★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 2
Local Electoral Boards

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2. Local Electoral Boards

REQUIRED FORMS	ADDITIONAL RESOURCES
Certificate of Eligibility for Appointment to Electoral Board (ELECT-119) *General Registrar Certificate of Appointment* (ELECT-110)	*Electoral Board Oath* (ELECT-120EB) *Electoral Board Information Form* (SBE-106) *Suggested Electoral* Board *Policy for Electronic Participation in Meetings* *Virginia Regulatory Town Hall Department of Elections website* *Department of Elections Policy 2010-2* (2010-2) *Officer of Election Annual Certification* (SBE-115)
REFERENCE	**REGULATIONS**
Virginia Freedom of Information Act (FOIA) *Opinion of the Virginia Attorney General (June 26, 2014)* *Virginia Freedom of Information Advisory Council Opinion* (August 31, 2004) *Virginia Freedom of Information Advisory Council Opinion* (July 11, 2007) *Beck v. Shelton, 267 Va. 482 (2004)* *Hill v. Fairfax Cty. Sch. Bd., 284 Va. 306 (2012)* *Shelby County, Ala. V. Holder, 133 S.Ct. 2612 (2013)*	**1VAC20-20-50.** *Fee for Nonattendance at Annual Training.* **1VAC20-20-70** *Duty to Request Assistance and to Notify Voters of Denial of Applications for Voter Registration or Absentee Ballots.* **1VAC20-60-30**: *Electronic Devices in Polling Places* **1VAC20-60-40**: *When Ballot Cast* **1VAC20-60-60**: *Provisional Votes*

2.1 CHAPTER ORGANIZATION

This chapter is written for both local electoral board members and their general registrars. Members of local electoral boards are responsible for a substantial list of duties and possess a wide range of statutorily imposed authority. Herein, we discuss what makes up a local electoral board, describe administrative obligations regarding noticing, organizing, holding, recording, and closing a meeting. We also provide an overview, with references to the Code, of the main local electoral board responsibilities and duties regarding the conduct of elections. §2.2 presents the organization of each local electoral board, including the appointment of members, roles within the Board, terms and required oaths of office. §2.3 distills the Virginia Freedom of Information Act ("FOIA" or "FOIA Act") down to the key elements that apply to meetings held by local electoral boards and the State Board of Elections (hereafter "SBE"). The section discusses the three-day notice requirement applicable to all meetings held by local electoral boards or the SBE, including the election day exception and emergency meetings. §2.3.3 addresses meeting records, including working papers and materials, minutes (draft and final), and votes. §2.3.4 explains the circumstances and required motion which permit the SBE or a local electoral board to "close" a meeting, the requirement to certify each closed meeting, and public access to closed meetings. §2.3.5 notes that records regarding voting equipment and security plans may only be excluded from inspection and copying and meetings closed if two conditions are met.

§§2.4 and 2.5 outline administrative obligations each electoral board must observe, in addition to logistics of attending meetings and required trainings.

Please Note: Every general registrar and electoral board member should also be familiar with Chapter 9 (Records Access and Retention), which goes far beyond the general presumption that government records are open to the public upon request. Chapter 9 (Records Access and Retention) outlines the documents each general registrar is expected to provide for public inspection in the local general registrar's office, what requests for information can be redirected to the Department of Elections, specific restrictions throughout Virginia's election laws on providing election records and voter data, and finally, records the public does and does not have access to.

2.2 ORGANIZATION OF THE LOCAL ELECTORAL BOARD

2.2.1 Composition

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.[1] "[If] the Governor [is] not elected as the candidate of a political party, representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of appointment."[2]

The terms of incumbent members are not interrupted or shortened "to comply with the political party representation requirements" when the newly elected Governor is of a different party than the previous Governor.[3] Rather, electoral board representation regularly changes as the terms of incumbent members expire and new appointments are made, or when an interim appointment is necessary for an unexpired term. 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.[4]

The Attorney General, following the SBE's reading and interpretation of §24.2-106, stated in a 2014 opinion that "an appointment to fill the vacancy of an unexpired electoral board term must reflect political party representation based on the votes for the office of Governor at the last preceding election at the time the appointment for vacancy is made. Consequently, the party of the candidate who prevailed in the most recent gubernatorial election is entitled to recommend the electoral board appointment to fill the vacancy." Because this is the same interpretation as offered by the State Board of Elections, this interpretation receives great weight by the Virginia Supreme Court. "The Supreme Court of Virginia has a longstanding practice of according great weight to agency interpretation of a statute" when "the practical construction given to a statute by public officials charged with its enforcement is entitled to great weight by the courts and in doubtful cases will be regarded as decisive."[5]

[1] *See* the Code of Virginia §24.2-106; *see also* VA Const. art. II, § 8.
[2] *Id.*
[3] *Id.*
[4] *See* Op. Va. Att'y Gen. (June 26, 2014), https://ag.virginia.gov/files/Opinions/2014/14-032_Palmer.pdf .
[5] *Id.*

2.2.2 Terms of Office

"Electoral board members [...] serve three-year terms and [are] appointed to staggered terms, one to expire at midnight on the last day of February each year." Every year, one member of the electoral board in each county or city is appointed (or re-appointed) for a three-year term beginning on March 1 of that year. Three years after the appointment, the term expires at midnight on the last day of February.[6] Members can serve an unlimited number of terms.

2.2.2.1 Court Ordered Expiration Date

Any order of appointment to the electoral board that specifies a term 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.

2.2.2.2 Party Recommendations and Representation

"The chairman [of the board] and the secretary [must] represent different political parties, unless the representative of the second-ranked political party declines in writing to accept the unfilled office."[7] The political party entitled to make recommendations must submit a list to the circuit court recommending at least three qualified voters of the county or city. The party must submit their recommendations for a 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.[8]

2.2.2.3 Appointment

In each county or city, an appointment to the electoral board is determined by "the chief judge of the judicial circuit for the county or city or that judge's designee."[9] Later, the Code provides that "the chief judge, or his designee, shall promptly make [the] appointment from the recommendations (i) after receipt of the political party's recommendation or (ii) after January 15 for a full term or after the 30-day period expires for a vacancy appointment, whichever [is first]."

