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Virginia has 133 independent cities and counties, ranging in population from under 3,000 to over 1 million.<sup>1</sup> Each independent city and county has one general registrar and a three-member electoral board. These four individuals are responsible for virtually all aspects of voter registration and election administration in their locality. As a full or part-time appointed official, the general registrar is typically the “public face” of the local electoral process.

### 3.1 Duties

The Code of Virginia, in general, describes the duties of the general registrar and the electoral board. The specific duties of the general registrars are mentioned throughout the Code. The most comprehensive (but not exhaustive) list can be found in [§ 24.2-114](#).

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<sup>1</sup> This total excludes Bedford City which reverted to a town effective July 2013.

While the specific Code section language should always be checked for details, these statutory responsibilities are summarized below:

- Maintain the office of the general registrar and establish and maintain additional public places for voter registration.
- Participate in programs to educate the general public concerning registration and encourage registration by the general public.
- Perform his duties within the county or city he was appointed to serve, except as noted in [§ 24.2-114](#).
- Provide the appropriate forms for applications to register and to obtain the information necessary to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.
- Indicate when appropriate that the registrant has registered by mail.
- Accept registration applications and determine eligibility to register, including check for felony conviction and restoration of rights.
- Preserve order at and in the vicinity of the place of registration.
- Maintain the official registration records for his county or city in the voter registration system.
- Promptly notify a person in writing of the denial of their application and the reason for the denial.
- Verify the accuracy of the pollbooks provided for each election by the State Board, make the pollbooks available to the precincts, and according to the instructions of the State Board provide a copy of the data from the pollbooks to the State Board after each election for voting credit purposes.
- Retain the pollbooks in his principal office for two years from the date of the election.
- Maintain accurate and current registration records.
- Update the voter registration system to reflect changes to election districts, precincts, or polling places and notify each affected voter.
- Transfer registration records of affected voters.
- Notify the appropriate authority when a person registers who was previously registered in another state.
- Cooperate with authorities of another state who are inquiring about any person believed to be registered or voting in more than one state or territory of the United States.
- Review petitions as required in [§ 24.2-114](#).
- Carry out such other duties as prescribed by the electoral board.
- Attend certain training programs provided by the State Board.
- Make adequate advance preparations to enable prompt counting of absentee ballots after polls close on election day. [§ 24.2-709.1](#).

SBE staff has prepared a listing of statutory responsibilities for general registrar and electoral board members. This list is not intended to be an all inclusive list; however, it provides insight into the many duties of the general registrar.

This list of responsibilities for the general registrar and the electoral board may be found in SharePoint [GR and EB tab>Statutory Responsibilities – GR and EB](#).

Electoral boards may delegate many, but not all, of their duties to the general registrar. Core supervisory functions such as protection of ballots,<sup>2</sup> the registrar's performance evaluation, appointing officers of election representative of political parties and certifying election results are clearly supervisory duties of the electoral board that may not be delegated. The number and type of administrative duties properly delegated varies greatly from locality to locality, especially in larger localities with larger staff. Electoral boards should be mindful of the many duties that the general registrar is legally required to perform and should have an awareness of the resources available to the registrar. If the general registrar needs additional staff to perform additional duties, particularly if those duties are delegated by the electoral board, the board should work with the local governing body to obtain adequate staffing.

Any delegation of duties to the general registrar should be: (1) clearly spelled out in the meeting minutes or should be included in the job description for the general registrar, (2) adopted only after discussion with the general registrar, and (3) adopted at an electoral board meeting and included in the minutes of that meeting. Delegation to the general registrar does not absolve the electoral board of legal responsibility for management of elections.

The general registrar and electoral board should meet and develop a list of board duties that are delegated to the registrar. The general registrar and electoral board should review this list annually and determine if changes are needed. Any changes in the duties delegated to the registrar should be adopted at a public board meeting and included in the minutes of the meeting.

