

Contents

2	Electoral Board.....	1
2.1	Organization	2
2.1.1	Term of Office.....	3
2.1.2	Disqualifications.....	3
2.1.3	Party Representation.....	5
2.1.4	Oath of Office.....	6
2.1.5	Training	6
2.1.6	Meetings in General	7
2.1.7	Required Meetings.....	7
2.1.8	Notification of appointments to the Department of Elections	8
2.1.9	Acting Secretary	9
2.1.10	Absences.....	9
2.2	Compensation and Expenses	10
	<i>See, GREB 30 (containing additional details regarding compensation and reimbursement of expenses).</i>	10
2.2.1	Authorized Annual Compensation	10
2.2.2	Notice of Compensation Authorized	10
2.2.3	Payment of Annual Compensation	11
2.2.4	Mileage and Expenses	11
2.2.5	Reimbursement to Local Governing Body	12
2.2.6	Operating Expenses	12
2.3	Minutes and other Board Records	13
2.3.1	Records Access.....	14
2.3.2	Records Retention	15
2.4	Voting Equipment Security	16
2.5	Duties of Electoral Boards.....	16
2.5.1	Duties Related To General Organization.....	16
2.5.2	Duties Related To Registrars	17
2.5.3	Duties Related To Officers of Election	20
2.5.4	Duties Related To Polling Places	22
2.5.5	Duties Related To Voter Registration	22
2.5.6	Duties Related To Candidate Qualifications	23
2.5.7	Duties Related To Primaries and Special Elections	23
2.5.8	Duties Related To Town Elections	23
2.5.9	Duties Related To Ballots.....	24

2.5.10	Duties Related To Voting Equipment	24
2.5.11	Duties Related To Election Day	25
2.5.12	Duties Following the Election, Primary, or Referendum	25
2.5.13	Duties Related To Absentee Balloting	26
2.5.14	Duties Related To Recounts	27
2.5.15	Duties Related To Campaign Finance Reports.....	28

The electoral board is responsible for the proper and orderly conduct of all elections held in the locality. The information in this chapter will assist electoral board members in organizing and conducting its normal business. Please read this chapter carefully. The Department of Elections cannot authorize the payment of any compensation to any member of the electoral board until they comply with certain requirements set forth herein.

Note: Throughout these instructions, the phrase "local governing body" means the board of supervisors of a county or the council of a city unless otherwise specifically indicated.

Opinions of the Attorney General recognize the role of electoral boards as comparable to constitutional officers in requiring autonomy to achieve their constitutionally assigned mission. While the electoral board can be required to conform to local purchasing procedures, local policies may not interfere with the electoral board’s determination of what is essential to carry out its election law responsibilities to supervise local elections, including the general registrar assigned to their supervision. 1983 Op. Va. Att’y Gen. 143.

In 2014, the General Assembly considered but declined to pass study resolutions in favor of having the State Board of Elections study the duties and compensation of electoral board members and general registrars. See 2014 HJ’s [22](#) and [24](#). The State Board of Elections appointed a study committee August 6, 2014, and continued the work of the committee in late November 2014. The committee recommended legislative changes to reflect general registrars’ increasing responsibilities for election administration duties related to absentee voting and campaign finance reporting. The Department of Elections website provides a full report on the workgroup activities. <http://elections.virginia.gov/index.php/media/greb-duties-workgroup/>

2.1 Organization

Each electoral board consists of three members who are appointed on a staggered term basis for three year terms starting March 1. Va. Code [§ 24.2-106](#). This ensures that a majority of the electoral board is familiar with election procedures. Terms of office, activities and relationships that prohibit appointment to the electoral board, and party representation are explained below.

2.1.1 Term of Office

Each year one member of the electoral board in each county or city is appointed (or re-appointed) for a three-year term to begin on March 1 of that year. The term expires at midnight on the last day of February in the third year following appointment. Members can serve an unlimited number of terms.

A majority of the circuit judges of the judicial circuit for the county or city in which the appointment is being made appoint the members of the electoral board. If a majority of the judges cannot agree, the senior judge makes the appointment. The judges act upon the nominations made by the political parties. *See below*, [GREB 2.1.3](#).

Should the judges fail to appoint by March 1, the other members comprise the board until the member whose term has expired is re-appointed or a new member is appointed.¹

Should any member die or resign during his term, the judges must make an interim appointment for the remainder of the unexpired term. [2013 legislation](#) amends §24.2-106 to authorize the senior circuit court judge to appoint temporary members on a meeting to meeting basis to attain a quorum due to a member's temporary absence or disability; the temporary appointee is subject to the same qualification requirements as a regular member.

Any order that specifies an expiration date other than the last day of February (orders specifying March 1 are construed to mean midnight on the last day of February) has not been entered in accordance with law and should be corrected. Your local government attorney can assist with contacting the circuit court if needed.

2.1.2 Disqualifications and Incompatible Activities

[VA Const. II, 8](#) and, [§§ 24.2-106](#), [24.2-110](#) and [§24.2-119](#) of the Code specify disqualifications and incompatible activities prohibiting an individual from being appointed, or continuing to serve, as an electoral board member. Disqualifications based on family relationships are as follows:

- The spouse of an electoral board member or the general registrar for the city or the county
- The parent, grandparent, sibling, child or grandchild of an electoral board member or general registrar of the city or county, or the spouse of any such person
- The spouse of a grandparent, parent, sibling, child, or grandchild, of a candidate for or holder of an elective office filled in whole or in part by any voters within the jurisdiction of the electoral board

¹ The 1971 Constitution eliminated a former provision for holding over. Current law provides that the electoral board member term expires midnight last day of February. [§ 24.2-106](#). Compare [§ 24.2-115](#) (officers of election may serve until successors appointed).

Incompatible activities are of two types: governmental and political:

- An employee of the government of the United States
- An employee of the Commonwealth of Virginia
- An employee of any County, City or Town
- An individual holding an office or post, under any of the above governmental units, for which he is paid (other than reimbursement of actual expenses)
- Any elective officeholder of the United States, Virginia state or local government
- A candidate for any elective office to be filled in whole or in part by the qualified voters of his county or city
- The chairman of a state, local, or district level political party committee
- A paid worker in the campaign of any candidate for nomination or election to an office that is on the ballot anywhere in the locality

SBE Form SBE-119 Certificate of Eligibility of Appointment summarizes these disqualifications and incompatible activities. [Va. Const. Art. II, Sec. 8](#) and Va. Code [§ 24.2-119](#) prohibit an electoral board member from holding an elective office or from being employed by any governmental unit referenced above. Acceptance of an incompatible position during a term automatically vacates the office. Likewise, taking the oath as a member of the electoral board automatically vacates any incompatible office or post, and the new electoral board member should immediately notify the appointing authority that they have vacated their previous post. Any incumbent electoral board member who accepts an incompatible position should immediately notify the judges of the Circuit Court that the office has been vacated and that a new appointment for the remainder of the unexpired term is necessary.

