

03-021

**CONSTITUTION OF VIRGINIA: FRANCHISE AND OFFICERS
(QUALIFICATIONS TO HOLD OFFICE) – (ELECTORAL BOARDS;
REGISTRARS AND OFFICERS OF ELECTION).**

**ELECTIONS: GENERAL PROVISIONS AND ADMINISTRATION –
REGISTRARS – LOCAL ELECTORAL BOARDS — CANDIDATES FOR
OFFICE.**

Familial relationship to general registrar does not prohibit spouse or family member from running for, or holding, public office.

The Honorable Gary A. Reese
Member, House of Delegates
March 31, 2003

Issue Presented

You ask whether any restrictions exist against a spouse or family member of a general registrar running for public office.

Response

It is my opinion that a familial relationship to a general registrar does not prohibit his spouse or family member from running for, or holding, public office.

Applicable Law and Discussion

Article II, § 8 of the Constitution of Virginia requires the electoral board in each county and city to appoint a general registrar for its county or city. Section 8 also prohibits dual officeholding by a general registrar. Sections 24.2-109, 24.2-110 and 24.2-114 set forth the provisions governing the appointment, removal, qualifications, and duties of a general registrar.

Article II, § 5 provides the general qualifications for a person to hold elective office. Article II, § 5(c) provides that the General Assembly may impose requirements "to prevent conflict of interests, dual officeholding, or other incompatible activities by elective or appointive officials of the Commonwealth or of any political subdivision." Sections 24.2-500 and 24.2-505 set forth the requirements for candidates to stand for public office.

A 1971 opinion of the Attorney General concludes that the spouse of a county supervisor, or of any county officer, may be appointed general registrar.¹ I find no constitutional or statutory provision that renders the conclusion of the 1971 opinion incorrect.² I note, however, that § 24.2-110 prohibits a general registrar from "serv[ing] as a paid or volunteer worker in the campaign of a candidate for

nomination or election to an office filled by election in whole or in part by the qualified voters of his jurisdiction."

Conclusion

Accordingly, it is my opinion that a familial relationship to a general registrar does not prohibit a spouse or family member from running for, or holding, public office.

¹See 1970-1971 Op. Att'y Gen. 444.

²Please note that § 24.2-106, which governs the appointment of electoral board members, prohibits a circuit court judge from appointing to the electoral board the spouse of an electoral board member or a general registrar for the county or city. See *also* § 24.2-110 (prohibiting electoral board from appointing to office of general registrar "any person who is the spouse of an electoral board member or any person, or the spouse of any person, who is the parent, grandparent, sibling, child, or grandchild of an electoral board member").

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