2.2.2.4 Interim Appointment of Temporary Member

If a member of the electoral board dies or resigns during her term, the judge must make an interim appointment for the remainder of the unexpired term. In the case of a temporary absence or disability of an electoral board member, the senior judge appoints "on a meeting-to-meeting basis."[10] This temporary member must meet all of the same qualification requirements as a regular member, "and to the extent practicable maintain representation of political parties."[11] In making an appointment to fill a vacancy for an unexpired term, the court must to the extent practicable, maintain the adequate representation of political parties.[12]

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[6] See the Code of Virginia §24.2-106.
[7] See the Code of Virginia §24.2-106.
[8] *Id.*
[9] See the Code of Virginia §24.2-106
[10] *Id.*
[11] See the Code of Virginia §24.2-106.
[12] See 2013 Va. Act. Ch. 409 (relating to temporary appointments).

2.2.3 Oath of Office

Before entering any term or performing any duties, any newly appointed or re-appointed member of the electoral board must take and sign the oath of office.[13] Any judge or the Clerk of the Circuit Court may administer the oath.[14]

"Each member of an electoral board and general registrar [must] file the original signed oath in the clerk's office of the circuit court of his county or city," and a copy of it must be placed with the secretary of the electoral board.[15] 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.[16]

Form. A copy of the oath each electoral member must sign, ELECT-120EB, can be found on the Forms Warehouse.

2.2.4 Required Notification of Change in Electoral Board

After the electoral board has met and elected its officers, the Secretary must immediately notify ELECT of any change in membership or officers of the electoral board and keep ELECT informed of the name, residence and mailing addresses, and telephone numbers of each electoral board member."[17]

Form. Submit a copy of the *Certificate of Eligibility for Appointment to Electoral Board* (ELECT-119) form to the Department of Elections. 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 also 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 ensure that Department of Election's records remain current.

2.3 MEETINGS

FOIA ensures public access to state and local government meetings and records. The provisions of FOIA must be "liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government."[18] Any exemption, therefore, must be narrowly construed. This means that no meeting can be closed to the public unless specifically made exempt by FOIA or other specific law.[19]

[13] See Va. Const. art. II, § 7; see *also* the Code of Virginia §24.2-120.

[14] See the Code of Virginia §49-3 stating "The oaths to be taken by a person elected or appointed to any other office or post shall, except in cases in which it may be otherwise directed by law, be administered by the clerk of a court of record, by any judge, by a Commissioner or clerk of the State Corporation Commission or by the Secretary of the Commonwealth. A magistrate or person holding a comparable position in another state may administer the oaths to be taken by a commissioner or other person residing therein."

[15] See the Code of Virginia §24.2-120

[16] See the Code of Virginia § 49-11 stating "If any officer or person mentioned in § 49-1 shall act in his office or function before taking such oaths as are required by law, he shall forfeit not less than $100 nor more than $1,000."

[17] See the Code of Virginia §24.2-106.

[18] See the Code of Virginia §2.2-3700.

[19] See the Code of Virginia §2.2-3700.

2.3.1 Public Bodies (the SBE and every local electoral board)

The three-member SBE and each three-member local electoral board are "public bodies" under FOIA.[20] Therefore, all electoral board meetings are open to the public.[21] The only possible exceptions, to hold a "closed" meeting, arise in strictly limited, explicitly stated circumstances. A meeting should not be closed to the public unless the meeting is specifically made exempt by FOIA or another law.

2.3.1.1 What is a Meeting

A "meeting" occurs any time two members gather for the purpose of considering or transacting any public business.[22] This includes "work sessions".[23] Two members of a three-member electoral board may communicate via email without violating FOIA as long as no simultaneous communication occurs.[24] But remember, all emails are public records.[25]

Law Note

In 2004 the Virginia Supreme Court held in *Beck v. Shelton*, 267 Va. 482, that e-mail correspondence *may* constitute a meeting under FOIA, depending on "how the e-mail is used." If the e-mail is being used "as the functional equivalent of [a] letter communication by ordinary mail, courier, or facsimile transmission," it is *not* a meeting under FOIA. However, these communications are still considered public records under FOIA.

The Virginia Freedom of Information Advisory Council issued an opinion in 2004 that stated that "members of a local electoral board are not violating FOIA by using e-mail to communicate with one another." However, "e-mails relating to the transaction of public business are public records subject to access under FOIA" where there is a delay between when the e-mail is sent and received and when a response is sent. It is important to note, however, that the Advisory Council suggested the implementation of a system that copies all e-mails to the registrar to keep on file for public inspection.

2.3.1.2 What isn't a Meeting

The Code of Virginia §24.2-107 states that "the presence of two or more board members while the ballots, election materials, or voting equipment are being prepared, current or potential polling places are being inspected, or election officials are being trained, or a telephone call between two board members preparing for a meeting" does not constitute a meeting, as long as "no discussion or deliberation takes place that would otherwise constitute a meeting."[26]

[20] See the Code of Virginia §2.2-3701.
[21] *Id.*
[22] See the Code of Virginia §§2.2-3701 and 2.2-3708.
[23] See the Code of Virginia §2.2-3701.
[24] See Virginia Freedom of Information Advisory Opinion 19 (2004), http://foiacouncil.dls.virginia.gov/ops/04/AO_19_04.htm.
[25] See the Code of Virginia §2.2-3707.
[26] See the Code of Virginia §24.2-107.