Attorney General opinions interpret the incompatible activities provisions. With respect to governmental activities, one gray area is determining what constitutes an “office or post of profit or emolument.” 1983 AG Lexis 174 identifies serving as a commissioner in chancery as incompatible for this reason. See also Va. Code [§ 47.1-19\(C\)](#) disallowing fees for acting as a notary. Other opinions identify the following governmental positions and employment as incompatible:

- Part-time General Assembly employee. 1983 AG Lexis 172.
- Substitute teacher. 1983 AG Lexis 172
- Candidate Board of Supervisors. [§ 24.2-106](#).
- Director Industrial Development Authority. 1982 AG Lexis 234.
- Board of Zoning Appeals member. 1971 AG Lexis 119.
- Registrar. 1971 AG Lexis 449. [§ 24.2-119](#).

A person who is appointed to a government board or commission and who serves without any compensation, or who receives only reimbursement for actual expenses incurred in the conduct of the duties as a member of that other entity, may serve.²

With respect to political activities, an important [2003 Attorney General opinion](#) provides the interpretative framework, identifying the following as prohibited:³

- The chairman of a state, local, or district level political party committee
- A paid worker in the campaign of any candidate for nomination or election to an office that is on the ballot anywhere in the locality
- Petition circulator or assistant in building owned or leased by city or county served. § 24.2-106.2.

The 2003 opinion also recognizes there is no prohibition on *volunteer* political activity by electoral board members other than chairing a state, local or district committee.

2.1.3 Party Representation

Two members of the electoral board represent the political party that received the highest number of votes in the last preceding gubernatorial election. One member of the electoral board represents the party that received the next highest number of votes. If the Governor was not elected as the candidate of a party, representation is given to the parties having the highest and next highest number of members in the General Assembly at the time of the appointment. *See*, [§ 24.2-106](#); *See also*, [VA Const. II, 8](#).

By statute, the terms of incumbent members are not interrupted to meet this requirement when the newly elected Governor is of a different party than the previous Governor. Rather, the representation on the electoral board changes as the terms of incumbent members expire and new appointments are made when regularly scheduled, or when it is necessary to make an interim appointment for an unexpired term due to the death or resignation of a member. The first appointment (however occurring) for a seat previously held by a member representing the previous Governor's party must be given to the new Governor's party. Op. Va. Att'y Gen. (June 26, 2014), available at <http://www.oag.state.va.us/Opinions%20and%20Legal%20Resources/Opinions/2014opns/index.html>

The court in making an appointment to fill a vacancy for an unexpired term will make a determination that the appointee is eligible for appointment and to the extent practicable maintains representation of political parties under [§ 24.2-106](#). *See* [2013 Va. Act. Ch. 409](#) (relating to temporary appointments). The political party entitled to make recommendations must submit a list to the circuit court recommending not less than three qualified voters of the county or city. The party must submit their recommendations for a

² An Attorney General opinion dealing with a similar prohibition indicates a fixed per diem may be waived to allow service. Op. Va. Att'y Gen. 89-52.

³ Some editions of the Code of Virginia in Article II, § 8 contain an erroneous annotation to a superseded Attorney General opinion concerning prohibited political activities. The correct annotation appears under §§ 24.2-106 and 24.2-110 and the official opinion is available [online](#)

full-term appointment by January 15. For a vacancy, recommendations must be submitted within 30 days of the date of the death or resignation of the departing member. If a party fails to meet these deadlines, the judges are required to appoint without the recommendations. Further, while there is nothing to prohibit the party from indicating which of the persons recommended it would prefer, neither are the judges required by law to appoint any of the persons recommended.

The judges shall promptly make such appointment after the earlier of (i) receipt of the political party's recommendation or (ii) January 15 for a full term or the thirty-day period expires for a vacancy appointment. [§ 24.2-106](#).

2.1.4 Oath of Office

Any newly appointed or re-appointed member of the electoral board must, before entering any term or performing any duties, take and sign the oath of office prescribed in [VA Const. II, 7](#). Any judge or the Clerk of the Circuit Court may administer the oath. [24.2-120, 49-3](#).

The signed oath must be filed with the Clerk of Circuit Court and a copy of it placed with the records of the electoral board. The Constitution requires this oath and failure to take it before serving is punishable by a fine of not less than \$100 or more than \$1,000. [§§ 24.2-120, 49-11](#).

2.1.5 Training

At least one member of each electoral board must attend the annual training program provided by the Department of Elections. [§ 24.2-106](#). The local governing body is required to pay or reimburse the reasonable expenses and mileage costs for at least one member incurred in attending this training. To the extent of funds appropriated for this purpose, annually, Department of Elections will reimburse the locality for the mileage of at least one board member attending training. Additionally, the Department of Elections provides information to board members on a regular basis. Electoral board members who do not have email accounts are encouraged to acquire an email address as this is the primary method of communication from the Department of Elections.

A great deal of general information about elections can be found on Department of Election's website. www.elections.virginia.gov. This is an excellent source of basic information about the electoral process in Virginia. The Department of Elections site also provides access to information specifically intended to assist registrars and electoral board members in their duties, including forms used in the electoral process and policies and procedures on a wide range of subjects. Training materials from the training sessions for registrars and electoral board members can also be accessed electronically when needed. Contact your registrar or the Department of Elections for details about how to access reference materials.

2.1.6 Meetings in General

Electoral board meetings must be conducted in accordance with the requirements of the Virginia Freedom of Information Act (FOIA). *See*, [§§ 2.2-3700 to 2.2-3714](#). The local government administrator or attorney must provide a copy of FOIA to each electoral board member within two weeks following his appointment or reappointment. [§ 2.2-3702](#), [24.2-122](#). The current, complete act can be printed or downloaded from the website of the [Virginia Freedom of Information Advisory Council](#). FOIA requires all members of the board to "read and familiarize themselves with the provisions" of the Virginia Freedom of Information Act. [§ 2.2-3702](#). FOIA meeting requirements are discussed in more detail in GREB 26.

No person present at a meeting of the electoral board may disrupt the meeting. At the discretion of the electoral board, interested persons may offer comments during the meeting upon recognition for such purpose by the Chairman. The electoral board should set aside time after each agenda item or at the beginning or end of the meeting for brief comments from interested persons. An announcement should be made at the beginning of each meeting as to the procedure adopted by the electoral board.

The Secretary is responsible for keeping an accurate account of all electoral board proceedings in a minute book, including all appointments and removals of general registrars and officers of election.

