

State Board of Elections Policy 2026-004

A meeting of the Virginia State Board of Elections (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:

State Board of Elections Procedures for the Removal of General Registrars and Local Electoral Board Members

PURPOSE: To establish standards and procedures for the SBE when conducting public hearings to (i) institute proceedings for removal of a general registrar (GR) or local electoral board member (EB member) or (ii) directly remove a GR or EB member, pursuant to Va. Code §§ 24.2-103, 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 §§ 24.2-103, 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

“Complainant” means an individual residing in the locality where the EB member or GR serves who is submitting a complaint against an EB member or GR.

“Respondent” means the EB member or GR who is the subject of the complaint

SEC. 3. CRITERIA FOR REMOVAL*I. Criteria for Removal*

Pursuant to Va. Code § 24.2-103, an EB member or 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.

Pursuant to Va. Code § 24.2-103, the SBE shall institute proceedings against any EB member who neglects or refuses to carry out any clear ministerial duty of the office in accordance with law.

II. Vote for Direct Removal by the SBE

The SBE may remove any EB member or GR by a recorded two-thirds majority vote of all its members after a public hearing on related matters.

III. Vote to Institute Circuit Court Removal Proceedings

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

SEC. 4. COMPLAINT AGAINST AN EB MEMBER OR A GR

1. Complaints may be filed by a resident, the GR, or an EB member of the locality in which the Respondent serves. Complaints may also be filed by ELECT.
2. Complaints must be sent via certified mail to:

Virginia Department of Elections
1100 Bank Street, 1st Floor
Richmond, Virginia 23219

3. Complaints must contain the following information:

- The name and address of the complainant.
- The EB member or GR's name, position, and locality in which they serve.

- The laws and/or policies the EB member or GR is alleged to have violated.
 - A credible allegation or allegations under Va. Code § 24.2-103 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 Complainant knows to have knowledge or underlying facts relating to the allegation(s).
 - If available, attached documentation supporting the allegation(s).
 - A sworn statement, notarized, attesting that the information contained in the complaint is accurate and true to the best of the Complainant's knowledge.
 - Any additional information requested by ELECT during its review.
4. ELECT will review complaint(s) for completeness and, if the complaint is complete, prepare documents sufficient for initial review by the SBE during a closed session of the next scheduled public meeting. After reviewing the complaint and the evidence during the closed session, the SBE shall vote on whether to have a public hearing at the next scheduled public meeting consistent with the notice requirements of **SEC. 5 (I). *Notice Requirements.*** A simple majority vote is sufficient.
5. ELECT may request additional information from the Complainant as necessary.

SEC. 5. PUBLIC HEARING

I. Notice Requirements

ELECT must provide the Respondent with adequate notice prior to the public hearing. Should the SBE vote to hold a public hearing, ELECT shall send notice to the Respondent and Complainant within five business days of the SBE's decision but no later than 15 days before the scheduled public hearing.

The notice shall contain:

- The statutory provision under which the SBE is exercising its authority.
- The laws and/or policies the GR or EB member are alleged to have violated.
- The matters of fact and law at question including an explanation of the violation alleged, including the standards for removal from **SEC. 3 (III). *Vote to Institute Circuit Court Removal Proceedings.***
- The date, time, and location of the public hearing.
- The relevant complaint.
- This policy.
- Contact information for ELECT staff.

Notice shall be sent to the Respondent via USPS. Additionally, notices may be sent via email to the GR's professional email address or personal email address, if known by ELECT.

II. Time of hearing

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

III. Rights of the Complainant

A Complainant may:

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

IV. Rights of the Respondents

A Respondent may:

- Be accompanied by and represented by counsel.
- Submit oral and documentary evidence.
- Provide a rebuttal or additional context to the Chairman of the SBE in response to a Complainant to elicit a full and fair disclosure of the facts.
- Have the proceedings completed efficiently and a decision made promptly.

