two board members shall be of the political party having the highest number of members in the General Assembly.

The political party entitled to the appointment shall make and file recommendations with the judges for the appointment not later than January 15 of the year of an appointment to a full term or, in the case of an appointment to fill a vacancy, within 30 days of the date of death or notice of resignation of the member being replaced. Its recommendations shall contain the names of at least three qualified voters of the county or city for each appointment. The chief judge, or his designee, shall promptly make such appointment from the recommendations (i) after receipt of the political party's recommendation or (ii) after January 15 for a full term or after the 30-day period expires for a vacancy appointment, whichever of the events described in clause (i) or (ii) first occurs.

The chief judge of the judicial circuit for the county or city, or his designee, shall not appoint to the electoral board (a) any person who is the spouse of an electoral board member or the general registrar for the county or city; (b) any person, or the spouse of any person, who is the parent, grandparent, sibling, child, or grandchild of an electoral board member or the general registrar of the county or city; or (c) any person who is ineligible to serve under the provisions of this section.

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

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

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

C. No member of an electoral board shall be eligible to offer for or hold an office to be filled in

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59 whole or in part by qualified voters of his jurisdiction. If a member resigns to offer for or hold such
60 office, the vacancy shall be filled as provided in this section.

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

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

69 *If an electoral board member ceases to be a qualified voter of the county or city for which he was*
70 *appointed, his office shall be deemed vacant and the vacancy shall be filled as provided in this section.*

71 D. Each member of the electoral board shall attend an annual training program provided by the State
72 Board during the first year of his appointment and the first year of any subsequent reappointment.