



COMMONWEALTH of VIRGINIA

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Mr. Geralde W. Morgan
Mr. Arthur D. Roane
Ms. Laverne B. Abrams
King William County Electoral Board
Post Office Box 173
180 Horse Landing Road
King William, Virginia 23086

Dear Messrs. Morgan and Roane and Mrs. Abrams:

I am responding to your request for an official advisory opinion in accordance with § 2.2-505 of the *Code of Virginia*.

Issue Presented

You ask whether, under § 24.2-112 of the *Code of Virginia*, a general registrar has the authority to hire, as needed, additional employees on a temporary, part-time basis, irrespective of local government approval and budgeting.

Response

It is my opinion that § 24.2-112 authorizes a general registrar, in his discretion, to hire additional temporary, part-time employees when needed and requires the local governing body to compensate such employees as provided for by law.

Applicable Law and Discussion

In Virginia, a general registrar is appointed by each local electoral board to serve the city or county¹ in the administration of matters related to the registration of voters and the maintenance of pollbooks and voter registration records.² Pursuant to § 24.2-112, the general registrar may appoint assistant registrars to aid him in fulfilling his statutory duties. The number of such assistant registrars is to be determined by the electoral board, and assistant registrars, with few exceptions, must meet the same qualifications as the general registrar.³ Section 24.2-112 also provides implicitly that assistant registrars may serve without pay.

¹ VA. CODE ANN. § 24.2-109(A) (2011).

² See § 24.2-114 (Supp. 2014) (providing non-exclusive list of duties and powers of general registrars).

³ Section 24.2-112 (2011).

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In addition, § 24.2-112 expressly provides that “[t]he general registrar may hire additional temporary employees on a part-time basis as needed.” Because statutes are to be applied according to their plain language,⁴ I must conclude that the General Assembly has authorized general registrars to hire part-time, temporary employees as their work load demands.

This authority is not made contingent upon approval or agreed-upon appropriation of funds by the local governing body. Rather, the plain language § 24.2-112 clearly shows that the General Assembly has vested hiring decisions in the discretion of the general registrar. Once a temporary, part-time employee is hired, § 24.2-112 further provides that “[t]he compensation of . . . employees of the general registrar shall be fixed and paid by the local governing body.”⁵ Except for assistant registrars who agree to serve without pay, such compensation “shall be the equivalent of or exceed the minimum hourly wage established by federal law in 29 U.S.C. § 206(a)(1), as amended.”⁶

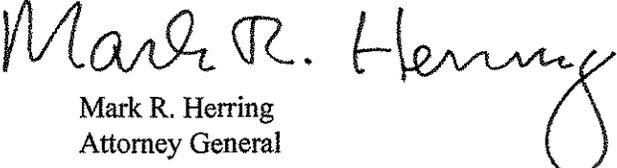
In sum, under § 24.2-112, general registrars are authorized to hire, as needed, temporary, part-time employees, and such employees are to be compensated by the local governing board at a rate that meets or exceeds the minimum hourly wage established under 29 U.S.C. § 206(a)(1).

Conclusion

Accordingly, it is my opinion that § 24.2-112 authorizes a general registrar, in his discretion, to hire additional temporary, part-time employees when needed and requires the local governing to compensate such employees as provided for by law.

With kindest regards, I am

Very truly yours,


Mark R. Herring
Attorney General

⁴ “When the language of a statute is unambiguous, we are bound by the plain meaning of that language.” *Cuccinelli v. Rector & Visitors of the Univ. of Va.*, 283 Va. 420, 425, 722 S.E.2d 626, 629 (2012) (quoting *Kozmina v. Commonwealth*, 281 Va. 347, 349, 706 S.E.2d 860, 862 (2011)) (further citation and internal quotation marks omitted).

⁵ *Id.*

⁶ Section 24.2-112.