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SENATE JOINT RESOLUTION NO. 33

Offered January 12, 2022

Prefiled January 11, 2022

Directing the Joint Legislative Audit and Review Commission to review the election governance structure in the Commonwealth. Report.

Patron—McClellan

Referred to Committee on Rules

WHEREAS, an election process that is fair, efficient, and accountable at all levels is essential in maintaining a strong democracy and in assuring Virginians that their fundamental right to vote is protected; and

WHEREAS, the success of elections administration in the Commonwealth is dependent on 133 general registrars and electoral boards in each of the Commonwealth's independent cities and counties, which are independently responsible for operating and overseeing local elections; and

WHEREAS, the State Board of Elections (the State Board), through the Department of Elections, is required by § 24.2-103 of the Code of Virginia to "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"; however, in practice, the State Board has little ability to ensure uniformity and fairness of elections when such electoral boards and registrars are not accountable to the State Board; and

WHEREAS, insufficient accountability may leave local registrars and electoral boards susceptible to partisan pressures or may otherwise fail to ensure uniformity and integrity of elections statewide; and

WHEREAS, to ensure fair and uniform elections and to maintain voters' faith in the election process, the Commonwealth's election governance structure must be examined and, where needed, improved upon; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission be directed to review the election governance structure in the Commonwealth.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) review the roles and responsibilities of state and local election officials in the administration and conduct of elections in the Commonwealth, including the level of oversight by state election officials and the degree of decision-making by local election officials, (ii) review the accountability structure present for both state and local election officials, (iii) review the methods of selection and removal of state and local election officials and evaluate how such methods shape accountability mechanisms, and (iv) evaluate the potential for partisan pressures and influence in administrative decisions at the state and local election level.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the State Board of Elections, the Department of Elections, the Virginia Electoral Board Association, and the Voter Registrars Association of Virginia. All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2022, and for the second year by November 30, 2023, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

INTRODUCED

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