## **3.2 Appointment**

The electoral board for each county and city meets in the month of May or June in 2007 and every four years thereafter to appoint the general registrar. The appointment is for a four-year term to begin the first of July of the year of appointment. The electoral board fills any vacancy for the remainder of an unexpired term. [§ 24.2-110](#). The appointment is for this specific term and is not subject to grievance procedures. The electoral board is not required to advertise the availability of this appointive position if the incumbent general registrar will be reappointed. Immediately after the meeting to appoint the general registrar, the secretary of the electoral board must certify to the SBE the appointment of the general registrar (newly appointed or reappointed) using the General Registrar Certification of Appointment form (SBE-110). See GREB 2 for more information.

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<sup>2</sup> *Xippas v. Commonwealth*, 141 Va. 497, 126 S.E. 207 (1925) (“To hold that the electoral board may delegate its powers in any and all events would be to destroy the legislative intent in regard to the protection of the ballot.”)

### 3.2.1 Job Qualifications

The general registrar should fit the following roles and related qualifications:

- A planner capable of assessing the current and future needs of citizens, establishing a schedule to meet those needs, and managing all phases of the registration process.
- An administrator able to manage all phases of the registration process, and the employees and volunteers responsible for its accomplishment.
- A budget analyst with the ability to determine the financing required for an effective registration program, and to obtain necessary funds by providing justification to the local governing body and working with local officials.
- A human resources officer capable of assessing the qualifications of prospective assistant registrars, paid or volunteer, and clerical employees who may be needed.
- A trainer capable of training all assistant registrars, clerical employees, and, if delegated, election officials in the proper and efficient performance of their duties.
- A writer with the skills to compose press releases, legal notices, correspondence, and manuals.
- A public relations expert capable of appropriate and non-partisan dealings with citizens, the press, the local government, the state government, and the federal government.
- A public speaker willing to speak before the public about the election process.
- A person with technical ability able to understand and manage the technical aspects of the position such as creating mail merge documents (e.g., for correspondence with voters), using spreadsheets (e.g., for budget preparation) and using presentation software (e.g., for training officers of election).
- A monitor able to track and analyze federal and state legislative initiatives and voting trends to project the potential future impact on the locality, and to provide meaningful information to legislators when appropriate.
- An individual capable of quickly familiarizing herself with the locality and its citizens in order to establish a registration and voter education plan that meets the needs of the locality.

The person appointed general registrar may not be all of these things when appointed but must become all of them or the registration process will suffer.

The general registrar holds the key to increasing the number of eligible citizens who are registered to vote. Press releases, public service announcements, and informational speeches are essential tools for public education. Application displays can be arranged in highly visible locations that are frequented by citizens of the locality. In-person registration schedules can be arranged so that the registrar is available to the public at popular events and places. ~~See Chapter 24 for preclearance requirements in locations that~~

~~are not bailed out.~~<sup>3</sup> In particular, visits to local high schools once or twice each year to register students who are turning 18 are important in reaching young voters and provide excellent opportunities to conduct voter education activities for students. The general registrar must know the county or city and the habits of its citizens in order to establish a registration plan that is responsive to the locality.

### **3.3 Oath of Office**

Each general registrar must, as soon as possible and not later than June 30, take and sign the oath of office prescribed in [Va. Const. II, 7](#) before any judge, Circuit Court Clerk or a Notary. [§§ 24.2-120, 49-3](#) .

The general registrar must file the signed oath with the Circuit Court Clerk. This document is available from the Clerk. A copy of the signed oath also must be filed with the secretary of the electoral board. [§ 24.2-120](#).

The secretary of the electoral board must assure that the oath is taken and filed by the general registrar appointed by the Board. Failure to take it before acting as general registrar is punishable by a fine of not less than \$100 or more than \$1,000. [§ 49-11](#).