Social gatherings of two or more members of an electoral board are not prohibited, as long as public business is neither transacted nor discussed, and as long as the gathering was not called for the purpose of transacting or discussing public business.[27]

Law Note

A 2012 opinion by the Supreme Court of Virginia in *Hill v. Fairfax Cty. Sch. Bd.,* 284 Va. 306 (2012), found that emails between school board members did not constitute a meeting subject to notice and open meeting requirements. The court stressed that the determination was fact-based because the emails did not involve sufficient simultaneity and the back and forth exchanges were limited to two members, instead of all three. The Court held that use of e-mail did not constitute a meeting, because the definition of a "meeting" under FOIA entails a degree of simultaneity.

The Court found that e-mail was more akin to traditional forms of written correspondence, such as a letter or a facsimile, and that there may be a significant delay between the time an e-mail communication is sent and received and when a response is sent. It is important to note that the Court stopped short of saying that use of e-mail could never be a meeting under FOIA. The dispositive determination in examining e-mail under the meeting provisions of FOIA is to examine how the e-mail was used. Members of public bodies need not refrain from using e-mail in a manner that is the equivalent of sending a letter; however, members of public bodies should be cautioned against using e-mail in a manner that appears to entail simultaneity.

2.3.1.3 Required Meetings

Local electoral boards are required by the Code of Virginia §24.2-107 to "meet during the first week in February" to appoint officers of election, and second, "during the month of March each year at the time set by the board." Beyond these two required meetings, any electoral board member can call for a meeting.[28] The electoral board must also meet to reorganize following a member's appointment to fill a vacancy in an unexpired term.[29] 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.[30]

2.3.1.3.1 First Week in February

At its regular meeting in the first week of February, each electoral board appoints officers of election.[31] "Their terms of office […] begin on March 1 following their appointment and continue, for a term not to exceed three years or until their successors are appointed."[32] After the electoral board has met and elected its officers, the Secretary must immediately notify the Department of Elections of any change in membership or offices of the electoral board members.

[27] See the Code of Virginia §2.2-3707.
[28] See the Code of Virginia §24.2-107.
[29] See the Code of Virginia §24.2-110.
[30] *Id.*
[31] See the Code of Virginia §24.2-107.
[32] See the Code of Virginia §24.2-115.

Furthermore, the general registrar 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.[33] It is also important to inform the Department of Elections of the email address, party affiliation, year the term expires, and office held for each member.

Form: The Electoral Board Information Form (SBE-106) found in the Forms Warehouse should be used to provide this updated information.

2.3.1.3.2 During March

At its March meeting, the electoral board elects a chairman, vice chairman and secretary immediately following the appointment (or re-appointment) of a member to a new term.[34]

2.3.1.4 Electronic Participation

Electoral boards generally cannot conduct business "through telephonic, video, electronic or other [means of communication] where the members are not physically assembled."[35] Although some meetings of public bodies have been granted exceptions to the electronic meetings prohibition, these specific exceptions do not apply to local electoral boards. However, in case of an unforeseen emergency, personal matter or a temporary disability preventing the member's attendance, one electoral board member may participate electronically as long as five conditions are met:

1. The electoral board has adopted a uniform written policy governing electronic participation.
2. The other two members are physically assembled for the purpose of attaining quorum. All meetings require a quorum of two members to conduct public business.
3. The voice of the remote participant must be able to be heard by all persons present at the primary meeting location.
4. If remote participation is disapproved, this must be recorded in the minutes.
5. Electronic participation may not exceed two meetings, or 25 percent of the meetings of the public body, whichever is fewer.[36]

Best Practice: A suggested electoral board policy for electronic participation in meetings can be found online at the Forms Warehouse (Suggested Electoral Board Policy for Electronic Participation in Meetings). If an electoral board has not already adopted a policy permitting members to participate electronically, they may not use electronic means to meet quorum.

[33] See the Code of Virginia §24.2-106.
[34] See the Code of Virginia §24.2-107.
[35] See the Code of Virginia §2.2-3707
[36] See Suggested Electoral Board policy for Electronic Participation in Meetings, https://www.elections.virginia.gov/formswarehouse/

2.3.2 Notice for Meetings of Public Bodies (the SBE and every local electoral board)

2.3.2.1 Three Days' Notice

Either the secretary or the member calling the meeting must provide notice to the public and all board members at least three business days prior to the meeting. Providing notice includes posting the date, time and location of meetings in a prominent public location (such as on the locality website or a public bulletin board) and at the general registrar's office. Notice should also be provided electronically on the locality website.[37]

Law Note

FOIA Council opinion[1] on Three Working Days: Weekends, Holidays, Day Of:
The three working days do not include weekends or legal holidays, and the day of the meeting should not be counted as one of the three working days. All notices of special meetings must be *reasonable under the circumstance.* Generally speaking, public bodies should post notice at least three working days in advance of any meeting unless the particular factual circumstances surrounding a special or emergency meeting necessitate some shorter time period. The second requirement of subsection D is that notice of a special meeting must always *be given contemporaneously with the notice provided members of the public body*. Therefore public notice of this special meeting should have been posted at the same time that notice was given to the members of the Committee.

2.3.2.2 Emergency Meetings

Special or emergency meetings can be held, but notice must be given to the public contemporaneously with the notice provided to the electoral board members. An "emergency" meeting "means an unforeseen circumstance" arose requiring "immediate action," therefore rendering the FOIA three day notice requirement "impossible or impracticable."[38] While emergency meetings must be public, a public body can go into closed session if there is a need to discuss a matter properly exempt under FOIA.[39]

2.3.2.3 "Election day" Exception

Under the Code of Virginia §24.2-107, electoral board members can discuss election day matters without formally noticing a meeting as long as "an effort has been made by all available means" to notify the public and board members. The SBE anticipates that election days may require them to meet to discuss issues that arise that day, for example. Accordingly, the SBE proactively notices a meeting for each election day even though this exception exists.