Minutes, books, papers, and records of the electoral board must be open to public inspection and copying either at the office of the electoral board (if applicable) or the office of the general registrar whenever such office is open for business. [§ 24.2-107](#). 2014 legislation adds a requirement for the electoral board to provide copies of its records available for public inspection for a fee not to exceed that charged by the circuit court clerk under [§17.1-275\(A\)\(8\)](#). GREB 6 discusses what books, papers and records of the electoral board are open to public inspection and copying under this section.

2.1.7 Required Meetings

The electoral board of each city and county is required to meet during the first week in February if needed to appoint officers of election, and during the month of March each year at the time set by the electoral board and at any other time on the call of any electoral board member. [§ 24.2-107](#).⁴ Also, each electoral board is required to meet at the clerk's office or the registrar's office of the county or city for which they are appointed on the day after the election for the purpose of ascertaining the results of the election. The electoral board may adjourn to another room in a public building for this

⁴ [2013 legislation](#) amends §24.2-107 to require the February meeting in years the terms of officers expire requiring new appointments under § 24.2-115.

purpose. Additionally, they may adjourn from day to day as needed, not to exceed seven calendar days from the date of the election. [§§ 24.2-653, 24.2-671](#).

The electoral board at its meeting in March elects a chairman, vice chairman and secretary immediately following the appointment (or re-appointment) of a member to a new term. The electoral board must also meet to reorganize following the appointment and qualification of a member to fill a vacancy in an unexpired term. The chair and secretary must represent different political parties unless the minority member declines the unfilled position in writing. [§§ 24.2-106, 24.2-107](#).

In the year in which the term of the general registrar expires (2007 and every fourth year thereafter), the Code directs the board to meet in May or June to appoint or reappoint a general registrar for a four-year term to begin that July 1. [§ 24.2-110](#).

Each electoral board at its regular meeting in the first week of February appoints officers of election, whose terms of office shall begin on March 1 following their appointment and continue for a term not to exceed three years or until their successors are appointed. [§ 24.2-115](#).

2.1.8 Notification of appointments to the Department of Elections

After the electoral board has met and elected its Chairman, Vice Chairman and Secretary, the Secretary must immediately notify the Department of Elections of any change in membership or offices of the electoral board members. The Secretary is responsible for keeping the Department of Elections informed of the names, residence, mailing addresses, and home and business telephone numbers of each electoral board member. It is also important to inform Department of Elections of the email address, party affiliation, year in which term expires, and office held for each member. [§ 24.2-106](#). The Secretary notifies the Department of Elections via email (VERIShelp@elections.virginia.gov) when the general registrar updates the electoral board information in the VERIS Directory. The information must be entered or changed immediately following the electoral board's reorganization meeting. This will assure that no election-related document or information is forwarded to a person who is no longer serving on your electoral board. It is extremely important that the information in the VERIS Directory be kept current, as that is the source for Department of Election's contact information on board members.

-  It is only after the receipt of this information that any annual compensation is authorized by the Department of Elections to be paid to any member.

Electoral board information may be recorded in *Certificate of Eligibility for Appointment to Electoral Board* (SBE-119). The original completed form with all information requested should be retained in the records of the electoral board with the orders appointing members. A copy may be given to the general registrar to update the VERIS Directory each time any change is made in the electoral board's membership. This will

assure that Department of Election's records are always up-to-date. The form itself is not forwarded to Department of Elections.

2.1.9 Acting Secretary

It is essential at all times that one member of the electoral board serve as secretary to ensure that the board performs the necessary administrative duties.

Should the member elected as secretary die, resign, or become incapacitated in such a way that makes it impossible for that person to carry out the duties of the position, the electoral board must elect another of its members acting secretary until such time as a new member is appointed and the electoral board meets to reorganize. Should the member elected secretary be unable to attend a scheduled meeting due to some unforeseen emergency, or become incapacitated in such a way that makes it impossible for that person to carry out the duties of the position, the board must elect another member as acting secretary until the secretary is available. [§ 24.2-107](#).

The minutes of any board meeting held during such time and any required official documents must be signed accordingly.

The annual compensation paid to any member shall not be affected by the member's temporary election as acting secretary.

Designation of an acting secretary may only be made in an open meeting, and must be recorded in the minutes of the electoral board.

2.1.10 Absences

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

Any electoral board member who does not participate all day Election Day and/or for the canvass the following day should provide written or email notice to the Secretary or Deputy Secretary of Department of Elections. The notice should also be sent for any electoral board member who has missed more than two meetings of the electoral board during the calendar year. In the future if an electoral board member misses more than two meetings, this notice is due within a week following the third absence.

Each jurisdiction's general registrar and electoral board secretary are individually responsible for ensuring that the Department of Elections 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.

In the event that any board member becomes unable to serve for an extended period of time, but expects to return to the board at a later time, the remaining members may request that the Court appoint a temporary member to ensure that the work of the board can go forward in an efficient and bi-partisan manner. [§ 15.2-1503](#). If necessary for a quorum (two members) due to a member's temporary absence or disability, 2013 amendments to [§24.2-106](#) authorize the senior circuit judge to appoint temporary members on a meeting to meeting basis; the temporary appointee is subject to the same qualification requirements as a regular member and must maintain party representation if practicable.

2.2 Compensation and Expenses

See, GREB 30 (containing additional details regarding compensation and reimbursement of expenses).

2.2.1 Authorized Annual Compensation

The governing body of each county or city is required to pay the compensation, expenses, and mileage to their general registrar and electoral board members in accordance with the compensation and expense plan set forth in the [general Appropriations Act, §§ 24.2-108, 24.2-111](#). The authorized salary rates are computed annually using the most recent population estimates from the [University of Virginia's Weldon Cooper Center for Public Service](#).

The time for which compensation is authorized is March 1 through the last day of February of the following year to coincide with the terms prescribed by law for electoral board members.

In recognition of the additional administrative duties imposed on the member elected secretary, the plan affords compensation for other members of one-half that prescribed for the secretary.

The Appropriations Act does not authorize local governing bodies to supplement the annual compensation of any member of the electoral board other than a full-time secretary of the electoral board. No state reimbursement is paid for electoral board mileage.

The governing body of any county or city may pay the secretary of its electoral board an additional allowance for expenses, as it deems appropriate. However, the Department of Elections will not reimburse the locality for any supplemental compensation or additional expense allowances.

2.2.2 Notice of Compensation Authorized

The general registrar must notify the Department of Elections when any electoral board member dies, resigns, or is not reappointed and the date on which any newly- appointed electoral board member takes office. The newly constituted electoral board must meet and elect officers as quickly as possible.