A Respondent 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 SBE

The SBE 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;
- 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 judicial review. To preserve and maintain evidence, the SBE 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.
- Retain all exhibits and testimony in an electronic format that can be produced in the event of judicial review.

VII. Default orders

- If a respondent without good cause fails to attend or appear at a hearing, the SBE may issue a default order against the respondent.
- If the SBE issues a default order, the SBE may conduct all further proceedings necessary to complete the hearing without the defaulting Respondent's presence at the hearing.
- The issuance of a default order does not eliminate the requirement for a public hearing before the SBE may take action, pursuant to Va. Code § 24.2-103.

VIII. Continuance

- A scheduled hearing shall not be delayed by the inability of the Respondent to attend the hearing unless a request for continuance is made in writing to the SBE 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 Chairperson of the SBE, sets forth good and sufficient cause for the continuance.
- If a continuance is granted, ELECT staff shall notify all members of the SBE and document the grant in the official record of the meeting for continuity.
- At the SBE's discretion, 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 SBE may, at any time, 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 a Respondent .
- Respondents and Complainants shall comply with requests by the SBE and shall timely acquire and produce all requested documents, records, and other evidence that are reasonably accessible.
- The SBE may establish a reasonable deadline and manner for the production of requested documents, records, or other evidence.

X. Interpreter Services

If an interpreter service is needed for the conduct of the hearing, ELECT will make appropriate arrangements to ensure an interpreter is present. The Claimant or Respondent requesting an interpreter shall provide ELECT with reasonable notice before the hearing.

Whether the timing of a request was reasonable will be resolved at the discretion of the SBE.

XI. Presentation of the Background by ELECT

ELECT shall present information to assist the SBE in determining whether to remove the GR or EB member or institute removal proceedings.

In presenting the matter, ELECT shall provide the factual background related to the Complaint and any other information to allow the SBE to review the matter, including:

- Date of receipt of the complaint.
- The name and position of the Respondent.
- The law and/or policies the Respondent 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 complaint;
- Mitigating and aggravating factors, including but not limited to:
 - Any history of issues complying with or performing the duties of the office.
 - Attempts to improve statutory or policy compliance.

XII. Respondent Testimony

After presentation of the background by ELECT, the SBE shall invite the Respondent to present relevant testimony and additional supporting evidence. Each member of the SBE shall have the opportunity to question the respondent, ELECT staff, and any other participant in the hearing on all matters related to the complaint, including testimony and evidence.

XIII. Decision

At the conclusion of the respondent'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 either to:
 - File a petition for removal with the circuit court where the respondent serves, pursuant to § 24.2-234.1, by a majority vote of the members of the SBE;
 - Remove the GR or EB member from their office by a two-thirds majority vote of all members of the SBE; or
 - to dismiss the complaint by majority vote of the SBE.
- If the SBE decides to submit a petition for removal to the circuit court of the locality where the respondent serves, the petition shall be signed by a majority of the members of the SBE and the OAG will submit the petition to the appropriate court.

- The respondent will maintain their office while the proceedings are ongoing at the circuit court.
- If the SBE decides to directly remove the GR or EB member, the decision is final and shall be subject to judicial review only in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.).

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 reason 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 or EB member's identity, including their name, position, and the locality where they serve.
 - The laws and/or policies the GR or EB member 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 SBE.
 - 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:

- 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 EB member or GR when it is submitted to the circuit court.

- The EB member or 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:
 - The date notice of the EB hearing was provided to the GR
 - The date of the EB hearing and removal decision.
 - The date of the appeal and whether the appeal was properly filed.
 - The laws and/or policies the GR was found to have violated.
 - The matters of fact and law at question, including the standards for removal under **SEC. 3(I). Criteria for removal.**
 - The name of the GR and the locality they serve;
 - The provision(s) of Title 24.2 allegedly violated;
 - The evidence submitted supporting the petition;
 - Any procedural issues related to the EB hearing raised on appeal;
 - 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.