

State Board of Elections Policy 2026-003

A meeting of the Virginia State Board of Elections (the SBE) was held on September 15, 2026, during which the following policy was proposed by the Virginia Department of Elections (ELECT) and approved by the SBE:

Local Electoral Board Procedures for the Removal of General Registrars

PURPOSE: To establish standards and procedures for local electoral boards (EBs) when conducting public hearings to (i) institute proceedings for removal of a general registrar (GR) or (ii) directly remove a GR, pursuant to Va. Code §§ 24.2-109, 24.2-234.1, and 2.2-4000 *et seq.* However, conflicting authorities, including court orders, decisions, statutes, and regulatory actions, may supersede the effects of part or all of this policy. Where such an authority conflicts with only part of this policy, the remainder of the policy shall still apply.

REFERENCES: Va. Code §§24.2-109, 24.2-234.1, and 2.2-4000 *et seq.*

SEC. 1. POLICY ESTABLISHMENT

Subsequent to its adoption by the majority of the SBE, this policy shall be posted on the Virginia Department of Elections website.

SEC. 2. ABBREVIATIONS AND DEFINITIONS*Abbreviations*

- “EB” refers to the local electoral board of a locality.
- “EB member” refers to a member of a locality’s electoral board.
- “ELECT” refers to the Virginia Department of Elections.
- “GR” refers to the general registrar or director of elections in a locality.
- “OAG” refers to the Virginia Office of the Attorney General.
- “SBE” refers to the Virginia State Board of Elections.
- “USPS” refers to the United States Postal Service.

Definitions

“Secretary” means the secretary of the local electoral board.

SEC. 3. CRITERIA FOR REMOVAL

I. Criteria for Removal

Pursuant to Va. Code § 24.2-109, a GR may be removed or have removal proceedings instituted against them for:

- i. Neglect of a clear, ministerial duty of the office, misuse of the office, or incompetence in the performance of the duties of the office where such neglect, misuse, or incompetence has a material adverse effect upon the conduct of the office; or
- ii. An unambiguous indication of a future refusal or failure to carry out the duties of the office where such refusal or failure would likely have a material adverse effect upon the conduct of the office.

II. Vote for Direct Removal by the EB

An EB may remove a GR by a recorded unanimous vote of all its members after a public hearing on related matters.

III. Vote to Institute Circuit Court Removal Proceedings

An EB may institute proceedings pursuant to Va. Code § 24.2-234.1 for the removal of a GR by a recorded majority vote of the EB after a public hearing on related matters.

SEC. 4. REQUEST FOR REMOVAL OF A GR

1. An EB member may request that the EB conduct a public hearing to have a GR removed or have removal proceedings instituted against them pursuant to Va. Code § 24.2-234.1.
2. The request shall be provided to all members of the EB.
3. Requests must contain the following information:
 - The name and position of the EB member making the request.
 - The GR's name, position, and the locality in which they serve.
 - The laws and/or policies the GR is alleged to have violated.
 - A credible allegation or allegations under Va. Code § 24.2-109 regarding specific actions, omissions, or unambiguous indications of future refusal or failure to act that satisfy the standards for removal from **SEC. 3 (I). Criteria for Removal**.
 - The name and contact information of any person the EB member knows to have knowledge of underlying facts relating to the allegation(s).
 - If available, attached documentation supporting the allegation.

SEC. 5. PUBLIC HEARING

I. Notice Requirements

The Secretary of the EB must provide the GR with adequate notice prior to the public hearing. The Secretary shall send notice to the GR within five business days of the EB's decision but no later than 15 days before the scheduled public hearing.

The notice shall contain:

- The statutory provision(s) under which the EB is exercising its authority.
- The laws and/or policies the GR is alleged to have violated.
- The matters of fact and law at question, including an explanation of the violation alleged, and including the standards for removal from **SEC. 3 (I). *Criteria for removing a GR.***
- The date, time, and location of the public hearing.
- This policy.

