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## SENATE BILL NO. 772

Offered January 25, 2016

A *BILL to amend and reenact §§ 24.2-103 and 24.2-115 of the Code of Virginia, relating to officers of elections; State Board to provide training online.*

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Patron—Ebbin

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Unanimous consent to introduce

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Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-103 and 24.2-115 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. The State Board shall set the training standards for the *chief officers of election and assistant chief officers of election* to be fulfilled by the local electoral boards and general registrars. *The State Board shall provide on the Department of Elections website a training course for officers of election.* The State Board shall require certification that *the chief and assistant chief 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~~ *each* election by the local electoral board.

C. 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.

D. 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.

E. The Department of Elections 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 State 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.

**§ 24.2-115. 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

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59 office shall begin on March 1 following their appointment and continue, at the discretion of the electoral  
60 board, for a term not to exceed three years or until their successors are appointed.

61 Not less than three competent citizens shall be appointed for each precinct. However, a precinct  
62 having more than 4,000 registered voters shall have not less than five officers of election serving for a  
63 presidential election, and the electoral board shall appoint additional officers as needed to satisfy this  
64 requirement. Insofar as practicable, each officer shall be a qualified voter of the precinct he is appointed  
65 to serve, but in any case a qualified voter of the Commonwealth. In appointing the officers of election,  
66 representation shall be given to each of the two political parties having the highest and next highest  
67 number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. The  
68 representation of the two parties shall be equal at each precinct having an even number of officers and  
69 shall vary by no more than one at each precinct having an odd number of officers. If practicable,  
70 officers shall be appointed from lists of nominations filed by the political parties entitled to  
71 appointments. The party shall file its nominations with the secretary of the electoral board at least 10  
72 days before February 1 each year. The electoral board may appoint additional citizens who do not  
73 represent any political party to serve as officers. If practicable, no more than one-third of the total  
74 number of officers appointed for each precinct may be citizens who do not represent any political party.

75 Officers of election shall serve for all elections held in their respective precincts during their terms of  
76 office unless a substitute is required to be appointed pursuant to § 24.2-117 or the electoral board  
77 decides that fewer officers are needed for a particular election, in which case party representation shall  
78 be maintained as provided above. For a primary election involving only one political party, persons  
79 representing the political party holding the primary shall serve as the officers of election if possible.

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

92 The electoral board shall instruct each chief officer and assistant in his duties not less than three nor  
93 more than 30 days before each election *and shall certify to the State Board that such training has been*  
94 *conducted.* Each electoral board ~~may instruct~~ *shall ensure that each officer of election has completed the*  
95 *online training course provided by the State Board pursuant to subsection B of § 24.2-103 in his duties*  
96 *at an appropriate time or times not less than three days before each November general election; and*  
97 *shall conduct training of the officers of election consistent with the standards set by the State Board*  
98 *pursuant to subsection B of § 24.2-103.* Each electoral board shall certify to the State Board that such  
99 ~~training has been conducted every four years.~~

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

103 Additional officers shall be appointed in accordance with this section at any time that the electoral  
104 board determines that they are needed or as required by law.

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

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