



Electoral Board Appointments

Guide for Unit Committees

(Revised 8/30/2022)

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Introduction

Virginia’s Constitution establishes electoral boards in every city and county to administer elections in the Commonwealth and requires that the two political parties be represented on each board. The boards are responsible for the administration of all elections.

While appointed by the Circuit Court, the board members representing the Republican Party are made from recommendations by the Party. These recommendations are among the most important responsibilities of the Party—making nominations and electing candidates can’t happen without well-run elections.

In making appointments, the Party must recommend individuals of good character who are committed to the rule of law and integrity in election administration.

Issues that electoral boards consider include appointment of registrars to 4-year terms, removal of registrars, appointment and removal of officers of elections, changes in precincts (names, polling places, and boundaries), selection of voting systems, places and times for early voting, and, of course, the certification of elections after careful review of precinct results.

This guide is intended to support the Party in selecting the right people, carrying out the process of making nominations, and dealing with unanticipated vacancies and temporary appointments.

Selecting the Right People

Making the right choice for the electoral board makes democracy work. Many factors go into finding the right person. They must meet the statutory eligibility criteria, be familiar with election administration,

understand that it's a working post, be committed to the rule of law, work well with others, and stand up to pressure. They must also reflect well on the Party.

Eligibility

The Constitution and Code of Virginia set out some basic eligibility criteria that may exclude otherwise well-qualified individuals. There are three categories of eligibility criteria—government position, anti-nepotism, and political. The following summarizes lists individuals who cannot serve:

- Anyone holding an elective office; employed (either part-time or full-time) by the US Government, the Virginia government, or any county, city or town; or holding any paid office or post of any of those governments.
- Anyone who is a close family member (spouse, parent, grandparent, sibling, child, or grandchild—or the spouses of any of those family members) of an elective office holder elected in whole or in part by the voters of the locality, another electoral board member, or the general registrar.
- Anyone who is the chair of a political party committee or paid worker in the campaign of a candidate for an office filled in whole or in part by the voters in the locality.

Working Election Administration Job

The Board isn't just a policy-making body, members are working election administrators. The Department of Elections has created a job description listing the many duties of Board members.¹ The Department has also prepared more detailed information about electoral boards as part of its General Registrar Electoral Board (GREB) Handbook.²

Board members must not only have the time to serve but have some familiarity (and a willingness to gain more) with election administration in Virginia. Voters who have served as officers of elections or worked on Party election integrity efforts may be good candidates.

For these reasons, no one should be recommended for the board as a recognition for past accomplishments or some other honorary reason. It is a working post.

Rule of Law

Board members must be committed to the rule of law. Elections must be administered in accordance with the laws enacted by the General Assembly and the regulations adopted by the State Board of Elections. Board members must keep these rules in mind and remember that their role is to follow the law as written—not as they wish it to be. Advocating for election integrity and administration improvements is certainly allowed, but when it comes to administering elections, board members are limited to the law as it stands.

Party, candidate, and interest group advocates may all have an interest in deviating from the law to achieve various outcomes. Board members must stand firm and uphold the election laws. Board

¹ The job description should be available at the Department of Elections Forms Warehouse in the Local Administration section--<https://www.elections.virginia.gov/formswarehouse/local-administration/> (last visited 8/29/2022).

² The current edition of the GREB Handbook is available at <https://www.elections.virginia.gov/grebhandbook/> (last visited 8/30/2022). Chapter 2 deals with electoral boards.

members may face public criticism or pressure over decisions and should be prepared to resist that pressure in defense of the law.

Party Representatives

Electoral board members represent the Party. Their action or inaction reflects on the Party and the way the public views it. Opponent will not hesitate to attack board members as a way to attack the Party and its candidates. Units have an obligation to vet the people they recommend to the court in order to insulate the Party. RPV has adapted a procedure designed by the RNC for candidate vetting so that it can be used to vet potential electoral board members as well. Units should ask potential board members for a recent resume, as well as any social media account names (Facebook, Twitter, LinkedIn, Instagram). Units should verify the credentials listed on the resume, review any social media posts, and search for news stories or public records related to the potential board member. RPV staff is available to assist with these searches.

