

13104432D

SENATE BILL NO. 802

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections
on January 22, 2013)

(Patron Prior to Substitute—Senator Garrett)

A *BILL to amend and reenact §§ 24.2-103 and 24.2-107 of the Code of Virginia, relating to electoral boards; meetings.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-103 and 24.2-107 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-103. Powers and duties in general.

A. The State Board 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 Board and shall follow (i) the elections laws and (ii) the rules and regulations of the Board insofar as they do not conflict with Virginia or federal law. The Board shall post on the Internet within three business days any rules or regulations made by the 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 Board 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 Board shall set the training standards for the officers of election to be fulfilled by the local electoral boards and general registrars. The 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.

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

D. The 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 Board 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 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.*

§ 24.2-107. Meetings; quorum; notice; account of proceedings; seal; records open to inspection.

The electoral board of each city and county shall meet during the first week in February and during the month of March each year at the time set by the board and at any other time on the call of any board member. Two members shall constitute a quorum. Notice of each meeting shall be given to all board members either by the secretary or the member calling the meeting at least three business days prior to the meeting except in the case of an emergency as defined in § 2.2-3701. Notice shall be given to the public as required by § 2.2-3707. All meetings shall be conducted in accordance with the requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) unless otherwise provided by this section. Notwithstanding the public notice requirements of § 2.2-3707, two or more members of an electoral board may meet on election day to discuss a matter concerning that day's election, where such matter requires resolution on that day, and an effort has been made by all available means to give notice of the meeting to all board members. The presence of two or more board members while the

60 ballots, election materials, or voting equipment are being prepared, current or potential polling places are
61 being inspected, or election officials are being trained, *or a telephone call between two board members*
62 *preparing for a meeting*, shall not constitute a meeting provided that no discussion or deliberation takes
63 place that would otherwise constitute a meeting.

64 The secretary shall keep an accurate account of all board proceedings in a minute book, including all
65 appointments and removals of general registrars and officers of election. The secretary shall keep in his
66 custody the duly adopted seal of the board.

67 Books, papers, and records of the board shall be open to public inspection whenever the general
68 registrar's office is open for business either at the office of the board or the office of the general
69 registrar.

70 No election record containing an individual's social security number, or any part thereof, shall be
71 made available for inspection or copying by anyone. The State Board of Elections shall prescribe
72 procedures for local electoral boards and general registrars to make the information in certificates of
73 candidate qualification available in a manner that does not reveal social security numbers or any parts
74 thereof.