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SENATE BILL NO. SB 744

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections)

(Patron Prior to Substitute—Senator Vogel)

Senate Amendments in [] - February 10, 2022

A *BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 64, consisting of sections numbered 30-409 through 30-409.3, relating to establishment of Virginia Elections Commission.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 64, consisting of sections numbered 30-409 through 30-409.3, as follows:

CHAPTER 64.

VIRGINIA ELECTIONS COMMISSION.

§ 30-409. Virginia Elections Commission; purpose; membership; meetings.

A. *The Virginia Elections Commission (the Commission) is hereby created as an advisory commission in the legislative branch to study, report, and make recommendations on matters related to the administration and conduct of elections in the Commonwealth in order to ensure the accessibility, integrity, efficiency, and security of elections in the Commonwealth.*

B. *The Commission shall consist of 15 members as follows: seven members appointed by the Speaker of the House of Delegates, of whom two shall be members of the House of Delegates representing the political party of the Speaker, two shall be members of the House of Delegates representing the minority political party in the House of Delegates, one shall be a member of a local electoral board designated by the Virginia Electoral Board Association, one shall be a general registrar designated by the Voter Registrars Association of Virginia, and one shall be a nonlegislative citizen member; seven members appointed by the Senate Committee on Rules, of whom two shall be members of the Senate of Virginia representing the political party of the President pro tempore, two shall be members of the Senate of Virginia representing the minority political party in the Senate, one shall be a member of a local electoral board designated by the Virginia Electoral Board Association, one shall be a general registrar designated by the Voter Registrars Association of Virginia, and one shall be a nonlegislative citizen member; and the Commissioner of Elections or his designee.*

C. *Nonlegislative citizen members shall serve for terms of four years, except that appointments to fill vacancies shall be for the unexpired term, and shall not be eligible to serve for more than two successive four-year terms. All other members shall serve terms coincident with their terms of office and may serve for successive terms.*

D. *The members of the Commission shall elect from among their membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position.*

E. *The Commission shall hold meetings quarterly or upon the call of the chairman. A majority of the Commission shall constitute a quorum. Notwithstanding the provisions of subsection C, if any nonlegislative citizen member of the Commission fails to attend a majority of meetings of the Commission in a calendar year, the Commission shall notify the member's appointing authority. Upon receipt of such notification, the appointing authority may remove the member and appoint a successor as soon as practicable.*

F. *No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.*

G. *Members of the Commission shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813, 2.2-2825 and 30-19.12, as appropriate. Funding for expenses of the members shall be provided from existing appropriations to the Commission.*

§ 30-409.1. Powers and duties of the Commission.

At the direction of the General Assembly and upon request of the Governor, or upon its own motion, the Commission shall study matters related to the administration and conduct of elections in order to ensure the accessibility, integrity, efficiency, and security of elections in the Commonwealth, and shall report on its findings and make legislative recommendations to the General Assembly and the Governor.

The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the deadline for submitting drafting requests for legislation to be prefiled to the Division of Legislative Services established by the procedural resolution adopted by the General Assembly, or in default thereof, adopted

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60 by the Joint Rules Committee. The executive summary shall be submitted as provided in the procedures
61 of the Division of Legislative Automated Systems for the processing of legislative documents and reports
62 and shall be posted on the General Assembly's website.

63 **§ 30-409.2. Staffing [~~;~~ **executive director**] .**

64 The Commission shall appoint and employ [~~an executive director and other persons~~ staff] as it
65 deems necessary, who shall serve at the pleasure of the Commission, to assist it in carrying out its
66 duties. The Commission may determine their duties and fix their salaries or compensation within the
67 amounts appropriated therefor.

68 **§ 30-409.3. Cooperation of other state agencies and political subdivisions.**

69 Every department, division, board, bureau, commission, authority, or other agency created by the
70 Commonwealth, or to which the Commonwealth is a party, and each political subdivision of the
71 Commonwealth shall, upon request by the Commission, provide cooperation and assistance to the
72 Commission in the performance of its duties.