[37] See the Code of Virginia §24.2-107; see *also* the Code of Virginia §2.2-3707
[38] See the Code of Virginia §2.2-3701.
[39] *Id.*

2.3.3 Meeting Records

2.3.3.1 Materials

All working papers and materials furnished to the SBE and local electoral boards must be made available for public inspection upon request at the same time these documents are provided to the board members.[40]

2.3.3.2 Minutes

Minutes are required for all meetings, and must be available for public inspection after being finalized and approved by the board. The secretary of the board should promptly prepare and deliver the draft minutes to the local general registrar's office after the meeting.

2.3.3.3 Votes

Any public business must be transacted by public votes in open meetings. FOIA does not permit voting in secret, written ballots, or telephone polling by one board member of the other as per the Code of Virginia §2.2-3710.

2.3.3.4 General Registrar Responsible for Providing Books, Papers and Records to Public

Books, papers and records of the local electoral board shall be open to public inspection and copying whenever the general registrar's office is open for business either at the office of the board or at the office of the general registrar. The general registrar shall determine a reasonable charge, not to exceed the fee authorized pursuant to subdivision A 8 of §17.1-275, to be paid for copies made from the books, papers and records of the board. **No part of an individual's social security number on any record can be made available for inspection or copying by anyone.**

2.3.4 Closed Meetings

2.3.4.1 Permitted for Strictly Limited Purposes

Local electoral boards may hold closed meetings only in a few limited circumstances. Please refer to the Code of Virginia §2.2-3711(A) for a list of these reasons, but note that FOIA does not *require* that these meetings must be closed: rather, FOIA permits the board to decide if, in certain circumstances, a closed meeting is warranted.

2.3.4.2 How to Close a Meeting: Member must Move (during an Open Meeting) to Close Meeting

A member must make a motion, during an open meeting, to close the meeting. The motion must identify the subject matter, purpose "of the meeting as authorized in subsection A of §2.2-3711 or other provision of law," and "applicable exemption from open meeting requirements provided in subsection A of §2.2-3711 or other provision of law" for discussing the subject in a closed meeting. The board must restrict the topics discussed to only those matters stated in the motion, specifically exempted from FOIA.[41]

[40] *Id.*

[41] See the Code of Virginia §2.2-3712.

2.3.4.3 *The Closed Meeting Must be Certified*

At the end of any closed meeting, the board must "immediately reconvene in an open meeting and […] take a roll call or other recorded vote" to certify the meeting. In particular, each member must certify that to the best of that member's knowledge the meeting heard, discussed and considered

(i) only public business lawfully exempted under FOIA and

(ii) only such business matters identified in the motion to close the meeting.

Any member who believes that there was a departure from these requirements should state this prior to the vote. This statement must be recorded in the minutes of the public body.[42]

2.3.4.4 *Public Access to Closed Meetings*

The public should be informed as soon as the closed meeting ends, and given sufficient time to reenter the room before the board certifies the closed meeting. A board "may permit nonmembers to attend a closed meeting if such persons are deemed necessary or if their presence will reasonably aid the [board] in its consideration of a topic that is a subject of the meeting."[43]

2.3.5 Voting Equipment and Election Security Plans

Certain electoral board meetings and records concerning voting equipment and election security may be closed. However, records may only be excluded from inspection and copying, and meetings may only be closed under both of the following conditions:

- Records or discussions in meetings describe protocols for maintaining the security of ballots or voting and counting equipment, *or* reveal the results of risk assessments of specific local electoral procedures.
- The release of such records or discussion of such matters in an open meeting would compromise the security of an election.

The Code of Virginia §24.2-625.1(E) specifies that this section should not "be construed to prohibit the release of information concerning any breach of security in the conduct of an election."[44]

[42] *Id.*
[43] *Id.*
[44] See the Code of Virginia §§24.2-625.1 and 2.2-3711(34).

2.4 RESPONSIBILITIES

2.4.1 Administrative Tasks – the 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. At any time that the secretary is incapacitated in such a way that makes it impossible for the secretary to carry out the duties of the position, the board should designate one of its other members as acting secretary. This designation must be made in an open meeting and recorded in the minutes of the board. 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 may elect another of its members acting secretary until such time as a new member is appointed and the electoral board meets to reorganize.[45]

The minutes of any board meetings 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.[46]

2.4.2 Attendance, Absences and Notice to ELECT

An electoral board member who has missed more than two meetings of the electoral board during the calendar year must also provide written or email notice to the Commissioner or Deputy Commissioner of the Department of Elections.

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. If necessary for a quorum (two members) due to a member's temporary absence or disability, the senior circuit judge may 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.[47]

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[45] See the Code of Virginia §24.2-106.

[46] See the Code of Virginia §24.2-108.

[47] See the Code of Virginia §§24.2-106 and 15.2-1503 which states "**Tenure of officers and employees; suspension or removal.**

A. All appointments of officers and hiring of other employees by a locality shall be without definite term, unless for temporary services not to exceed one year or except as otherwise provided by general law or special act.

B. Any officer or employee of a locality employed pursuant to subsection A of this section may be suspended or removed from office or employment in accordance with the provisions of §§ 24.2-230 through 24.2-238, if such sections are applicable. Otherwise, any such employee may be suspended or removed in accordance with procedure established by special act or by the governing body, if any.

C. In case of the absence or disability of any officer or employee, the governing body or other appointing power may designate some responsible person to temporarily perform the duties of the office."

2.4.3 Annual Training

Each member of each electoral board must attend ELECT's annual training program the first year of [their initial] appointment and [in] the first year of any subsequent reappointment.[48] 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. The Department of Elections will annually reimburse the locality for the mileage of at least one board member attending training to the extent of funds appropriated for this purpose.[49]

Regulation Note

1VAC 20-20-50: Fee for Non-Attendance at Annual Training. The Board has the authority to charge a fee to those who register to attend the annual training but do not cancel their registration within 3 days before the event, and do not show up. The fee must be limited to the cost incurred due to their non-cancellation.

