

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: SB1431

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. Patron: Surovell

3. Committee: Privileges and Elections

4. Title: Procedure for removal of elected and certain appointed officers by courts.

5. Summary: Sets out the procedure by which, and clarifies the reasons for which, an elected officer or officer who has been appointed to fill an elective office may be removed from office. The bill requires, among other things, that (i) the general registrar review the petition and determine its sufficiency in accordance with the uniform standards approved by the State Board of Elections; (ii) the general registrar certify the petition within 10 business days and promptly file such certification with the clerk of the circuit court; and (iii) the certification state the number of signatures required, the number of signatures on the petition, and the number of valid signatures, along with any signatures found to be invalid and any material omissions from the petition. The bill also provides that the Commonwealth and the elected officer shall be the only two parties to a removal proceeding, unless the subject of the petition is the attorney for the Commonwealth, then the Chief Justice of the Supreme Court of Virginia shall appoint an alternate attorney for the Commonwealth to receive the copy of the petition. This bill is a recommendation of the Boyd-Graves Conference.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary, no state fiscal impact.

8. Fiscal Implications: The proposed legislation is not expected to have a fiscal impact on the Department of Elections.

Although this bill could lead to additional hearings in the circuit courts, it is expected that any additional hearings could be accommodated with current resources.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Elections, State Board of Elections, General Registrars, and circuit courts.

10. Technical Amendment Necessary: No.

11. Other Comments: This version of the bill is similar, but not identical, to HB2289.

February 6, 2023