### **3.4 The General Registrar and Political Activity**

The registrar is prohibited from volunteering or working in political campaigns affecting his or her locality. [§ 24.2-110](#). The statute does not define “volunteer worker” so that the plain and ordinary meaning is to be used (i.e., a person who, of his own free will, provides services, without any financial gain). *See* [§ 2.2-3601](#). There has been some question over the years as to whether [§ 24.2-110](#) prohibits contributing to candidates, placing bumper stickers on private vehicles, and the like. Being in a job involving politics, it is natural that a registrar will have political leanings and may have come from a campaign background. While the law does not require a registrar to be apolitical, registrars must perform their duties in a nonpartisan manner. [Op. Va. Att’y Gen. 03-068](#). In particular, registrars should do nothing that might cause the public to perceive favoritism for one candidate over another. The Code expressly prohibits the general registrar from selectively soliciting registration or offering incentives for applications. Va. Code § 24.2-114(2).

### **3.5 Removal**

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<sup>3</sup> On June 25, 2013, the U.S. Supreme Court held invalid Section 4 of the Voting Rights Act that outlines the formula for determining what jurisdictions are covered under the Section 5 Preclearance processes. This ruling makes Section 5 dormant until such time as Congress enacts another formula for coverage that is consistent with the Constitution. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice.

The electoral board may, by a recorded majority vote, remove from office, on notice any general registrar who fails to discharge the duties of the office according to law. [§ 24.2-109](#). The SBE may petition the local electoral board pursuant to [§ 24.2-103](#) to remove from office any general registrar who fails to discharge the duties of the office according to law. The SBE may institute proceedings pursuant to [§ 24.2-234](#) for the removal of the general registrar if the local electoral board refuses to act.

In the event that a vacancy occurs in the office of general registrar, or the incumbent general registrar becomes unable to perform the duties of the office for an extended period, the board may appoint an acting general registrar. The board and the State Board may arrange for the acting general registrar to receive the compensation designated for the general registrar. However, the State Board will only reimburse the locality for the salary of one incumbent of the position. The locality may still be liable for the salary of a temporarily incapacitated general registrar, under the normal personnel and compensation policies of the locality. The local government attorney or personnel officer should be able to advise the board and the registrar of the appropriate policies.

### **3.6 Compensation**

The General Assembly sets the salary of general registrars in the annual appropriations act. The current plan is based on population and other factors, including a cost of living adjustment in certain urban localities.

To determine the appropriate salary, each July 1 the SBE must use the most recent official population estimate from the Weldon Cooper Center for Public Service of the University of Virginia.<sup>4</sup> The annual compensation of an incumbent may not be decreased due to declining population during the term or term of office.

The general registrar must receive the annual compensation set by the SBE and may not be paid less except when taking an unpaid leave of absence brought about by extenuating circumstances. During any unpaid leave, the chief assistant or another appropriately qualified individual is appointed the acting general registrar by the electoral board.

Any local governing body may choose to pay the general registrar a salary supplement. The general registrar who believes such a supplement is warranted should approach the local governing body with a proposal and justification for the supplement.

The registrar's salary must be paid by the local governing body. The salary amount (not including any supplement) is generally reimbursed to the locality by the SBE on an annual basis.

The locality must provide the same benefits to the general and assistant registrars and staff as provided to other employees of the locality. [§ 24.2-111](#). The local governing

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<sup>4</sup> See Appropriations Act, Item 88, available at <http://lis.virginia.gov/cgi-bin/legp604.exe?131+bud+21-88>

body has discretion to determine which benefit programs it can provide (e.g. retirement, medical, dental). Costs of these programs are borne entirely by the locality and/or the registrar, with no reimbursement from the State treasury.

The local governing body must reimburse the general registrar for reasonable expenses and for mileage at the rate paid to members of the General Assembly when these are incurred while on official business. Commuting is not official business. These expenses are not reimbursed from the State treasury. [§ 24.2-111](#).

### **3.7 Attendance/Absences**

Effective August 8, 2000, the SBE, with the support of the Secretary of Administration and the Attorney General's office, directed that:

Any general registrar who will be out of the office for any reason for more than two weeks should provide written or email notice to the Secretary or Deputy Secretary of SBE. (Not two weeks, but longer than two weeks.) SBE will need to know who to contact in the office during the general registrar's extended absence.