2.4.4 Notary Services

Any person appointed as a member of an electoral board or a general registrar shall be **prohibited from collecting any fee as a notary** during the time of such appointment.[50] Any person appointed as an assistant registrar or officer of election shall be prohibited from collecting any fee as a notary for services relating to the administration of elections or the elections law.[51]

2.5 DUTIES

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. 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.[52]
- At least one member of each electoral board must attend the annual training provided by the Department of Elections.[53]
- The secretary must notify the Department of Elections "of any change in the membership or officers of the electoral board."[54]

[48] See the Code of Virginia §24.2-106.
[49] See the Code of Virginia §24.2-108.
[50] See the Code of Virginia §47.1-19(C) which states "Any person appointed as a member of an electoral board or a general registrar shall be prohibited from collecting any fee as a notary during the time of such appointment. Any person appointed as an assistant registrar or officer of election shall be prohibited from collecting any fee as a notary for services relating to the administration of elections or the election laws."
[51] *Id.*
[52] See the Code of Virginia §24.2-120.
[53] See the Code of Virginia §24.2-106.
[54] *Id.*

- The electoral board must provide any information requested by the Department of Elections as provided: "Electoral boards and registrars shall provide information requested by the State Board and shall follow (i) the elections laws and (ii) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law."[55]

2.5.2 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 the Code of Virginia §§24.2-305-310.
- The "governing body of each county, city and town [must] provide funds to enable the general registrar to provide adequate facilities at each polling place for the conduct of elections."[56]
- 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.[57]
- "If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar [must] provide an alternate polling place."[58]
- "The electoral board or the general registrar [must] provide and have posted outside each polling place appropriate signs to direct people with disabilities and elderly persons to any special entrance designed for their use."[59]
- The electoral board or the general registrar must provide voting booths to each polling place, including at least one designed for voting paper ballots.[60]

Regulation Note

1VAC20-60-30: Electronic Devices in Polling Places. 1 VAC 20-60-30(A) states that individuals may use and bring electronic devices inside the polling place; party candidates and representatives, however, are prohibited from taking photos or videos within the polling place. Officers of election are authorized to monitor and restrict use of electronic devices inside the polling place if an individual's use hinders or delays the voting process, or if this device is being used to influence, intimidate, or solicit another individual's vote (20-60-30(B)). Those found violating 20-60-30 may be asked to stop using their electronic device, to use their electronic device outside the polling place only, or to leave the polling place entirely (20-60-30(B)). However, a voter may not be removed from the polling place for use of an electronic device until after their ballot is cast (20-60-30(C)). Any determination an officer of election makes as to the use of electronic devices in polling places is subject to immediate appeal to the local electoral board (20-60-30(D)). Electoral boards cannot enact any policy that categorically denies use of electronic devices in polling places (20-60-30(E)). Please also see an AG opinion issued in 2016 regarding the use of cameras and phones in polling places: https://www.oag.state.va.us/files/Opinions/2016/16-038_Bell_Lind_issued.pdf.

[55] See the Code of Virginia §24.2-103.
[56] See the Code of Virginia §24.2-310.
[57] *Id.*.
[58] See the Code of Virginia §24.2-310.
[59] See the Code of Virginia §24.2-604.1.
[60] See the Code of Virginia §24.2-609; see *also* Chapter 3 (Precincts and Polling Places) (explaining how to establish polling places).

2.5.3 Duties Related to Voter Registration

- The electoral board or the general registrar may set additional hours for the voter registration office to be open.[61]
- The electoral board must approve any agreement for ongoing registration sites at businesses or other governmental agencies, as provided: "The agreement shall provide for the appointment of employees of the agency, business, or establishment to serve as assistant registrars and shall be in writing and approved by the local electoral board prior to implementation."[62]
- The electoral board or general registrar may set additional occasional registration sites.[63]
- The electoral board, along with the general registrar, should ensure that all permanent registration sites comply with various state and federal acts designed to ensure the accessibility of all polling places to persons with disabilities, such as the Virginians with Disabilities Act, the Voting Accessibility for the Elderly and Handicapped Act, and the Americans with Disabilities Act.[64]
- Changes in hours and locations of official voter registration sites staffed with a government employee are subject to notice requirements. [65]

Regulation Note

1VAC20-20-70: Duty to Request Assistance and to Notify Voters of Denial of Applications for Voter Registration or Absentee Ballots. General registrars should notify the secretary of the board of elections if he or she is having difficulty processing applications for voter registration or absentee ballots in a timely fashion in order to maintain in compliance with state and federal law (20-20-70(A)). If a registration or absentee ballot application is denied, the general registrar should provide the applicant with specific reasons why it was denied (20-20-70(B)). The board will automate this process through standard correspondence and the statewide voter registration system (20-20-70(B)).

2.5.4 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 "which can be corrected prior to the filing deadline."[66]

[61] See the Code of Virginia §24.2-411.
[62] See the Code of Virginia §24.2-412.
[63] *Id.*
[64] See the Code of Virginia §24.2-413.
[65] See the Code of Virginia §24.2-415.
[66] See the Code of Virginia §24.2-505(D).