Immediately following the appointment of any new or returning member, the secretary must certify to the Department of Elections the reorganization of the electoral board. The Department of Elections will then notify any member whose compensation is affected by the reorganization of the electoral board, the general registrar, and the local governing body of the compensation authorized to be paid. Department of Elections will also give notice of any change in compensation required as of July 1 each year due to population growth, population increases resulting from annexation or consolidation, or compensation increases that might be authorized by a newly enacted Appropriations Act. The Department of Elections Fiscal Department can answer questions and help locate forms needed. Contact fiscal@elections.virginia.gov

2.2.3 Payment of Annual Compensation

The general registrar must prepare and submit to the local fiscal officer the document that activates payment of compensation to each electoral board member. The procedures to be used are set forth below. *Request for Payment of Electoral Board Compensation (SBE-108 (1))* must be used for this purpose if the county or city does not prescribe an alternative form to be used.

If the county or city administration already has a payment schedule in place which provides for the regular payment of compensation at least once each month to each electoral board member, that schedule and its accompanying procedures must continue to be followed. If there is no local procedure, two options are available:

- A form may be submitted to the fiscal officer on the first working day of each month for payment by the last working day of the month.
- A form may be submitted to the fiscal officer on the first working day of February, June and October for payment by the last working day of the submission month.

All members of the electoral board must be paid on the same schedule. No compensation should ever be paid in advance of the period for which it is paid. Newly appointed electoral board members should check with the general registrar as to the payment schedule in effect.

2.2.4 Mileage and Expenses

The local governing body is required to pay to each member, when on official business of the electoral board, mileage at the same rate as authorized for members of the General

Assembly. [§ 24.2-108](#). It must also pay any electoral board member's expenses that are authorized in the Appropriations Act and sufficiently funded.

Prior to receiving any payment for mileage or reimbursement for expenses, the member requesting such payment must provide to the local governing body a statement under oath of his claim for such mileage and expenses.

These requests should include the date the mileage was incurred, the points between which the travel occurred, the purpose of the travel, the number of miles traveled, the rate to be paid per mile, and the amount requested. *Electoral Board Request for Mileage Reimbursement form (SBE-108(2))* can be used if the locality does not have its own form for this purpose.

Such statements for expenses should include the date the expense was incurred, a brief description of the expense and the reason for it. *See, Electoral Board Request for Expense Reimbursement form (SBE-108(3))*.

2.2.5 Reimbursement to Local Governing Body

The Department of Elections reimburses each local governing body once each year for up to the full amount of the annual compensation authorized and paid to the general registrar and to the members of the electoral board. The State no longer reimburses mileage under [§24.2-108](#). Final reimbursement amounts are dependent on sufficient available funding. Reimbursement requests may be reduced if the total amount of all requests exceeds the total amount authorized by the Appropriations Act. More detailed information is available on the Locality Reimbursement Application form and instructions available from the Department of Elections Fiscal staff.

Application forms for this reimbursement are provided to local fiscal officers by the Department of Elections each March. All such reimbursements are made to the extent that funds are appropriated and available. Reimbursement is based on a fiscal year of March 1 through the last day of February to coincide with electoral board members' terms of office. Therefore, the locality should be prepared to document compensation for each electoral board member based on the twelve months of March through February.

2.2.6 Operating Expenses

The local governing body is required by [§ 24.2-108](#) to furnish all necessary postage and office supplies needed by the electoral board to carry out its duties, such as keeping minutes.

The local governing body is required by [§ 24.2-600](#) to pay the cost of conducting all elections other than town elections.

The local governing bodies of towns are required by [§ 24.2-600](#) to pay the cost of conducting town elections. The county bills the town for the election cost the county incurs for administering the town election. The town does not pay any part of the compensation or mileage paid to electoral board members or compensation paid to the general registrar. The state reimburses the county or city for these items to the extent authorized in the Appropriations Act.

The electoral board, in accordance with the local governing body's requirements, should determine its operating needs, submit a realistic budget proposal to that body and offer justification for the funds requested. In most localities, the budgets for electoral board and registrar's office operating expenses are submitted as one budget. Generally, it is easier to submit just one budget, since the registrar and the electoral board usually share many expenses (office supplies, telephone, etc.). However, if the locality prefers, separate budgets may be submitted. If the holding of any particular election is in doubt (e.g., a possible special election or primary), the electoral board should estimate its cost if held and advise the local governing body of the potential need.

Funding for election operations must be sufficient for necessary office operations as well as the expenses of running voter registration and elections. Any problems obtaining sufficient funding for election administration should be brought to the attention of the Commissioner of Elections or Deputy of the Department of Elections for assistance. Training is also an important component of necessary operations. The locality, at a **minimum**, must provide sufficient funding for the general registrar and one member of the local electoral board to attend the Department of Elections annual training as required by [§§ 24.2-106, 24.2-114\(19\)](#).

Bills for operating expenses of the electoral board, including any items purchased for the conduct of the elections, should be submitted directly to the local governing body for payment to the vendor. Such items should never be submitted as personal expenses of a member.

2.3 Minutes and other Board Records

Virginia law provides detailed record keeping requirements for electoral boards, including requirements that certain records be kept with the electoral board's minutes. The GS-01 Library of Virginia Records Retention Schedule for Local Election records implements these requirements consistent with the Virginia Public Records Act and federal law. *See, § 42.1-76 et. Seq., 42 USC 1974; See also, GREB 6 (containing information about access, copying and retention requirements for voter registration and election records).*

What goes where? The following is a partial list of important electoral board records and where to keep them:

Minutes :	Other Board Records:
Certificate of number of ballots delivered to electoral board (§ 24.2-618)	Oaths of ballot printers and electoral board representatives who witness ballot printing (§§ 24.2-616 , 24.2-617)
Certificates of person affixing electoral board seal to ballots and of electoral board representative who witnesses affixing of seal (§ 24.2-619)	Original of each ballot (including machine ballots)
Copies of abstracts of results (§ 24.2-675)	Originals of abstracts of results (§ 24.2-675)
All electoral board meeting minutes (§ 24.2-107)	Board member and registrar oaths of appointment (§ 24.2-120)
	The general registrar annual performance review must be stored separately as a confidential personnel record exempt from public disclosure. § 2.2-3705.1.

Best practice suggestions:

- Place records kept with minute book in a file folder labeled “Annex to Minutes” for retention with election related records after expiration of litigation period as provided in GS-01.
- For each calendar year, establish a folder labeled “Electoral Board Records” and another folder labeled “Electoral Board Correspondence.” Separate the latter folder into “internal correspondence (i.e. communications between the electoral board and the Department of Elections and registrar) and “external correspondence” (i.e. communications with voters, voting equipment vendors, local governing body, etc.).

2.3.1 Records Access

The records of the electoral board are required to be open to public inspection and copying while the office of the general registrar is open at the office of the general registrar or the board. [§ 24.2-107](#). 2014 legislation clarifies that records of the electoral board that are open for public inspection can also be copied; and allows the electoral board to charge cost not to exceed that charged by the circuit court clerk. If the electoral board maintains the same office hours as the general registrar, the records may be kept in

the electoral board office. If the electoral board has an office adjacent to the general registrar's office that is used for electoral board meetings or to perform board work, board records may be kept there if the general registrar, or, if appropriate, the electoral board staff, have access to make records available for inspection at all times the general registrar's office is open.