Each jurisdiction's general registrar and electoral board secretary are individually responsible for ensuring that SBE is provided the required notification. If an electoral board member or general registrar is absent due to unforeseen circumstances, the responsible person present, or staff, must send this notification. Notification should be in advance for any foreseeable absence.

General registrars should expect to work considerable overtime (evenings and weekends) during the busy election season and at other times throughout the year. The electoral board and general registrar should discuss expectations for whether compensatory time will be granted or if the registrar has scheduling flexibility. The general registrar and electoral board may wish to consult the locality's human resource office for guidelines on overtime.

#### **3.7.1 Jury Duty Exemption**

2011 legislation allows general registrars, their staff and electoral board members to request exemption from jury service starting 90 days before an election through 10 days after certification or conclusion of any recount or contest. § 8.01-341.1(14). Although the [federal exemption](#) for "public officers" is not available,<sup>5</sup> federal district courts may grant excuses based on occupation, hardship or extreme inconvenience. Your local

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<sup>5</sup> Federal legislation has been proposed to provide an exemption for election or registration officials for the period 60 days before until 30 days after an election. See HR 775, available at <http://thomas.loc.gov/cgi-bin/bdquery/z?d113:h.r.00775>:

government attorney can assist you with communicating an exemption request to the court.

## **3.8 Assistant Registrars**

In localities with a population of over 15,500 the law requires at least one assistant registrar who serves at least one day a week. In localities with a population under 15,500 the law requires only one substitute registrar who is able to assume the duties of the general registrar in an emergency and who shall assist the general registrar when he requests. [§ 24.2-112](#).

A specific provision for Russell County requires at least one full-time assistant registrar who shall serve in the office of the general registrar. [§ 24.2-112](#).

No legal requirement can guarantee the availability of a well-trained assistant able to assume the registrar's duties in the registrar's absence and assist with the daily work of the office. The locality must provide funds to enable the general registrar to obtain the authorized staffing. The electoral board sets the number of assistant registrars based on the statutory formula and the local governing body must fund them consistent with federal minimum wage requirements.

The general registrar hires, manages, and fires the assistant registrars and establishes their duties. The electoral board has no authority to dictate whom the general registrar hires as assistants. [§ 24.2-112](#). Like SBE staff, general registrar's staff is nonpartisan and subject to a prohibition on volunteer campaign activity. [§§ 24.2-103\(E\)](#), [24.2-110](#), [24.2-112](#). Under Va. Const II, 8 and Va. Code [§ 24.2-106](#), the Electoral Board has ultimate responsibility for administering elections according to law and assuring that the general registrar staff are competent and qualified to carry out their tasks.

### **3.8.1 Qualifications**

Assistant registrars must satisfy the same restrictions and qualifications and fulfill the same requirements as the general registrar, except that an assistant registrar may be an officer of election and must be a registered voter of the Commonwealth but not necessarily of the locality served. [§ 24.2-112](#).

Localities may mutually agree to share an assistant registrar among two or more localities. The localities must work out the details of when and where the assistant will work and how the assistant will be paid. This arrangement may be ongoing, or it may be used for special short-term needs, or as part of a "back up plan" for emergencies.

A paid assistant registrar cannot have a prohibited family relationship with the general registrar (i.e. is not the spouse, parent, grandparent, sibling, child, or grandchild of the GR).

### **3.8.2 Hiring, Compensation and Benefits**

Assistant registrars are normally hired as employees of the locality. As such, hiring should be conducted under the personnel policies of the locality. Likewise, the assistant should be included in the compensation plan of the locality with the same benefits as other similar local government employees. [§ 24.2-111](#).

### **3.8.3 Term of Office**

The electoral board sets the terms for assistant registrars. However, their terms may not extend beyond the term of the general registrar. [§ 24.2-112](#). The general registrar should be familiar with local personnel policies that could affect their assistants, such as restrictions on termination without cause. The personnel director and/or attorney for the locality can provide information and guidance.

### **3.8.4 Special Assistant Registrars**

The general registrar may appoint, as a special assistant registrar, a person that is not a qualified voter of the locality provided that the person, while a qualified voter of the locality, served continuously for more than ten years as a deputy or assistant registrar. Compensation is fixed and paid by the local governing body. [§ 24.2-113](#).

