

VIRGINIA ACTS OF ASSEMBLY -- 2024 SESSION

CHAPTER 309

An Act to amend and reenact §§ 24.2-106, 24.2-110, 24.2-112, 24.2-115, and 24.2-418 of the Code of Virginia, relating to voter registration; protected voter status; elections officials.

[H 943]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-106, 24.2-110, 24.2-112, 24.2-115, and 24.2-418 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-106. Appointment and terms; vacancies; chairman and secretary; certain prohibitions; training.

A. There shall be in each county and city an electoral board composed of three members who shall be qualified voters of such county or city. The members shall be appointed by the chief judge of the judicial circuit for the county or city or that judge's designee. Such designee shall be any other judge who sits in the judicial circuit. Any vacancy occurring on a board shall be filled by the same authority for the unexpired term.

In the event of the temporary absence, or disability that precludes the performance of duties, of one or more members that prevents attaining a quorum, the chief judge or his designee, for good cause, may appoint, on a meeting-to-meeting basis, a temporary member to the electoral board. The temporary appointee must be eligible for appointment and to the extent practicable maintain representation of political parties under this section.

The clerk of the circuit court shall send to the State Board a copy of each order making an appointment to an electoral board.

In the appointment of the electoral board, 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. Two electoral board members shall be of the political party that cast the highest number of votes for Governor at that election. When the Governor was not elected as the candidate of a political party, representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of the appointment and two board members shall be of the political party having the highest number of members in the General Assembly.

The political party entitled to the appointment shall make and file recommendations with the judges for the appointment not later than December 15 of the year of an expiration of a term or, in the case of an appointment to fill a vacancy, within 30 days of the date of death or notice of resignation of the member being replaced. Its recommendations shall contain the names of at least three qualified voters of the county or city for each appointment. The chief judge, or his designee, shall promptly make such appointment from the recommendations (i) after receipt of the political party's recommendation or (ii) after December 15 for a full term or after the 30-day period expires for a vacancy appointment, whichever of the events described in clause (i) or (ii) first occurs.

The chief judge of the judicial circuit for the county or city, or his designee, shall not appoint to the electoral board (a) any person who is the spouse of an electoral board member or the general registrar for the county or city; (b) any person, or the spouse of any person, who is the parent, grandparent, sibling, child, or grandchild of an electoral board member or the general registrar of the county or city; or (c) any person who is ineligible to serve under the provisions of this section.

Electoral board members shall serve three-year terms and be appointed to staggered terms, one term to expire at midnight on the last day of December each year, unless the results of an election have not been certified by the board or a recount of an election has not concluded, in which case the term shall expire at midnight on the day the results are certified or the recount is concluded. No three-year term shall be shortened to comply with the political party representation requirements of this section.

B. The board shall elect one of its members as chairman and another as secretary. The chairman and the secretary shall represent different political parties, unless the representative of the second-ranked political party declines in writing to accept the unfilled office. At any time that the secretary is incapacitated in such a way that makes it impossible for the secretary to carry out the duties of the position, the board may designate one of its other members as acting secretary. Any such designation shall be made in an open meeting and recorded in the minutes of the board.

The secretary of the electoral board shall immediately notify the State Board of any change in the membership or officers of the electoral board and shall keep the Board informed of the name, residence and mailing addresses, and home and business telephone numbers of each electoral board member.

C. No member of an electoral board shall be eligible to offer for or hold an office to be filled in

whole or in part by qualified voters of his jurisdiction. If a member resigns to offer for or hold such office, the vacancy shall be filled as provided in this section.

No member of an electoral board shall be the spouse, grandparent, parent, sibling, child, or grandchild, or the spouse of a grandparent, parent, sibling, child, or grandchild, of a candidate for or holder of an elective office filled in whole or in part by any voters within the jurisdiction of the electoral board.

No member of an electoral board shall serve as the chairman of a state, local or district level political party committee or as a paid 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 jurisdiction of the electoral board.

If an electoral board member ceases to be a qualified voter of the county or city for which he was appointed, his office shall be deemed vacant and the vacancy shall be filled as provided in this section.

D. Each member of the electoral board shall attend an annual training program provided by the State Board during the first year of his appointment and the first year of any subsequent reappointment.

E. *Upon appointment pursuant to this section, an electoral board member shall be eligible for protected voter status under subsection B of § 24.2-418.*

§ 24.2-110. Appointment, qualifications, and term of general registrar; vacancies; certain prohibitions.

A. Each electoral board shall meet in the month of May or June in 2007, and every four years thereafter, and shall appoint a general registrar, who shall be a qualified voter of the county or city for which he is appointed unless such county or city has a population of 50,000 or less. In the case of a city that is wholly contained within one county, the city electoral board may appoint a qualified voter of that county to serve as city general registrar. General registrars shall serve four-year terms beginning July 1, 2007, and each fourth year thereafter, and continue in office until a successor is appointed and qualifies.

The electoral board shall fill any vacancy in the office of general registrar for the unexpired term. The electoral board shall declare vacant and fill the office of the general registrar if the appointee fails to qualify and deliver a copy of his oath to the secretary of the electoral board within 30 days after he has been notified of his appointment.