Making Recommendations to the Court

Regular terms expire on December 31 each year. The statute effectively requires that the Party make recommendations to the Circuit Court before December 15 (if you miss this deadline, the Court may make appointments without your recommendation). [24.2-106](#). You should plan to make your recommendation by late November to provide the Court sufficient time to make the appointment. Some Circuit Courts will notify the unit chair about the need to make a recommendation, but many will not. Do not wait for the Court to contact you.

The statute requires that you submit the names of at least three qualified voters. Each voter recommended should complete the Certificate of Eligibility for Appointment to the Electoral Board (ELECT-119)³ and those forms should be included with your recommendation letter.

You should write a letter addressed to the chief judge of the circuit court and deliver it through the clerk of the circuit court.⁴ If you have a preference among the three voters you recommend, you might list them in order of preference and describe the reasons that your first choice might be a good appointee in more detail than the other people you recommend. Be sure to include your contact information and the contact information for each person you recommend in case the judge has questions for you or would like to interview the people you've recommended.

The chief judge (or his designee) will enter an order making the appointment and direct the clerk to take the new electoral board member's oath, at which point the member takes office.

Supporting Board Members

Unit Committees' responsibility does not end with the recommendations to the circuit court. Board members need the support of the local committee.

³ This form should be available at the Department of Elections Forms Warehouse in the Local Administration section--<https://www.elections.virginia.gov/formwarehouse/local-administration/> (last visited 8/29/2022).

⁴ The chief judges and clerks of the circuit court are listed on Virginia's Judicial System website—<https://www.vacourts.gov/courts/circuit.html> (Last visited 8/29/2022).

Chairs should stay in regular contact with Republican board members. Board members should attend unit meetings and provide updates. Unit committee members should attend board meetings, especially when an important issue is on the agenda where public comments could support the Republican member position. Electoral board meetings are covered by Virginia FOIA, so they are open meetings and minutes must be recorded and posted. [24.2-107](#).

Chairs should also encourage their board members to participate in the Virginia Electoral Board Association (VEBA). VEBA is a voluntary association that provides excellent training and networking opportunities. It also retains a lobbyist and it's important for Republicans to participate in VEBA and its leadership to ensure that the Association's lobbying agenda promotes election integrity measures in the General Assembly.

Filling Vacancies

Vacancies may arise during the three-year term of a board member. Making recommendations to fill a vacancy happens on a more compressed timeline than making recommendations for a full term but is otherwise very similar.

The statute allows the chief judge to make an appointment upon receipt of the Party's recommendation or 30 days from the vacancy, whichever comes first. [24.2-106](#). The Party should promptly make recommendations to ensure a full electoral board is in place. Making a recommendation within one or two weeks of the vacancy would be reasonable, but in no event, should the Party allow thirty days to elapse without making a recommendation. If an election will occur soon, making the recommendation promptly is even more important.

Hopefully, the two most recently recommended people who were not appointed to a full-term will be available, so the Party won't have to come up with three new people to recommend.

Temporary Appointments

The statute allows for temporary appointments when a regular member is unavailable to serve for some time during their term (but is expected to be available to serve out the balance of the term). The statute does not provide for the Party to make formal recommendations to the chief judge for these temporary appointments, but nothing prevents the Party from working with the other board members, the registrar, and the clerk to provide a recommendation to the chief judge.

Temporary appointments may be needed if a Board member has unavoidable travel during the meetings related to certifying an election. A Board member may be unavailable for health reasons or a professional commitment of some duration. As soon as you learn of the possibility, you should work with that member, the general registrar, and the clerk to request a temporary appointment and recommend a person to serve. Temporary appointees must meet the same eligibility criteria as regular appointees and "to the extent practicable maintain representation of political parties..." [24.2-106](#).

If possible, the board member who needs a temporary replacement should write a letter to the judge describing the circumstances that necessitate a temporary replacement and the length of time that a temporary replacement may be needed. If the board member is unable to write such a letter, the unit should collaborate with the registrar and the other board members to alert the judge to the need for a temporary replacement. Although the statute doesn't require the Party to make recommendations for a

temporary appointee, it would be good practice to do so. Experienced officers of election, former board members, or others with experience in election administration would make good candidates for a temporary appointment.