2.5.5 Duties Related to Primaries and Special Elections

- The secretary must post or publish any notice of a primary that is received from the Department of Elections or other appropriate authority.[67] "Each secretary [must] post a copy of the notice on the official website of any county or city, post copies of the notice at not less than 10 public places in the county or city, or have notice of the election published at least once in a newspaper of general circulation in the county or city."[68]
- 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.[69]
- "In the event two or more candidates file simultaneously, the order of filing [is] then determined by lot by the electoral board."[70]

2.5.6 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.[71]

2.5.7 Duties Related to Ballots

- The general registrar must order the printing of the number of ballots he determines are sufficient for the proper conduct of the election. This number is "subject to the approval [of] the electoral board."[72]
- "The general registrar [must] make printed ballots available for absentee voting not later than 45 days before any election," or as soon thereafter for a nonfederal special election.[73]
- The electoral board must certify its compliance with the deadline to the Department of Elections and report to SBE the number of ballots ordered.[74] The Department of Elections issues electronic surveys for this purpose.
- The general registrar must send "proofs of each printed ballot for verification, and copies of each final ballot" to the Department of Elections.[75]
- The electoral board, along with the Department of Elections, must design and layout each ballot according to instructions titled "Ballot Standards and Verification Procedures."[76]

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[67] See the Code of Virginia §24.2-517.
[68] *Id.*
[69] See the Code of Virginia §24.2-524.
[70] See the Code of Virginia §24.2-529.
[71] See the Code of Virginia §24.2-601.
[72] See the Code of Virginia §24.2-612.
[73] *Id.*
[74] *Id.*
[75] *Id*
[76] See the Code of Virginia §24.2-613.

- "The electoral board or the general registrar [must] designate one person to be continuously present in the room in which the ballots are printed." If not an electoral board member, the person must be paid at least $20 per day.[77]
- The electoral board or the general registrar must designate one of its members, or a registrar, or an employee, to "receive the ballots after they are printed and [to] certify the number of ballots received. This certificate must be filed with other" election materials.[78]
- The electoral board or the general registrar must designate a person to affix the electoral board seal to each ballot and to sign a statement witnessing such. This statement must be filed with the board's minutes.[79]
- The electoral board or the general registrar must have the printed ballots sorted for each precinct with at least one electoral board member or designee of the board present.[80]
- The electoral board must designate a member, or a registrar, or an employee, to "deliver to an officer of election of each precinct the official ballots for that precinct and obtain a receipt for the package or packages."[81]

2.5.8 Duties Related to Voting Equipment

- The board must keep all ballot containers to be used in the precincts.[82]
- The board must furnish properly designed and printed ballots for use on all optical scan voting equipment.[83]
- The board and general registrar must employ a person or persons (called "custodians") to set up and test each voting machine before each election. "The local electoral board or general registrar may assign a board member or an assistant registrar to serve as a custodian without pay for such 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.[84]
- "The final testing of the equipment prior to each election [must] be done in the presence of an electoral board member, a representative of the electoral board, or the general registrar." Again, if a board member is serving as custodian, another board member must be present.[85]
- 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.[86]

[77] See the Code of Virginia §24.2-617.
[78] See the Code of Virginia §24.2-618.
[79] See the Code of Virginia §24.2-619.
[80] See the Code of Virginia §24.2-620.
[81] See the Code of Virginia §24.2-621.
[82] See the Code of Virginia §24.2-623.
[83] See the Code of Virginia §24.2-640.
[84] See the Code of Virginia §24.2-632.
[85] *Id.*
[86] See the Code of Virginia §24.2-633.

- The general registrar must retain custody of all voting machine keys after the machines have been sealed.[87]
- The board or the general registrar must deliver the keys in sealed packages to designated officers of election in each precinct before the polls open.[88]
- The board or the general registrar may designate times and places for "the exhibition of equipment containing sample ballots, showing the title of offices to be filled, and, so far as practicable, the names of the candidates to be voted for at the next election for the purpose of informing voters who request instruction on the use of equipment."[89]
- The board must take all necessary steps to assure the security of all voting equipment hardware, software, and firmware.[90]

2.5.9 Duties Related to Election Day

- The board must "ensure that the general registrar has the voting and counting equipment and all necessary furniture and materials at the polling place" before the polls open.[91]
- The board or general registrar must "provide for each precinct in which any voting or counting machines are used two sample ballots." "Such sample ballots [must] be posted for public inspection at each polling place during the day of election."[92]
- The general registrar 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.[93]

2.5.10 Duties Following the Election, Primary, or Referendum

- The board or general registrar 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.[94]
- 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.[95] The board must deliver "the certification of the results of the count together with all ballots and envelopes," to the Clerk of Circuit Court.[96]

Regulation Note

1VAC20-60-60: Provisional Votes provides that the electoral board or general registrar may attempt to contact a person who has voted a provisional ballot, and remind that person that he can provide a copy of his ID until noon on the Friday after election day.

[87] See the Code of Virginia §24.2-634.
[88] See the Code of Virginia §24.2-639.
[89] See the Code of Virginia §24.2-635.
[90] See the Code of Virginia §24.2-625 et. seq; *see also* Chapter 4 (Voting Equipment) (detailing procedures related to voting equipment).
[91] See the Code of Virginia §§24.2-610, 24.2-637.
[92] See the Code of Virginia §24.2-641; *see also* Chapter 11 (Election Day) (detailing election day procedures).
[93] See the Code of Virginia
[94] See the Code of Virginia §24.2-668.
[95] See Chapter 13 (Provisional Ballots).
[96] See the Code of Virginia §24.2-653.

- "Each electoral board [must] meet at the clerk's or general registrar's office of the county or city for which they are appointed at or before 5:00 p.m. on the day after any election" to ascertain the results. This meeting may be adjourned to another day as needed, within 7 days from the date of the election.[97]
- 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.[98] Provisions for referenda can also be found in Title 15.2.
- 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.[99]
- The board, along with the general registrar and the officers of election, must account for all used and unused paper ballots.[100]
- If a local election results in a tie, "the electoral board [must] proceed publicly to determine by lot which of the candidates shall be declared elected."[101]
- The secretary must make, and deliver, certificates of election to all winners of local offices.[102]

See the Handbook Chapter 14 Canvass detailing the process for canvassing results.