### **3.8.5 Unpaid Assistant Registrars**

The general registrar may appoint assistant registrars who agree to serve without pay. These volunteer assistants were used extensively before implementation of the National Voter Registration Act, for example, to staff registration sites at libraries and other public locations. [§ 24.2-112](#). Due to the increased complexity and security required for automated processes, appointment of unpaid assistant registrars currently would need to be reserved to highly qualified and experienced persons such as retired elections personnel.

## **3.9 Other Staff and Volunteers**

The general registrar may decide to use other staff and volunteers in the office, on either an ongoing or an occasional basis. Such staff and volunteers may not exercise the powers of the General or an Assistant registrar. [§ 24.2-114](#). For example, they may not make a decision on whether to accept or deny a voter registration application.

### 3.10 Typical Tasks of the General Registrar and Assistants

A comprehensive job description for a general registrar should be on file in each county and city. Should you require assistance or clarification relating to the job description, please refer to the duties and qualifications outlined in this chapter.

 Below is a large locality's listing of activities of its registrar and assistants. No registrar alone should be expected to perform all these functions. Some functions listed are delegations from the electoral board.

- Electoral board support:
  - Work within the community to identify proposed polling places and recommend them to the board.
  - Prepare justification and make recommendations for redistricting, re-precincting and polling place changes.
  - Manage polling place, district or precinct changes.
  - Testify before the local governing body as to the reason for the request for changes in precincts or polling places.
  - ~~Prepare or assist with preparation of preclearance submissions in localities that have not bailed out, and support consideration of bail out when feasible.~~<sup>6</sup>
  - Review the list of election officials and prepare a list for approval by the electoral board.
  - Prepare the letters of appointment, oaths, and election official newsletters;
  - Complete the payroll and compensation work necessary for the election officials and board's salaries and expenses.
  - Review training materials and write new ones as needed.
- Represent Locality as Part of State and National Election Community:
  - Serve on local, state, and federal committees and completing the work these require.
  - Review materials submitted by other registrars and the SBE. Serve on work groups and committees organized by SBE to address issues of statewide importance.

### 3.11 Prohibited Activities

Registrars are prohibited by law from engaging in certain activities:

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<sup>6</sup> On June 25, 2013, the U.S. Supreme Court held invalid Section 4 of the Voting Rights Act that outlines the formula for determining what jurisdictions are covered under the Section 5 Preclearance processes. This ruling makes Section 5 dormant until such time as Congress enacts another formula for coverage that is consistent with the Constitution. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice.

- A general registrar may not run for office elected by voters served during the term of their appointment, or for six months after the expiration of the term. [§ 24.2-110](#).
- A general registrar may not serve as an officer of election. [§ 24.2-110](#).
- A registrar may not offer legal, financial, or other advice. Applicants sometimes will ask questions that present issues outside the field of competence required of the general registrar (e.g. the legal consequences of declaring a voting residence in a particular jurisdiction). Such questions should be answered by the registrar only to the extent of the information provided by SBE, primarily on its website. Like legislators, registrars are not required to be attorneys. General registrars are very knowledgeable about election law, often more so than attorneys with more general practices. The Code of Virginia has 79 titles including Title 24.2; there also are federal and state constitutions, and federal laws and regulations to consider. Complex questions that may present nonelection issues should be referred to SBE staff or to your county or city attorney for guidance. Sometimes the best help a registrar can provide is to refer their customers to other agencies or resources who are equipped to provide the assistance required. For example, an applicant may need to hire an attorney or accountant to determine if it is in their best interest to declare residence in a particular Virginia locality. The law provides that no private business enterprise may be conducted in the office of the general registrar. [§ 24.2-411](#).
- The general registrar is prohibited by law from serving as the chair or other officer of any political party committee and from campaigning as a worker (paid or volunteer) for any candidate elected in whole or part by the voters the general registrar serves. [§ 24.2-110](#). Paid assistant registrars are subject to the same restrictions as the general registrar. [§ 24.2-112](#). Assistant registrars cannot serve as a paid or volunteer worker for a campaign for an office elected by the voters served. Unpaid assistants are not subject to this restriction but any campaign work cannot interfere with nonpartisan service to the public.
- General registrars and staff must avoid any activity that can be construed as a conflict with the nonpartisan manner in which the registrar's office is maintained (i.e., that might cause the public to question that the registrar's duties are carried out in a nonpartisan, fair, and legal manner). For example, registrars and their staff should decline invitations from political parties to offer registration applications to voters at partisan events. Section [24.2-114\(4\)](#) expressly prohibits a registrar from selectively soliciting voter registration. *See Op. Va. Att'y Gen. 03-068* (general registrars should perform duties in nonpartisan fashion); *Op. Va. Att'y Gen. 05-030* (all public officers must avoid conduct that undermines public confidence).
- Absolutely no political campaigning, including collecting petition signatures, is allowed within the office of the registrar. Electoral board members and staff are expressly prohibited from collecting candidate petition signatures in any public building owned or leased by locality served. [§ 24.2-106.1](#).
- A registrar is often asked to express an opinion on an issue or candidate. Registrars must refrain from making any comment that can be construed as partisan. Be sure to express the facts in an unbiased way if compelled to answer.