Notice shall be sent to the GR's office via USPS or delivered in-person by an EB member. Additionally, notices may be sent to the GR's professional email address or personal email address, if known by the Secretary of the EB.

II. Time of Hearing

The hearing should be conducted at the next public meeting of the EB following the notice provisions required in subsection I of this section.

III. Rights of the EB Member Requesting the Hearing

The EB member requesting the hearing may:

- Submit oral and documentary evidence, including testimony.
- Provide a rebuttal or additional context in response to a GR to elicit a full and fair disclosure of the facts.
- Have the proceedings completed efficiently and a decision made promptly.

IV. Rights of the GR

A GR may:

- Be accompanied by and represented by counsel.
- Submit oral and documentary evidence.
- Provide a rebuttal or additional context in response to the EB member who requested the hearing, to elicit a full and fair disclosure of the facts.
- Have the proceedings completed efficiently and a decision made promptly.
- In the event of removal, file a notice of appeal to the SBE within three business days of the EB's decision.

A GR shall be given the opportunity to, on request and before actions are taken, submit in writing for the record:

- Proposed findings and conclusions; and
- Statements of reasons for the proposed findings and conclusions.

V. Role of the EB

The EB may:

- Administer oaths and affirmations;
- Receive probative evidence;
- Exclude irrelevant, immaterial, insubstantial, privileged, or repetitive evidence;
- Rule upon offers of proof;
- Oversee a verbatim recording of the evidence;
- Hold conferences for the settlement or simplification of issues by consent;
- Dispose of procedural requests; and
- Regulate and expedite the course of the hearing.

VI. Preservation of Evidence

All evidence introduced at the hearing must be preserved and maintained in an official evidentiary record, subject to review by the SBE. To preserve and maintain evidence, the EB should:

- Give each unique document an exhibit letter from A-Z, then from AA-ZZ, then from AAA-ZZZ as needed.
- Clearly record all proceedings and testimony. ELECT recommends testing recording equipment before a hearing, as failure to record can materially impact appeals by the GR.
- Retain all exhibits and testimony in an electronic format that can be produced in the event of an appeal.

VII. Default orders

- If the GR without good cause fails to attend or appear at a hearing, the EB may issue a default order against the GR.
- If the EB issues a default order, the EB may conduct all further proceedings necessary to complete the hearing without the defaulting GR's presence at the hearing.
- The issuance of a default order does not eliminate the requirement for a public hearing before the EB may take action, pursuant to Va. Code § 24.2-109.
- A default order is appealable to the SBE pursuant to Va. Code § 24.2-109 and SBE Policy 2026-004: State Board of Elections' Procedures for the Removal of General Registrars or Local Electoral Board Members.

- A GR must file a notice of appeal for a default order within three business days of issuance of the default order.

VIII. Continuance

- A scheduled hearing shall not be delayed by the inability of the GR to attend the hearing unless a request for continuance is made in writing to the EB not less than seven days before the scheduled hearing date.
- Continuance shall not be granted unless the request is received in the required time and, in the opinion of the EB chair, sets forth good and sufficient cause for the continuance. If the chair is the EB member requesting the hearing, the determination shall be made by the EB member serving as the presiding officer.
- If continuance is granted, the Secretary shall notify all EB members and document the grant in the official record of the meeting for continuity.
- A continuance may be granted within seven days of a hearing if there is an emergency circumstance that justifies continuing the hearing.

IX. Requests for Records

- The EB may request additional documents, records, or other evidence that it determines is relevant or necessary to the conduct of the hearing, including upon the request of the GR.
- The GR and the EB member requesting the hearing shall comply with requests by the EB and shall timely acquire and produce all requested documents, records, and other evidence that are reasonably accessible.
- The EB may establish a reasonable deadline and manner for the production of requested documents, records, or other evidence. Any challenge to the reasonableness of such a deadline will be resolved at the discretion of the SBE.