No records that contain any candidate or voter social security numbers can be inspected or copied by anyone other than the individual candidate or voter. [§ 2.2-3806](#). Nor may records provided for public inspection contain an individual's day and month of birth. When a public document contains such social security numbers or day and month of birth, this information must be covered up (redacted) before the document can be shown or copied. [§ 24.2-107](#). Information may be provided pursuant to a court order or to provide information about election related offenses to a Commonwealth's attorney under [§ 24.2-1019](#). *See*, GREB 6; *also*, contact Department of Elections staff for assistance if needed.

In no case are the official records of the electoral board to be kept in the home or private office of any member. Records may be copied and the copies so kept if necessary or desired for the convenience of any member.

2.3.2 Records Retention

The [Library of Virginia GS-01](#) Records Retention and Disposition Schedule for Local Election Records in your office were jointly issued by Department of Elections and the Library of Virginia to implement federal and state retention requirements for voter registration and election records. *See*, GREB 6.

The schedule is a guide to determine whether records are permanent or nonpermanent. The Library of Virginia provides archival storage for selected permanent records. Each disposal of nonpermanent public records must be reported to the Library of Virginia on a specific form approved by a designated records officer on file with the Library of Virginia. *See*, Library of Virginia [Form RM-25](#), Records Officer Designation and Responsibilities Form, [Form RM-3](#), Certificate of Records Disposal. The Library of Virginia retains of the original signed Form RM-3 for 50 years; the local records officer is responsible for retaining a copy of the signed form submitted to the Library for three years. *See*, GREB 6; *see also*, the [Library of Virginia website](#).

- ① The Library of Virginia no longer provides microfilming service for electoral board minutes. The Library will store, without charge, minutes that have been microfilmed at the locality's own expense.

If any election contest or recount is pending at the expiration of the stated retention period, all records and materials must be retained until the contest or recount is concluded and the appropriate authority has determined the election results.

2.4 Voting Equipment Security

Maintaining the security of voting systems is a vital part of the electoral board's task in assuring the integrity and purity of elections. The Department of Elections has adopted guidelines to be followed in securing the machines, software, and hardware used in the conduct of elections. Electoral boards are required by the Code to complete security plans. *See*, GREB 20 for more details.

2.5 Duties of Electoral Boards

The duties of electoral boards are many and varied; they are mentioned almost 400 times in the Code of Virginia. There is no codified list of duties, other than a small section stating that general duties include the preparation of ballots, administration of absentee ballot provisions, conduct of the elections, and ascertainment of results of the elections. [§ 24.2-109](#).

Below is a list of the main, on-going duties of electoral boards. It is not exhaustive. It does not include some activities that are optional for electoral boards such as conducting simulated elections. Nor does it include many activities and duties that would only arise in special circumstances such as upon the death of a candidate. A detailed list of the statutory responsibilities of electoral board members can be found in SharePoint.

In general, the duties outlined below are the responsibilities of the whole electoral board; in some cases they are responsibilities specifically assigned to the electoral board secretary. Some of these duties may be delegated to the registrar. Such delegation should be in writing and recorded in the minutes of the board. The electoral board remains legally responsible for any statutory responsibility delegated to the registrar. Duties are grouped according to subject area. As discussed in GREB 3, the core supervisory functions of the electoral board such as protecting ballots, appointing officers and evaluating the general registrar, cannot be delegated.

2.5.1 Duties Related To General Organization

- Electoral board members must take the oath of office. [§ 24.2-120](#).
- The secretary must notify the Department of Elections of any changes in board membership or positions. [§ 24.2-106](#).
- The electoral board must provide any information requested by the Department of Elections. [§ 24.2-103](#).
- The secretary or chair of the electoral board may request official advisory opinions from the Attorney General related to the discharge of the electoral board's duties. [§ 2.2-505](#).
- At least one member of each electoral board must attend the annual training provided by the Department of Elections. [§ 24.2-106](#).

2.5.2 Duties Related To Registrars

2.5.2.1 The Electoral Board Must Appoint the General Registrar

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 local grievance procedures. The electoral board is not required to advertise the availability of this appointive position if the incumbent general registrar will be reappointed. If the general registrar is not to be reappointed, the electoral board should, at a minimum, advertise the position in a local newspaper. The electoral board may seek the assistance of the locality's human resource personnel to draft an advertisement, screen applications, and develop an interview format. The following format may be used if no specific advertisement is available in the county or city:

City/County of _____ is seeking applicants for the position of General Registrar, which is a four-year appointment. The General Registrar must be a qualified voter of _____.

The General Registrar must perform the duties outlined in Virginia Code Sec. [§ 24.2-114](#), as well as those determined by the local electoral board. These include, but are not limited to, the following: (1) timely process registration applications and maintain accurate and current registration records; (2) assure compliance with all laws and regulations regarding voter registration and elections; (3) assist the electoral board to assure uniformity, legality and purity of elections; (4) provide excellent customer service to all voters and potential voters; (5) manage all personnel, fiscal and physical resources as needed to provide all required and desired services of the office; (6) develop and administer a public information program to encourage registration and voting; (7) respond to inquiries and complaints from the general public.

Candidates must possess knowledge of and ability to easily deal with cutting edge technology, including both standard and proprietary computer software programs. Candidate must also be able to deal with the public in a polite, courteous, pleasant and professional manner both in person and by telephone. Helpful knowledge or skills include (1) familiarity with the local government, community and political structure; (2) accounting; (3) standard office procedures; (4) federal and state election laws; (5) management skills, including prior supervision of personnel; (6) ability to recruit volunteers; (7) public relations; (8) good oral and written communications skills.

Must be able, when necessary, to work nights and weekends. Salary range is _____. All interested candidates should send a cover letter, resume, less than two page writing sample (and county/city application?) to:

by (enter date sufficiently far in advance of May or June meeting to allow review of applications and contacting applicants) _____, 20____. Call _____ for further information.

