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SENATE BILL NO. 459

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend and reenact §§ 24.2-103 and 24.2-110 of the Code of Virginia, relating to elections; administration; registrars; evaluation and certain prohibitions.

 Patron—Chase

 Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That §§ 24.2-103 and 24.2-110 of the Code of Virginia are amended and reenacted as follows:****§ 24.2-103. Powers and duties in general; report.**

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. Its supervision shall ensure that major risks to election integrity are (i) identified and assessed and (ii) addressed as necessary to promote election uniformity, legality, and purity. 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 (a) the elections laws and (b) 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 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 for the training.

C. The State Board, through the Department of Elections, shall conduct a certification program for the general registrars and shall require each general registrar to receive certification through such program from the Department within 12 months of his initial appointment or any subsequent reappointment. The State Board may grant a waiver requested by a local electoral board to extend, on a case-by-case basis, this deadline by up to three months. The State Board shall develop a training curriculum for the certification program and standards for completing the program and maintaining certification, including required hours of annual training. No fees shall be charged to a general registrar for any required training as part of the certification program. The State Board shall review the certification program every four years, or more often as it deems appropriate.

D. The State Board shall set the training standards for the officers of election and shall develop standardized training programs for the officers of election to be conducted by the local electoral boards and the general registrars. Training of the officers of election shall be conducted and certified as provided by § 24.2-115.2. The State Board shall provide standardized training materials for such training and shall also offer on the Department of Elections website a training course for officers of election. The content of the online training course shall be consistent with the standardized training programs developed pursuant to this section. The State Board shall review the standardized training materials and the content of the online training course every two years in the year immediately following a general election for federal office.

E. *The State Board shall establish standards for evaluation of the performance of general registrars. At minimum, such standards shall provide for placement of general registrars in categories for satisfactory performance, less than satisfactory performance, and poor performance. The State Board shall establish remedial measures to be applied to registrars demonstrating less than satisfactory and poor performance. The Department shall conduct an annual evaluation of all general registrars in the Commonwealth according to the standards established by the State Board and ensure the performance of any required remedial measures. Any general registrar receiving a performance evaluation indicating poor performance two years in a row shall be considered to have failed to discharge the duties of his office in accordance with law and shall be subject to removal pursuant to § 24.2-234.*

F. 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

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59 discharge the duties of his office according to law. The State Board may institute proceedings pursuant
60 to § 24.2-234 for the removal of a general registrar if the local electoral board refuses to remove the
61 general registrar and the State Board finds that the failure to remove the general registrar has a material
62 adverse effect upon the conduct of either the registrar's office or any election. Any action taken by the
63 State Board pursuant to this subsection shall require a recorded majority vote of the Board.

64 *F. G.* The State Board may petition a circuit court or the Supreme Court, whichever is appropriate,
65 for a writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that
66 elections are conducted as provided by law.

67 *G. H.* The Department of Elections shall supervise its own staff to assure that no member of its staff
68 shall serve (i) as the chairman of a political party or other officer of a state-, local-, or district-level
69 political party committee or (ii) as a paid or volunteer worker in the campaign of a candidate for
70 nomination or election to an office filled by election in whole or in part by the qualified voters of the
71 Commonwealth.

72 *H. I.* The Department of Elections shall employ a Director of Operations who shall be responsible for
73 managing the day-to-day operations at the Department of Elections and ensuring (i) fulfillment of the
74 Department's mission and responsibilities; (ii) compliance with state and federal election laws and
75 regulations; and (iii) compliance with the Department's business, administrative, and financial policies.
76 This position shall be a full-time classified position subject to the Virginia Personnel Act (§ 2.2-2900 et
77 seq.).

78 *I. J.* The State Board shall adopt a seal for its use and bylaws for its own proceedings.

79 *J. K.* The State Board shall submit an annual report to the Governor and the General Assembly on
80 the activities of the State Board and the Department of Elections in the previous year. Such report shall
81 be governed by the provisions of § 2.2-608.

82 **§ 24.2-110. Appointment, qualifications, and term of general registrar; vacancies; certain**
83 **prohibitions.**

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

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

95 No general registrar shall hold any other office, by election or appointment, while serving as general
96 registrar; however, with the consent of the electoral board, he may undertake other duties which do not
97 conflict with his duties as general registrar. General registrars shall not serve as officers of election.
98 *General registrars shall not conduct the duties of officers of election, including qualifying and assisting*
99 *voters voting at the office of the general registrar during the period for casting absentee ballots in*
100 *person.* The election or appointment of a general registrar to any other office shall vacate the office of
101 the general registrar.

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

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

108 No general registrar shall serve as the chairman of a political party or other officer of a state, local,
109 or district level political party committee. No general registrar shall serve as a paid or volunteer worker
110 in the campaign of a candidate for nomination or election to an office filled by election in whole or in
111 part by the qualified voters of his jurisdiction. ~~The restrictions of this paragraph shall apply to paid~~
112 ~~assistant registrars but shall not apply to unpaid assistant registrars.~~

113 *No general registrar shall have a spouse, relative, or person with whom he resides who serves as the*
114 *chairman of a political party or other officer of a state, local, or district level political party committee.*
115 *No general registrar shall have spouse, relative, or person with whom he resides who serves as a paid*
116 *or volunteer worker in the campaign of a candidate for nomination or election to an office filled by*
117 *election in whole or in part by the qualified voters of the registrar's jurisdiction.*