X. Interpreter Services

If an interpreter service is needed for the conduct of the hearing, the EB will make appropriate arrangements to ensure an interpreter is present. A GR requesting an interpreter shall provide the EB with reasonable notice before the hearing. Any challenge to the reasonableness of the notice's timing will be resolved at the discretion of the SBE.

XI. Presentation of the Background

The EB member requesting the hearing shall present information to assist the EB in determining whether to remove the GR or institute removal proceedings.

In presenting the matter, the EB member requesting the hearing shall provide the factual background related to the request and any other information to allow the EB to review the merits of the request, including:

- The name and position of the GR.
- The laws and/or policies the GR is alleged to have violated.
- The matters of fact and law at question, including an explanation of the violation alleged, and including the standards for removal from **SEC. 3 (I). *Criteria for Removal.***
- The evidence submitted supporting the request.
- Mitigating and aggravating factors, including but not limited to:
 - Any history of issues complying with or performing duties of the office.
 - Attempts to improve statutory or policy compliance.
- If the GR without good cause fails to attend or appear at a hearing, the EB may issue a default order against the GR. However, the EB must hold and complete the hearing prior to issuing a default order.

XII. GR Testimony

After presentation of the background, the EB shall invite the GR to present relevant testimony and additional supporting evidence. Each member of the EB shall have the opportunity to question the GR and any other participant in the hearing on all relevant matters including testimony and evidence.

XIII. Decision

At the conclusion of the GR's testimony and EB questions, the EB shall:

- Carry out further deliberation as necessary; and
- Conduct a recorded vote either to:
 - File a petition for removal with the circuit court where the GR serves, pursuant to Va. Code 24.2-234.1 by a majority vote.
 - Remove the GR from their office by a unanimous vote of all EB members; or
 - to dismiss the petition by a majority vote.
- If the EB removes the GR, the decision is appealable to the SBE.

XIV. Notice of Appeal

If an EB removes a GR, the GR so removed may file a notice of appeal to the SBE within three business days.

The notice of appeal should be submitted on a written or electronic form approved by the SBE for such purposes.

SEC. 6. PETITION FOR REMOVAL BY THE CIRCUIT COURT*I. Petition for Removal*

A petition for removal shall be on a form prescribed by the SBE and shall state with reasonable accuracy and detail the grounds or reasons for removal. This form shall be signed by the persons making it under penalties of perjury.

The petition shall be filed together with either (i) three paper copies or (ii) an electronic copy.

Removal petitions submitted to the circuit court must contain the following information:

- The GR's identity, including their name, position, and the locality where they serve.
 - The laws and/or policies the GR is alleged to have violated.
 - The matters of fact and law at question, including an explanation of the violation alleged, and including the standards for removal from **SEC. 3 (III). *Vote to Institute Circuit Court Removal Proceedings.***
 - The recorded vote of the EB members.
 - Supporting evidence showing:
 1. Neglect of a clear, ministerial duty of the office, misuse of the office, or incompetence in the performance of the duties of the office where such neglect, misuse, or incompetence has a material adverse effect upon the conduct of the office;
- OR
2. An unambiguous indication of a future refusal or failure to carry out the duties of the office where such refusal or failure would likely have a material adverse effect upon the conduct of the office.

Forms of evidence may include but are not limited to:

- EB minutes from public meetings.
- Emails to or from GRs or EB Members.
- Signed, notarized affidavits of eyewitness testimony.
- Any information required by the circuit court for such petitions.

The petition should be provided to the GR when it is submitted to the circuit court.

- If the EB decides to submit a petition for removal to the circuit court of the locality where the GR serves, the petition shall be signed by a majority of the EB members and submitted to the appropriate court.

- The GR will maintain their office while the proceedings are ongoing at the circuit court.

