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**HOUSE BILL NO. 1796**

Offered January 11, 2023

Prefiled January 10, 2023

A *BILL to amend and reenact § 24.2-115 of the Code of Virginia, relating to officers of election; eligibility of persons preregistered to vote.*

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Patron—Simonds

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Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:****1. That § 24.2-115 of the Code of Virginia is amended and reenacted as follows:****§ 24.2-115. Appointment, qualifications, and terms of officers of election.**

Each electoral board at its regular meeting in the first week of February of the year in which the terms of officers of election are scheduled to expire 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. The general registrar shall prepare and submit to the electoral board a plan to ensure that adequate numbers of trained officers of election are available to serve in each election.

Not less than three competent citizens shall be appointed for each precinct. However, a precinct having more than 4,000 registered voters shall have not less than five officers of election serving for a presidential election, and the electoral board shall appoint additional officers as needed to satisfy this requirement. 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 *or a person who has preregistered to vote pursuant to § 24.2-403.1*. 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 even number of officers and shall vary by no more than one at each precinct having an odd number of officers. If practicable, 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. If practicable, no more than one-third of the total number of officers appointed for each precinct may be citizens who do not represent any political party.

Officers of election shall serve for all elections held in their respective precincts during their terms of office unless a substitute is required to be appointed pursuant to § 24.2-117 or 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 one political party, persons representing the political party holding the primary shall serve as the officers of election if possible.

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

The electoral board shall ensure that each chief officer and assistant is instructed in his duties not less than three nor more than 30 days before each election. Each officer of election may be instructed in his duties at an appropriate time or times before each November general election, and training of the officers of election shall be conducted as provided by § 24.2-115.2.

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

Additional officers shall be appointed in accordance with this section at any time that the electoral

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59 board determines that they are needed or as required by law.

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

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