All applicants should be required to complete an Application for Employment form as provided by the locality's human resource personnel. The electoral board should screen the applications to pick the top several candidates. They should meet to interview those selected. In the event that a member of the electoral board applies for the position of general registrar, that board member should not participate in any part of the selection process. If the member who wishes to apply is the board secretary, the board may wish to designate one of the remaining two members as "acting secretary." Below are some sample interview questions:

- Why are you interested in the position of General Registrar?
- After reviewing the position description, describe what in your skills, interests, and background makes you qualified for this position.
- Have you had prior experience with the election process, voter registration process, or political process? Please describe your experience.
- Have you had prior supervisory or management experience or any knowledge of employment law issues? Please describe.
- Have you had any prior budgetary or fiscal management experience? Please describe.
- Describe any volunteer experiences you have had that might be relevant.
- Describe your computer knowledge and skills. Are you familiar with Microsoft Word, Excel, and/or Access? What about email and the Internet? Are you comfortable with computers and new technology?
- Describe the experience you have had that most clearly shows your ability to simultaneously organize and manage multiple people and tasks.
- How would the average person describe your manner and style in dealing with them? Have you had experience in dealing with difficult people? Describe such an incident and how you handled it.
- Describe your familiarity with local government, community, and political structures.
- Describe any familiarity with state and federal election laws.
- Describe your most successful efforts to recruit and manage volunteers.
- Describe your public relations experiences and successes.
- Describe any experience you have with public speaking.
- Describe some prior experience that would assure us that you are able to timely process registration applications and maintain accurate and current registration records.
- Describe any ideas you might have that could assist the electoral board to ensure the uniformity, legality, and purity of elections.
- Is there any other relevant information you would like to provide to us that would show us that you would be the best candidate for the position of general registrar?

- ① The Freedom of Information Act allows the electoral board to conduct the interviews in executive session. *See*, GREB 26 (containing requirements for closed meetings generally, and for job interviews in particular).

Technology requirements should be reviewed when considering qualified applicants. Applicants should be comfortable working with computer software including email, calendar, word processing, spreadsheets etc. The electoral board must vote in public session to appoint the best-qualified applicant. By law, a decision not to reappoint or to appoint, a general registrar cannot be based on race, sex, age, religion, national origin, or political party affiliation. These procedures will help avoid claims that the selection was discriminatory on some unlawful basis.

The person appointed general registrar must be a qualified voter of the jurisdiction in which the registrar is appointed at the time of the appointment. Someone who moves into the area may be appointed if they are a resident at the time they are sworn in. 2009 legislation amends [§ 24.2-110](#) to permit the electoral board of a city that is wholly located within one county to appoint a qualified voter of that county to serve as general registrar of the city. **This change affects only those cities that are entirely located within one county.** Assistant registrars in other localities may be good applicants and should be considered. The law prohibits certain individuals from being either general or assistant general registrars:

- The spouse of an electoral board member
- A parent, grandparent, sibling, child or grandchild of an electoral board member, or the spouse of such person
- An employee of the United States government, the Commonwealth of Virginia, or of any county, city, or town
- A person who holds a paid office or post under any of the above governmental units
- A person who is running for or holds an elected office
- A chairman of a political party, officer of a state, local, or district level political party committee, or paid or volunteer worker in the campaign of a candidate running for any office anywhere in his/her jurisdiction ([§§ 24.2-110, 24.2-112](#))

If the board selects a candidate who lacks a qualified residence at the time the decision is made, the candidate must establish a qualified residence before taking the oath of office. The electoral board shall declare vacant and fill the office of the general registrar if the appointee fails to qualify and deliver a copy of his oath to the secretary of the electoral board within 30 days after he has been notified of his appointment. [§ 24.2-110](#). Taking the oath as registrar automatically vacates any incompatible office or post, and the new general registrar should immediately notify the appointing authority that they have vacated their previous post. Acceptance of an incompatible office or post by an incumbent registrar automatically vacates the registrar's office.

The electoral board will meet to select the final candidate. Immediately after its meeting, the secretary of the electoral board must certify to the Department of Elections the

appointment of the general registrar (newly appointed or reappointed) using the General Registrar Certification of Appointment form (SBE-110).

2.5.2.2 Removal of General Registrar

The electoral board may remove the general registrar from office for failure to discharge the duties of the office according to law. Each board member should carefully review GREB 3 to become familiar with the job description and skills needed by the general registrar before making an appointment to this position. [§ 24.2-109](#).

2.5.2.3 Additional Duties

The electoral board may prescribe additional duties – beyond those prescribed in the Code – to the general registrar. If this is done, the board should adopt a resolution at a meeting, which should become part of the minutes, listing those board duties that are being delegated to the general registrar to perform. [§ 24.2-114](#).

2.5.2.4 Assistant Registrars

The electoral board must determine the number, and set the terms, of assistant registrars. [§ 24.2-112](#). The terms set by the electoral board may not extend beyond the term of the general registrar in office at the time, but may be set to expire sooner. The general registrar appoints all assistant registrars and establishes their duties. Localities with populations over 15,500 must have at least one assistant registrar. [§ 24.2-112](#). Smaller localities must have at least one substitute registrar who can perform the general duties if necessary.

2.5.2.5 Performance Evaluation

The electoral board must conduct an annual performance review of the general registrar each year for the 12-month period ending June 30. The review must be completed by August 1 and a copy of the summary of the review submitted to the Department of Elections by the due date determined. The electoral board must retain a copy of the complete review document in their files. [§ 24.2-109.1](#).

2.5.3 Duties Related To Officers of Election

- The electoral board must appoint all officers of election and designate the precinct in which each will serve. [§ 24.2-115](#).
- The electoral board may remove from office any officer of election who fails to perform his duties according to law. [§ 24.2-109](#).
- The electoral board must designate a chief officer and assistant chief officer for each precinct. Each polling place must be staffed by not less than three officers of

election. The chief and assistant chief must represent different political parties. No more than one third may be citizens who do not represent any political party. [§ 24.2-115](#).

- [2014 legislation](#) allows the electoral board to appoint a chief or assistant chief not affiliated with a political party after allowing the parties at least 10 days notice to make additional nominations.
- The electoral board shall dismiss at least the chief officer or the assistant chief officer, or both and any other officer of election who fails to record the required information when taking voting machines to voters outside the polling place on Election Day. [§ 24.2-638](#).
- According to [§ 24.2-103](#) the Department of Elections shall set the training standards for the officers of election to be fulfilled by the local electoral boards and general registrars. Department of Elections policy 2010-2 establishes the training standards. Each electoral board shall certify in writing by Sept 1, 2010 to the Department of Elections that the training plan for their localities meets the training standards using the certification checklist posted in the Forms Warehouse in SharePoint.
- The electoral board will certify to the Department of Elections each year before the November general election that (1) they have reviewed and updated their training plan to meet training standards, including changes in laws and instructions from Department of Elections, and (2) any officers of election trained within the last year have been trained according to these standards.
- Every four years, the first being due in 2014, the electoral board will certify to the Department of Elections that training of the officers of election has been conducted consistent with the training standards. *See*, [§ 24.2-115](#) (requiring certification). The annual and quadrennial certifications are combined on one form and are posted in the forms warehouse in SharePoint.
- The electoral board must train all chief officers and assistants in their duties between three and thirty days before each election. The electoral board may instruct all other officers of election at an appropriate time before each November election. The Department of Elections recommends that the electoral board train all new officers before each election and all officers whenever there are major procedural changes in polling place operations. The Department of Elections may also identify needs for training on particular issues such as completing Statements of Results or using electronic pollbooks and request the electoral board to conduct special workshops to prevent problems that could require Department of Elections to take action against the electoral board. [§ 24.2-103](#) (Department of Elections may petition court for removal).
- The electoral board is responsible for instructing any officer of election not previously instructed on voting equipment used in the precinct. [§ 24.2-636](#).
- *See*, GREB 4 (containing additional officer of election training information).
- An electoral board member, the general registrar, or designated officer of election must give an oath to each officer of election before the polls open. [§ 24.2-611](#).
- The secretary must post a list of all appointed officers of election in the office of the general registrar. Whenever substitute or additional officers are appointed, the secretary must promptly add the name of the appointee to the public list. [§ 24.2-](#)

[115](#). This list is open to public inspection in the general registrar’s office. See Chapter 4 for details.