SEC. 7. APPEALS TO THE SBE

- Pursuant to Va. Code § 24.2-109, if an EB directly removes a GR from office, the GR may appeal such removal by filing a notice of appeal to the SBE within three business days of the EB's decision.
- The notice of appeal must be submitted on a written or electronic form approved by the SBE for such purposes.
- Upon receipt of a properly filed appeal, the SBE shall schedule a public hearing on the matter as soon as practicable.
- A GR who is removed by a unanimous, recorded vote of all members of the EB shall remain in office until the expiration of the deadline to file a notice of appeal or, if the notice of appeal is properly filed, until the SBE renders a final decision upholding the decision of the EB.

I. Notice Requirements

- The SBE shall provide the GR and EB with reasonable notice regarding the public hearing. Upon receipt of a properly filed appeal, ELECT shall send notices to the GR and EB as soon as practicable but no later than 15 business days before the scheduled public hearing.
- The notice must contain:
 - The statutory provision(s) under which the SBE is exercising its authority.
 - The date, time, and location of the public hearing.
 - This policy.
 - Contact information for an ELECT staff member who will assist with administration of the hearing.
- The notice shall be sent to the GR and EB via USPS. If ELECT is aware of email addresses for the GR and EB members, then ELECT may also send such notices via email.
- The notice shall include the date, time, and location of the public hearing.

II. Rights of the GR

The GR may:

- Appear at the hearing.
- Be represented by counsel.
- Present testimony explaining why the EB's removal decision was inappropriate.
- In support of their testimony, the GR may cite evidence and testimony that has been admitted into the evidentiary record.

III. Rights of the EB

The EB may:

- Appear at the hearing.
- Be represented by counsel.
- Present testimony explaining why the EB's removal decision was appropriate.
- Have one EB member provide initial testimony. However, the SBE may call upon any EB member to answer questions.

IV. Role of the SBE

The SBE shall review evidence presented at the hearing and determine whether to reverse or uphold the EB's removal decision. Evidence that the SBE may review includes:

- The evidentiary record from the EB's hearing, including recordings and transcripts of any testimony.
- Testimony by the GR or the EB, as it relates to the outstanding issues of fact and law.

V. Presentation of Background

- In presenting the appeal, ELECT shall present information to assist the SBE in determining whether to uphold the EB's removal decision.
- In presenting the appeal, ELECT shall provide the factual and procedural background related to the appeal and any other information relevant to the merits of the appeal, including:
 - o The date notice of the EB hearing was provided to the GR
 - o The date of the EB hearing and removal decision.
 - o The date of the appeal and whether the appeal was properly filed.
 - o The laws and/or policies the GR was found to have violated.
 - o The matters of fact and law at question, including the standards for removal under **SEC. 3(I). Criteria for removal.**
 - o The name of the GR and the locality they serve;
 - o The provision(s) of Title 24.2 allegedly violated;
 - o The evidence submitted supporting the petition;
 - o Any procedural issues related to the EB hearing raised on appeal;
 - o Mitigating/aggravating factors, including but not limited to:
 - Any history of issues complying with or performing duties of the office.
 - Attempts to improve statutory or policy compliance.

VI. GR testimony

- After presentation of the background by ELECT, the SBE shall invite the GR to present relevant testimony and additional supporting evidence.

- Each member of the SBE shall have the opportunity to question the GR, ELECT staff, and any other participant in the hearing on all matters related to the petition and testimony and evidence received.

VII. Decision

- At the conclusion of the GR's testimony and SBE questions, the SBE shall:
 - Carry out further deliberation as necessary
 - Consult with counsel in closed session as necessary; and
 - Conduct a recorded vote decided either to:
 - Reverse the decision of the EB by a two-thirds majority vote of all its members; or
 - Uphold the decision of the EB by a simple majority vote.
- If the SBE reverses the decision of the EB, such decision shall be final and not subject to appeal.

This policy is effective September 15, 2026.