B. No general registrar shall hold any other office, by election or appointment, while serving as general registrar; however, with the consent of the electoral board, he may undertake other duties which do not conflict with his duties as general registrar. General registrars shall not serve as officers of election. The election or appointment of a general registrar to any other office shall vacate the office of the general registrar.

No general registrar shall be eligible to offer for or hold an office to be filled by election in whole or in part by the qualified voters of his jurisdiction at any election held during the time he serves as general registrar or for the six months thereafter.

The electoral board shall not appoint to the office of general registrar any person who is the spouse of an electoral board member or any person, or the spouse of any person, who is the parent, grandparent, sibling, child, or grandchild of an electoral board member.

C. No general registrar shall serve as the chairman of a political party or other officer of a state, local or district level political party committee. No general registrar shall serve 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 his jurisdiction. The restrictions of this ~~paragraph~~ subsection shall apply to paid deputy registrars but shall not apply to unpaid deputy registrars.

D. *Upon appointment pursuant to this section, a general registrar shall be eligible for protected voter status under subsection B of § 24.2-418.*

§ 24.2-112. Deputy registrars; employees.

A. The electoral board of each county and city shall determine the number of deputy registrars to serve in the office of the general registrar, including any to serve full-time.

In Russell County, there shall be at least one full-time deputy registrar who shall serve in the office of the general registrar.

In any county or city whose population is over 15,500, there shall be at least one deputy registrar who shall serve at least one day each week in the office of the general registrar.

Any county or city whose population is 15,500 or less shall have at least one substitute registrar who is able to take over the duties of the general registrar in an emergency and who shall assist the general registrar when he requests.

B. The electoral board shall set the term for the deputy registrars; however, their terms shall not extend beyond the term set by law of the incumbent general registrar. The general registrar shall establish the duties of deputy registrars, appoint deputy registrars, and have authority to remove any deputy registrar who fails to discharge the duties of his office.

All deputy registrars shall have the same limitations and qualifications and fulfill the same requirements as the general registrar except that (i) a deputy registrar may be an officer of election and (ii) a deputy registrar shall be a qualified voter of the Commonwealth but is not required to be a

qualified voter of the county or city in which he serves as deputy registrar. Candidates who are residents in the county or city for which they seek appointment may be given preference in hiring. Localities may mutually agree to share a deputy registrar among two or more localities. Deputy registrars who agree to serve without pay shall be supervised and trained by the general registrar.

All other employees shall be employed by the general registrar. The general registrar may hire additional temporary employees on a part-time basis as needed.

C. The compensation of any deputy registrar, other than those who agree to serve without pay, or any other employee of the general registrar shall be fixed and paid by the local governing body and shall be the equivalent of or exceed the minimum hourly wage established by federal law in 29 U.S.C. § 206 (a)(1), as amended.

D. The general registrar shall not appoint to the office of paid deputy registrar his spouse or any person, or the spouse of any person, who is his parent, grandparent, sibling, child, or grandchild.

E. *Upon appointment or employment pursuant to this section, a deputy registrar or any employee of the office of the general registrar shall be eligible for protected voter status under subsection B of § 24.2-418.*

§ 24.2-115. Appointment, qualifications, and terms of officers of election.

A. 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. 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.

B. 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.

C. 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.

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

If practicable, substitute officers or additional officers appointed after the electoral board's regular meeting in the first week of February shall be appointed from lists of nominations filed by the political

parties entitled to appointments. The electoral board or the general registrar shall inform the political parties of the decision of the electoral board to make such appointments and the party shall file its nominations with the secretary of the electoral board or the general registrar within five business days.

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

F. *Upon appointment pursuant to this section, an officer of election shall be eligible for protected voter status under subsection B of § 24.2-418.*

§ 24.2-418. Application for registration.

A. Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed by the State Board.

The form of the application to register shall require the applicant to provide the following information: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated and disqualified to vote or convicted of a felony, and if so, whether the applicant's right to vote has been restored. The form shall contain a statement that whoever votes more than once in any election in the same or different jurisdictions is guilty of a Class 6 felony. Unless directed by the applicant or as permitted in § 24.2-411.2 or 24.2-411.3, the registration application shall not be pre-populated with information the applicant is required to provide.

The form of the application to register shall request that the applicant provide his telephone number and email address, but no application shall be denied for failure to provide such information.

B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under this subsection.

1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

2. Any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

3. Any party who has furnished a signed written statement by the party that he is in fear for his personal safety from another person who has threatened or stalked him;

4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2;

5. Any active or retired federal or Virginia justice, judge, or magistrate and any active or retired attorney employed by the United States Attorney General or Virginia Attorney General; ~~and~~

6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et seq.) of Title 63.2; *and*

7. *Any person serving as a member of a local electoral board pursuant to § 24.2-106, a general registrar pursuant to § 24.2-110, a deputy registrar or employee in the office of the general registrar pursuant to § 24.2-112, or an officer of election pursuant to § 24.2-115.*

C. If the applicant formerly resided in another state, the general registrar shall send the information contained in the applicant's registration application to the appropriate voter registration official or other authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-114.

2. That the Department of Elections shall provide the means by which a person previously registered who is later (i) appointed to serve as a local electoral board member, a general or deputy registrar, or an officer of election or (ii) employed in an office of a general registrar may provide a post office box address to receive protected voter status.