2.5.11 Duties Related to Absentee Balloting

- 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.[103]
- The board must make applications for absentee ballots available and accept them electronically.[104] The board must send absentee ballots electronically to eligible absent military and overseas voters who request.[105]
- The board must provide a voting assistance form to any voter who indicates that they need "assistance to vote […] by reason of blindness, disability, or inability to read or write."[106] 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.[107]
- "The general registrar [must] carefully preserve all ballots returned unused and deliver them, together with other returned ballots, to the officers of election on election day."[108]

[97] See the Code of Virginia §24.2-671.
[98] *See, e.g.*, the Code of Virginia §§22.1-42, 24.2-532, 24.2-671, 24.2-675, 59.1-391.
[99] See the Code of Virginia §24.2-670.
[100] See the Code of Virginia §24.2-666.
[101] See the Code of Virginia §24.2-674. The local electoral board conducts the drawing for county, city, town or district offices; SBE conducts the drawing for General Assembly, Congress, presidential electors.
[102] See the Code of Virginia §24.2-676.
[103] See the Code of Virginia §24.2-612.
[104] See the Code of Virginia §24.2-701.
[105] See the Code of Virginia §24.2-706.
[106] See the Code of Virginia §24.2-704.
[107] See the Code of Virginia §24.2-705.
[108] See the Code of Virginia §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.[109]
- The board must deliver one attested copy of the final absentee applicants list to the chief officer of election for each precinct on the day before the election.[110]
- "Before the polls close on [election day], the electoral board [must] deliver the absentee ballot containers to, and obtain receipt form, the officers of election at each appropriate precinct."[111]
- "The secretary of the electoral board [must] deliver all absentee ballots received after the election to the Clerk of Circuit Court."[112]
- The board must approve any site for absentee balloting other than the registrar's or board's office.[113]
- Any "member of an electoral board …" who fails to discharge his duty as provided in this section – if "guilty of willful neglect of his [her] duty" – shall be guilty of a Class 1 misdemeanor as provided in the Code of Virginia §24.2-1001(A).

Law Note

On June 25, 2013, the U.S. Supreme Court in *Shelby County, Alabama v. Holder*, 133 S.Ct. 2612, 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.

2.5.12 Duties Related to Recounts

Please see Chapter 15 Recounts for more information.

- The board must supervise the review of pollbooks, machine printouts, and absentee ballots during any preliminary hearing related to a recount.[114]
- The board must assist and advise the court on establishing procedures for a recount.[115]
- Board members must serve as recount coordinators if so requested by the court.[116]

[109] See the Code of Virginia §24.2-710.
[110] *Id.*
[111] *Id.*
[112] *Id.*
[113] See the Code of Virginia §24.2-707.
[114] See the Code of Virginia §24.2-802.
[115] *Id.*
[116] See the Code of Virginia §24.2-802; *see also* Chapter 15 (Recounts and Contests) (detailing the process for recounts and contests).

2.5.13 Duties Related to Officers of Election

- The electoral board must appoint all officers of election and designate the precinct in which each will serve.[117]
- "The electoral board by a recorded majority vote may remove from office, on notice, any[…] officer of election who fails to discharge the duties of his office according to law."[118]
- The electoral board must designate a chief officer and assistant chief officer for each precinct. "Not less than three [officers of election must] be appointed for each precinct." "In appointing officers of election, representation [must] be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election." "If practicable, no more than one-third of the total number of officers appointed for each precinct may be citizens who do not represent any political party."[119]
- The electoral board or general registrar shall "dismiss at a minimum the chief officer or the assistant chief officer, or both, as appropriate," 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.[120]
- The Department of Elections sets 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.[121]
- 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 the Department of Elections, and (2) any officers of election trained within the last year have been trained according to these standards.[122]
- The electoral board must ensure that the general registrar certify to the Department of Elections that training of the officers of election has been conducted consistent with the training standards.[123] The annual and quadrennial certifications are combined on one form and are posted in the Forms Warehouse.
- The Department of Elections recommends training all new officers before each election and all officers whenever there are major procedural changes in polling place operations. The Department of Elections requires training on particular issues, such as completing Statements of Results or using electronic pollbooks, and requests the electoral board to conduct special workshops.[124]
- "The board or the general registrar [must] not permit any person to serve as an officer [of election] who is not fully trained to conduct an election properly with the equipment" used in the precinct.[125]

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[117] See the Code of Virginia §§24.2-109 and 24.2-115.
[118] See the Code of Virginia §24.2-109.
[119] See the Code of Virginia §24.2-115.
[120] See the Code of Virginia §24.2-638.
[121] See the Code of Virginia §24.2-103.
[122] See the Code of Virginia §24.2-115.
[123] *Id.*
[124] See the Code of Virginia §24.2-103 (Department of Elections may petition court for removal).
[125] See the Code of Virginia §24.2-636.

- 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.[126]
- "The secretary of the electoral board or the general registrar [must] prepare a list of the officers of election that [must] be available for inspection and posted in the general registrar's office prior to March 1 each year. Whenever substitute or additional officers are appointed, the secretary of the electoral board or the general registrar [must] promptly add the names of the appointees to the public list."[127]

2.5.14 Duties Related to Registrars

2.5.14.1 The Electoral Board Must Appoint the General Registrar

Starting in May or June of 2007, and every four years after, the electoral board for each county and city meet to appoint the general registrar.[128] General registrars serve four-year terms beginning July 1 of the year of appointment.[129] The electoral board must fill any vacancy in the office of general registrar for the remainder of an unexpired term.[130] 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. Please see Appendix A for more information.

2.5.14.2 Removal of the General Registrar

"The electoral board by a recorded majority vote may remove from office, on notice, any general registrar […] who fails to discharge the duties of his office according to law." Each board member should become familiar with the job description and skills needed by the general registrar before making an appointment to this position.[131]

2.5.14.3 Additional Duties

The electoral board may prescribe additional duties – beyond those prescribed in the Code – to the general registrar.[132] 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.

ELECT recommends that the Secretary of each electoral board retain an updated list of delegated duties to provide to any new registrar.

[126] See the Code of Virginia §24.2-611.
[127] See the Code of Virginia §24.2-115.
[128] See the Code of Virginia §24.2-110.
[129] *Id.*
[130] *Id.*
[131] See the Code of Virginia §24.2-109.
[132] See the Code of Virginia §24.2-114.

