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SENATE JOINT RESOLUTION NO. 33
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the Senate Committee on Rules
 on February 11, 2022)

(Patron Prior to Substitute—Senator McClellan)

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

WHEREAS, the mission of the Department of Elections is to promote and support accurate, fair, open, and secure elections for the citizens of the Commonwealth; and

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, the State Board, through the Department of Elections, has an insufficient ability to hold local electoral boards accountable, which leaves local registrars and electoral board members susceptible to partisan pressures without state-level mechanisms in place to provide necessary oversight; 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 at both the state and local level to determine where improvement and additional oversight is needed; 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 methods of selection and removal of state and local election officials and evaluate how such methods shape accountability mechanisms; (iii) review the level of funding provided by the state and localities; (iv) evaluate the potential for partisan pressures and influence in administrative decisions at the state and local election level; (v) develop recommendations for objective methods of evaluating the performance of both local and state election officers to determine if they are appropriately fulfilling the responsibilities of their positions and whether removal may be necessary; and (vi) make other recommendations as necessary and review other issues as warranted.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the State Board of Elections, the Department of Elections, local electoral boards, local general registrars, 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.