2.5.4 Duties Related To Polling Places

- The electoral board is responsible for reviewing all polling places after each election to determine that there will be polling places for the next election that meet the requirements of [§§ 24.2-305](#) through [24.2-310](#).
- The locality is responsible for providing adequate facilities at each polling place for the conduct of the election. [§ 24.2-310](#).
- The electoral board must assist the local governing body in complying with various state and federal acts designed to ensure the accessibility of all polling places to persons with disabilities. [§ 24.2-310](#).
- If an emergency makes a normal polling place unusable, the electoral board must provide an alternate polling place. [§ 24.2-310](#); *See Also*, GREB 27 (containing details regarding qualifying emergencies and approval procedures). Emergency polling place moves must be approved by the Commissioner of Elections ~~and submitted to the Department of Justice for approval under the Voting Rights Act unless the locality has “bailed out” from preclearance requirements.~~⁵ *See*, GREB 13, 27.
- The electoral board must provide and have posted at each polling place signs directing voters with disabilities and elderly voters to special accessible entrances. [§ 24.2-604.1](#).
- The electoral board must provide voting booths to each polling place, including at least one designed for voting paper ballots. [§ 24.2-609](#).
- *See*, GREB 13 (explaining how to establish polling places).

2.5.5 Duties Related To Voter Registration

- The electoral board may set additional hours for the voter registration office to be open. [§ 24.2-411](#).
- The electoral board must approve any agreement for ongoing registration sites at businesses or other governmental agencies. [§ 24.2-412](#).
- The electoral board may set additional occasional registration sites. [§ 24.2-412](#).
- The electoral board, along with the general registrar, should ensure that all permanent registration sites comply with various state and federal acts designed to

⁵ 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.

ensure the accessibility of all polling places to persons with disabilities. [§ 24.2-413](#).

i Changes in hours and locations of official voter registration sites staffed with a government employee are subject to notice requirements ([§24.2-415](#)). ~~and must be pre-cleared in localities that have not bailed out from preclearance requirements.~~⁶ See, GREB 9.

2.5.6 Duties Related To Candidate Qualifications

- If requested by a candidate, the electoral board must notify the candidate of any deficiencies in his declaration of candidacy or his petitions. [§ 24.2-505](#).
- The electoral board must provide to the Department of Elections, after the filing deadline, a list of all offices to be filled and the names of all candidates who have filed for each office, including the names of any candidates who failed to qualify. [§ 24.2-612](#); See also, GREB 10.

2.5.7 Duties Related To Primaries and Special Elections

- The secretary must post or publish any notice of a primary, or writ of special election, that is received from the Department of Elections or other appropriate authority. [§§ 24.2-517, 24.2-683](#). 2012 legislation allows a website posting in both cases.
- The electoral board must notify the locality's treasurer or director of finance if any candidate is running unopposed in a primary, so that the candidate's filing fee may be returned. [§ 24.2-524](#).
- If candidates for a primary file simultaneously, the electoral board must draw lots to determine the candidates' order on the ballot. [§ 24.2-529](#).

2.5.8 Duties Related To Town Elections

- The electoral board, along with the general registrar, must carry out elections for any town within its county and any town whose major portion is within its county. In a November election, the electoral board in a locality containing a town whose major portion is within another county must report the results ascertained for the town offices to the county in which the greatest part of the town is located. [§ 24.2-601](#).

⁶ See footnote 5.

2.5.9 Duties Related To Ballots

- The electoral board must order the printing of the number of ballots it determines are sufficient for the proper conduct of the election. [§ 24.2-612](#).
- The electoral board must send absentee ballots that have been requested not later than 45 days before any election, or as soon thereafter for a nonfederal special election. [§ 24.2-612](#).
- The electoral board must certify its compliance with the deadline to the Department of Elections and report to SBE the number of ballots ordered. The Department of Elections issues electronic surveys for this purpose.
- The electoral board must send to the Department of Elections proofs of each ballot, and copies of each final ballot. [§ 24.2-612](#).
- The electoral board, along with the Department of Elections, must design and layout each ballot according to instructions titled “Ballot Standards and Verification Procedures.” [§ 24.2-613](#)
- The electoral board, along with the Department of Elections, must design and layout each ballot as prescribed in the Code of Virginia.
- The electoral board must designate one person to be continuously present in the room where and when the ballots are being printed. [§ 24.2-617](#). If not an electoral board member, the person must be paid at least \$20 per day.
- The electoral board must designate one of its members, or a registrar, or an employee, to receive the ballots after they are printed and certify the number received. The certificate must be filed with the electoral board minutes. [§ 24.2-618](#).
- The electoral board must designate a person to affix the electoral board seal to each ballot and to sign a statement witnessing such. This statement must also be filed with the board’s minutes. [§ 24.2-619](#).
- The electoral board must have the printed ballots sorted for each precinct with at least one electoral board member, electoral board employee, registrar, or assistant registrar designated by the board present. [§ 24.2-620](#).
- The electoral board must designate a member, or a registrar, or an employee, to deliver the packages of ballots to an officer of election in each precinct and obtain a receipt for the packages. [§ 24.2-621](#).
- *See*, GREB15.

2.5.10 Duties Related To Voting Equipment

- The board must keep all ballot containers to be used in the precincts. [§ 24.2-623](#).
- The board must furnish properly designed and printed ballots for use on all optical scan voting equipment. [§ 24.2-640](#).
- The board must employ a person or persons (called “custodians”) to set up and test each voting machine before each election. A board member or the general

registrar may be appointed by the board to serve as custodian without additional pay for that service. A board member serving as the custodian may not also serve in his capacity as a board member when both the custodian and a board member are required to be present. [§ 24.2-632](#).

