1	SENATE JOINT RESOLUTION NO. 33
2	AMENDMENT IN THE NATURE OF A SUBSTITUTE
3	(Proposed by the Senate Committee on Rules
4	on February 11, 2022)
5	(Patron Prior to SubstituteSenator McClellan)
6	Directing the Joint Legislative Audit and Review Commission to review the election governance structure
7	in the Commonwealth. Report.
8	WHEREAS, the mission of the Department of Elections is to promote and support accurate, fair,
9	open, and secure elections for the citizens of the Commonwealth; and
10	WHEREAS, an election process that is fair, efficient, and accountable at all levels is essential in
11	maintaining a strong democracy and in assuring Virginians that their fundamental right to vote is
12	protected; and
13	WHEREAS, the success of elections administration in the Commonwealth is dependent on 133
14	general registrars and electoral boards in each of the Commonwealth's independent cities and counties,
15	which are independently responsible for operating and overseeing local elections; and
16	WHEREAS, the State Board of Elections (the State Board), through the Department of Elections,
17	is required by § 24.2-103 of the Code of Virginia to "supervise and coordinate the work of the county and
18	city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and
19	legality and purity in all elections"; however, in practice, the State Board has little ability to ensure
20	uniformity and fairness of elections when such electoral boards and registrars are not accountable to the
21	State Board; and
22	WHEREAS, the State Board, through the Department of Elections, has an insufficient ability to
23	hold local electoral boards accountable, which leaves local registrars and electoral board members
24	susceptible to partisan pressures without state-level mechanisms in place to provide necessary oversight;
25	and

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WHEREAS, to ensure fair and uniform elections and to maintain voters' faith in the election
process, the Commonwealth's election governance structure must be examined at both the state and local
level to determine where improvement and additional oversight is needed; now, therefore, be it

29 RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit30 and Review Commission be directed to review the election governance structure in the Commonwealth.

31 In conducting its study, the Joint Legislative Audit and Review Commission shall (i) review the 32 roles and responsibilities of state and local election officials in the administration and conduct of elections 33 in the Commonwealth, including the level of oversight by state election officials and the degree of 34 decision-making by local election officials; (ii) review the methods of selection and removal of state and 35 local election officials and evaluate how such methods shape accountability mechanisms; (iii) review the 36 level of funding provided by the state and localities; (iv) evaluate the potential for partisan pressures and 37 influence in administrative decisions at the state and local election level; (v) develop recommendations 38 for objective methods of evaluating the performance of both local and state election officers to determine 39 if they are appropriately fulfilling the responsibilities of their positions and whether removal may be 40 necessary; and (vi) make other recommendations as necessary and review other issues as warranted.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by
the State Board of Elections, the Department of Elections, local electoral boards, local general registrars,
the Virginia Electoral Board Association, and the Voter Registrars Association of Virginia. All agencies
of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for
this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2022, and for the second year by November 30, 2023, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted

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- **53** as provided in the procedures of the Division of Legislative Automated Systems for the processing of
- 54 legislative documents and reports and shall be posted on the General Assembly's website.

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