2.5.14.4 Assistant Registrars

"The electoral board [must] determine the number and set the term for assistant registrars."[133] 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.[134] The general registrar appoints all assistant registrars and establishes their duties. Localities with populations over 15,500 must have at least one assistant registrar. Smaller localities must have at least one substitute registrar who can perform the general duties if necessary.[135]

2.5.14.5 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 electoral board must complete the review 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.[136]

Helpful VERIS Step-By-Steps

Section #	Title
4.2.3	Steps to Process the SBE-501 Certificate of Candidate Qualification

[133] See the Code of Virginia §24.2-112.
[134] *Id.*
[135] *Id.*
[136] See the Code of Virginia §24.2-109.1.

APPENDIX A: GUIDELINES FOR SELECTING REGISTRAR

The appointed general registrar must be a qualified voter of the jurisdiction 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.

Prohibitions from being either general registrars or paid assistant general registrars[137]

- 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 running for or holding an elected office
- A chairperson of a political party, officer of a state, local, or district level political party committee
- A paid or volunteer worker in the campaign of a candidate running for any office anywhere in his/her jurisdiction

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. If the appointee fails to qualify and deliver a copy of his oath to the secretary of the electoral board within 30 days after receiving notification of his appointment, the electoral board shall declare the office vacant and fill the office.[138] 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.[139] 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.[140]

APPENDIX B: ELECTORAL BOARD JOB DESCRIPTION

Electoral Board Job Description

Summary:

The Electoral Board of each County and City in Virginia is composed of three members who serve three-year staggered terms. Two members are members of the political party of the most recently elected governor. The chair and secretary must represent different political parties unless the position is declined. Although the bipartisan board is appointed by the Circuit Court based upon local party recommendations, each member must carry out official duties in a nonpartisan manner. The authority for the administration of all aspects of elections for the locality remains with the Electoral Board, including oversight of the General Registrar/Director of Elections, and is responsible to the State Board of Elections for that administration. It employs and supervises the General Registrar, who handles voter records. Generally, the work of the Electoral Board should be shared equally by all three members, although the Secretary has additional responsibilities.

[137] See the Code of Virginia §24.2-110.
[138] See the Code of Virginia §24.2-110.
[139] *Id.*
[140] See ELECT-110.

I. Responsibilities:

A. Election administration includes:

1. Approve and recommend polling places within the precincts established by the local government.
2. Approval of voting equipment to be used, and development and approval of a security plan to keep all equipment and materials secure.
3. Ensure the creation, production and proper custody of ballots.
4. Ensure the proper conduct of Logic and Accuracy (L&A) test to be sure equipment is programmed correctly for each election.
5. Assistance in conducting absentee voting.
6. Appointment of officers of election and ensuring that training, assignment and review of precinct officers of election occurs.
7. Ensure coordination with other local government departments (e.g., police, sheriff, public works, IT, schools) to ensure smooth conduct of each election.
8. Assistance in procuring, packing and delivering supplies to polling places.
9. Ensure proper setup of polling places prior to each election.
10. Assistance in polling places and offices as needed on Election Day. Availability to respond to inquiries from media, voters and political parties
11. Conduct of post-election canvass to ascertain that all precinct results are accurate and complete.
12. Based on input from the General Registrar, determination of validity and counting of provisional ballots.
13. The Electoral Board's signatures on the certification of results following the canvass is the ultimate declaration of the truth, accuracy and dependability of the vote totals being submitted to the Commonwealth and is thus the foundation of the democratic process.

B. The Electoral Board has additional responsibilities, including:

1. Appointment, removal and annual performance evaluation of General Registrar.
2. Certification of candidates, when required. .
3. Conduct of meetings in accordance with the Freedom of Information Act (FOIA).
4. Familiarity with federal and state laws that must be followed in conducting elections.
5. Attendance at training programs provided by Virginia Department of Elections (ELECT).
6. Together with the General Registrar, administration of the Office of Elections, including budgeting and dealing with local government officials, as needed.
7. The Secretary of the Electoral Board has specific tasks and responsibilities according to the Code and must take and keep accurate minutes of all board meetings.

II. Electoral Board Activity Prohibitions:

A. May not collect any fee as a notary during the time of such appointment.
B. May not engage in political activities when performing official duties.
C. May not solicit signatures for candidate petitions in a public building.

III. Qualifications:

The following qualification is required by law: Must be a qualified voter of the County or City, in good legal standing.

IV. Disqualifications:

A. Must not be directly related to another Electoral Board member or General Registrar or to a candidate or holder of elected office.
B. May not serve as chair of a political party, at local, district or state level, and may not hold elected office or offer to be a candidate for elected office
C. May not be employed by or hold incompatible office under federal, state or local government

V. Additional desirable characteristics:

A. Customer-service orientation in dealing with voters.

B. Computer literacy, as much business is conducted via email.
C. Ability to travel around the County or City.
D. Public speaking ability to conduct training or address groups.
E. Writing ability to write training materials, legislative positions, or analyses.
F. Basic budgeting skills.
G. Knowledge of basic legal concepts and judicial proceedings; willingness to become deeply familiar with United States Code Title 52 and Virginia Code Title 24.2 governing Elections and administrative regulations thereunder.
H. Assertive manner when needed to enforce compliance with code or regulations.

Conditions:
Service on the Electoral Board is in the nature of a part-time seasonal job. There is a general election every year in November and a primary election most years in June. In addition, there may be City or Town elections in May and special elections whenever called. From six to two weeks prior to each election, the board may need to be available a few times per week for a few hours. The week prior to and the week of the election, the board needs to be available most of the time, including 5am-10pm or later on Election Day. At other times the board may meet monthly and may attend training or networking meetings or conferences. Members may be asked to address local groups or attend meetings of interest.