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SENATE BILL NO. 283

Offered January 8, 2014

Prefiled January 6, 2014

A *BILL to amend and reenact § 24.2-103, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to State Board of Elections; delegating powers and duties.*

Patron—Cosgrove

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-103, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 24.2-103. (Effective until July 1, 2014) 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. *The powers granted and duties assigned in this section shall not be delegated to any other entity and shall be carried out by the Board as set out in this section.*

H. 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.

§ 24.2-103. (Effective July 1, 2014) 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

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60 rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law. The
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62 State Board. Upon request and at a reasonable charge not to exceed the actual cost incurred, the State
63 Board shall provide to any requesting political party or candidate, within three days of the receipt of the
64 request, copies of any instructions or information provided by the State Board to the local electoral
65 boards and registrars.

66 B. The State Board, ~~through the Department of Elections~~, shall ensure that the members of the
67 electoral boards and general registrars are properly trained to carry out their duties by offering training
68 annually, or more often, as it deems appropriate, and without charging any fees to the electoral boards
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71 certification that officers of election have been trained consistent with the training standards set by the
72 Board. Such certification shall be submitted each year prior to the November general election by the
73 local electoral board.

74 C. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of any member
75 of an electoral board who fails to discharge the duties of his office in accordance with law. The State
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78 to § 24.2-234 for the removal of a general registrar if the local electoral board refuses to remove the
79 general registrar and the State Board finds that the failure to remove the general registrar has a material
80 adverse effect upon the conduct of either the registrar's office or any election. Any action taken by the
81 State Board pursuant to this subsection shall require a recorded majority vote of the Board.

82 D. The State Board may petition a circuit court or the Supreme Court, whichever is appropriate, for a
83 writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that
84 elections are conducted as provided by law.

85 E. The Department of Elections shall supervise its own staff to assure that no member of its staff
86 shall serve (i) as the chairman of a political party or other officer of a state-, local-, or district-level
87 political party committee or (ii) as a paid or volunteer worker in the campaign of a candidate for
88 nomination or election to an office filled by election in whole or in part by the qualified voters of the
89 Commonwealth.

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

91 G. *The powers granted and duties assigned in this section shall not be delegated to any other entity*
92 *and shall be carried out by the Board as set out in this section. The Board shall have the discretion to*
93 *request and direct the assistance of the Department of Elections in the carrying out of the powers and*
94 *duties of subsections A and B.*

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