- A board member or authorized representative must be present at the final testing of each machine before each election. Again, if a board member is serving as custodian, another board member must be present. [§ 24.2-632](#).
- The board must notify appropriate local party chairs (or independent candidates for a city or town election if there are no party nominees on the ballot for any office) of the time and place that the voting equipment will be prepared and sealed and allow the persons notified to have one representative each to witness the preparation and sealing. [§ 24.2-633](#).
- The board must retain custody of all voting machine keys after the machines have been sealed. [§ 24.2-634](#).
- The board must deliver the keys in sealed packages to designated officers of election in each precinct before the polls open. [§§ 24.2-634, 24.2-639](#).
- The board may designate times and places for demonstrating and instructing the public on the proper use of the machines. [§ 24.2-635](#).
- The board must keep custody of all voting equipment and maintain it in proper repair. [§ 24.2-637](#).
- The board must take all necessary steps to assure the security of all voting equipment hardware, software, and firmware. [§ 24.2-625](#) et. seq.
- *See*, GREB 20 (detailing procedures related to voting equipment).

2.5.11 Duties Related To Election Day

- The board must ensure that all voting equipment, furniture, and materials are at the polling places before the polls open. [§§ 24.2-610, 24.2-637](#).
- The board must furnish a copy of the Virginia Election Laws (Title 24.2) to each precinct for use by the officers of election on Election Day. [§ 24.2-610](#). The Department of Elections provides copies to the localities for this purpose.
- The board must furnish to all polling places using electronic voting equipment, two sample ballots that must be posted for public inspection. [§ 24.2-641](#).
- The board must provide to each polling place a model of a portion of the machine ballot face to use in instructing voters on how to use the machine. [§ 24.2-647](#).
- *See*, GREB 18 (detailing Election Day procedures).

2.5.12 Duties Following the Election, Primary, or Referendum

- The board may direct the return of all materials from the precincts to the office of the general registrar instead of the Clerk of Circuit Court. These materials must be conveyed to the Clerk of the Circuit Court by noon on the day following the electoral board's ascertainment of the results. [§ 24.2-668](#).

- The board must meet beginning on the day after the election to determine the official results. A determination of the provisional ballots must be conducted within 7 days of the election. See GREB 29. It must deliver a certification of the count of these ballots, along with the actual ballots, to the Clerk of Circuit Court. [§ 24.2-653](#).
- The board must meet at or before 5PM on the day after the election to ascertain the results of the election. This meeting may be adjourned to another day as needed within the 7 days. [§ 24.2-671](#).
- The board must complete, certify, and sign abstracts of results for each office or question on any ballot in the locality. It must deliver copies of these abstracts to the appropriate authorities, depending on the type of election held. See, [§§ 22.1-42](#), [24.2-532](#), [24.2-671](#), [24.2-675](#), [59.1-391](#). Provisions for referenda can also be found in Title 15.2 and [local charters](#).
- The board must inform the Clerk of Circuit Court of any officer of election who has failed to return the election materials by the time of the board's meeting to ascertain the results. [§ 24.2-670](#).
- The board, along with the general registrar and the officers of election, must account for all used and unused paper ballots. [§ 24.2-666](#).
- If a local election results in a tie, the electoral board must draw lots to determine the winner. [§ 24.2-674](#).⁷
- The secretary must make, and deliver, certificates of election to all winners of local offices. [§ 24.2-676](#).
- Within 60 days after the election, the board must provide the list of those who voted to the Department of Elections which must in turn generate the list within 7 days. [§ 24.2-406](#).
- See, GREB 19 (detailing the process for canvassing results).

2.5.13 Duties Related To Absentee Balloting

- The board must provide a ballot and other absentee materials within three business days to all registered applicants who properly submit a timely and complete application form, so long as ballots are available. [§ 24.2-706](#). A five day waiting period is required for persons who apply to register and request absentee ballots simultaneously, with limited exceptions for military and overseas citizens.
- The board will be asked to certify to the Department of Elections that absentee ballots were sent to applicants by the date required by law and to provide certain information required to assure compliance with absentee voting deadlines. [§ 24.2-612](#).
- The board must make applications for absentee ballots available and accept them electronically. [§ 24.2-701](#). The board must send absentee ballots electronically to

⁷ The local electoral board conducts the drawing for county, city, town or district offices; SBE conducts the drawing for General Assembly, Congress, presidential electors.

eligible absent military and overseas voters who request. [§24.2-706](#). See GREB 11 for details.

- The board must send special early absentee ballots for statewide elections to any voters who properly apply for them. [§ 24.2-702](#).⁸
- The board must provide a voting assistance form to any voters who indicate that they need assistance due to blindness, disability, or inability to read and write. [§ 24.2-704](#).
- The board must rule on any request for an emergency absentee ballot from an incapacitated voter where the cause of the voter's emergency incapacity is not one of the reasons specified in the Code. [§ 24.2-705](#).
- The board must make note of, and preserve, any ballot returned unused. [§ 24.2-708](#).
- The board must provide a provisional ballot to anyone who lost, returned unused, did not receive, or accidentally spoiled his ballot. [§§ 24.2-703, 24.2-708](#).
- The board, or the general registrar, must mark the date of receipt of any absentee ballot and deposit it in an appropriate container. [§ 24.2-710](#).
- The board must deliver, on the day before the election, one attested copy of the final absentee applicants list to the chief officer of election for each precinct. [§ 24.2-710](#).
- The board must deliver, before the close of polls on Election Day, containers of absentee ballots to the appropriate precincts and obtain receipts for them. [§ 24.2-710](#).
- The board must deliver to the Clerk of Circuit Court all ballots received after Election Day. [§ 24.2-710](#).
- The board must approve any site for absentee balloting other than the registrar's or board's office. ~~and obtain preclearance if not bailed out.~~⁹ [§ 24.2-707](#); *See also*, GREB 11.

Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in [§ 24.2-1001\(A\)](#).

2.5.14 Duties Related To Recounts

- The board must supervise the review of pollbooks, machine printouts, and absentee ballots during any preliminary hearing related to a recount. [§ 24.2-802](#).
- The board must assist and advise the court on establishing procedures for a recount. [§ 24.2-802](#).

⁸ SBE can send early ballots in coordination with electoral boards. Va. Code [§ 24.2-455](#).

⁹ 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.

- Board members must serve as recount coordinators if so requested by the court. [§ 24.2-802](#).
- *See*, GREB 22 (detailing the process for recounts and contests).

2.5.15 Duties Related To Campaign Finance Reports

- The board is required to administer the Campaign Finance Disclosure Act. *See*, GREB 21.
- The board is authorized to delegate some of the duties assigned to it by the Campaign Finance Disclosure Act to the general registrar. [§ 24.2-946.3](#). If this is done, the board should adopt a resolution at a meeting, which should become part of the minutes, listing those board duties that are being delegated to the general registrar to perform. 2015 legislation reassigning duties to the registrar should reduce the number of delegations needed.