General registrars are protected from threats or force interfering with the discharge of their duties and should immediately call law enforcement if a concern for safety arises and report to the Commonwealth's attorney concerns about harassment. [§§ 24.2-1002, 24.2-1019.](#)

- In making speeches to groups or lectures to students, registrars should never express an opinion of the candidates, officeholders, or issues. Stick to issues of voter registration and voter participation.
- A registrar may not selectively solicit voter registration. [§ 24.2-114\(2\).](#) A registrar can only conduct voter registration in public places open to all citizens and publicly announced prior to holding the registration. Registrars may provide nonpartisan education to any interested group about the need to register and vote. If a registrar addresses one party's function, that registrar must also be available to any other party.

The registrar's duty to educate and encourage registration generally supports a variety of activities:

- Preparing posters and fliers encouraging voter registration.
- Posting signs encouraging registration.
- Purchasing media advertisements encouraging registration.
- Placing application displays in state designated voter registration agencies and other public locations. *See* GREB 9.2.
- Offering extended hours and additional locations for voter registration. *See* GREB 9.2.

 ~~In localities that have not bailed out from Section 5, all activities to publicize, encourage and expand voter registration opportunities require consideration of preclearance requirements to determine if there is a change affecting voting. *See* GREB 24.<sup>7</sup>~~

### **3.12 The Registrar and the Locality**

The general registrar must often work closely with policy makers and other department representatives in the locality served. It is important to promote good relations within the local government structure in order to assure adequate resources and support are provided to the general registrar and electoral board. The general registrar and electoral board should discuss the amount of time and resources that should be directed to locality-specific activities, such as participation in leadership teams and study committees.

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<sup>7</sup> On June 25, 2013, the U.S. Supreme Court held invalid Section 4 of the Voting Rights Act that outlines the formula for determining what jurisdictions are covered under the Section 5 Preclearance processes. This ruling makes Section 5 dormant until such time as Congress enacts another formula for coverage that is consistent with the Constitution. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice.

It is also important to ensure that, where necessary, the voter registration and election administration processes remain separated from the local political structure to avoid the appearance of undue influence or bias. Many jurisdictions place the general registrar into the same category as other constitutional officers, although it is not an elected position. It is important to understand the expectations of the jurisdiction to avoid misunderstandings and potential unintended consequences.

The general registrar may find it helpful to identify key individuals in the jurisdiction to consult on a variety of issues, including: human resource and payroll management; information technology support; budgeting and purchasing; legal and legislative support; mapping and street-file maintenance; public information dissemination; public safety and traffic management; and school division support. The general registrar should also develop a working relationship with the local Circuit Court Clerk to discuss matters of shared concern such as election records.