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HOUSE BILL NO. 3157

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on February 2, 2007)

(Patron Prior to Substitute—Delegate Wardrup)

A BILL to amend and reenact §§ 24.2-506, 24.2-521, 24.2-523, and 24.2-524 of the Code of Virginia, relating to candidate filing requirements.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-506, 24.2-521, 24.2-523, and 24.2-524 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-506. Petition of qualified voters and filing fee required; exceptions.

The name of any candidate for any office, other than a party nominee, shall not be printed upon any official ballots provided for the election unless he shall file along with his declaration of candidacy a petition therefor, on a form prescribed by the State Board, signed by the number of qualified voters specified below after January 1 of the year in which the election is held and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself a qualified voter, or qualified to register to vote, for the office for which he is circulating the petition and whose affidavit to that effect appears on each page of the petition. *The petition shall be accompanied by a filing fee for the cost of processing the candidate's application payable to the county, city, or town in which the candidate resides or the State Board of Elections in the case of candidates for federal or statewide office. The fee shall equal the greater of \$50 or two percent of one year's minimum salary attached to the office for which he is candidate in effect in the year in which he files. In lieu of the filing fee required in this section, a candidate may execute an affidavit before the circuit court clerk or the general registrar, in a form prescribed by the State Board of Elections, affirming, subject to felony penalties for false statements under § 24.2-1016, that he is indigent.*

Each voter signing the petition shall provide on the petition his social security number, if any; however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on the petition.

The minimum number of signatures of qualified voters required for candidate petitions shall be as follows:

1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General, 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional district in the Commonwealth;

2. For a candidate for the United States House of Representatives, 1,000 signatures;

3. For a candidate for the Senate of Virginia, 250 signatures;

4. For a candidate for the House of Delegates or for a constitutional office, 125 signatures;

5. For a candidate for membership on the governing body or elected school board of any county or city, 125 signatures; or if from an election district not at large containing 1,000 or fewer registered voters, 50 signatures;

6. For a candidate for membership on the governing body or elected school board of any town which has more fewer than 1,500 registered voters, 125 signatures; or if from a ward or other district not at large in any town, 25 signatures;

7. For membership on the governing body or elected school board of any town which has 1,500 or fewer registered voters, no petition shall be required;

8. For a candidate for director of a soil and water conservation district created pursuant to Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1, 25 signatures; and

9. For any other candidate, 50 signatures or 0.25 percent of the number of voters registered within the election district as of the first day of January of the year in which such petition must be filed, whichever is greater.

§ 24.2-521. Petition required to accompany declaration; number of signatures required.

A candidate for nomination by primary for any office shall be required to file with his declaration of candidacy a petition for his name to be printed on the official primary ballot, on a form prescribed by the State Board, signed by the number of qualified voters specified below after January 1 of the year in which the election is held or before or after said date in the case of a March primary, and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself a qualified voter, or qualified to register to vote, for the office for which he is circulating the petition and whose affidavit to that effect appears on each page of the petition.

Each voter signing the petition shall provide on the petition his social security number, if any; however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on

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60 the petition.

61 The minimum number of signatures of qualified voters required for primary candidate petitions shall
62 be as follows:

63 1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General,
64 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional
65 district in the Commonwealth;

66 2. For a candidate for the United States House of Representatives, 1,000 signatures;

67 ~~3. For a candidate for the Senate of Virginia, 250 signatures;~~

68 ~~4. For a candidate for the House of Delegates or for a constitutional office, 125 signatures;~~

69 ~~5. For a candidate for membership on the governing body of any county or city, 125 signatures; or if
70 from an election district not at large containing 1,000 or fewer registered voters, 50 signatures;~~

71 ~~63. For a candidate for membership on the governing body of any town which has more fewer than
72 1,500 registered voters, 125 signatures; or if from a ward or other district not at large in any town, 25
73 signatures; and~~

74 ~~7. For membership on the governing body of any town which has 1,500 or fewer registered voters,
75 no petition shall be required; and~~

76 ~~84. For any other candidate, 50 signatures or 0.25 percent of the number of voters registered within
77 the election district as of the first day of January of the year in which such petition must be filed,
78 whichever is greater.~~

79 § 24.2-523. Candidates to pay fee before filing.

80 Every candidate for nomination for any office at any primary shall, before he files his declaration of
81 candidacy, pay a fee for primary expenses equal to the greater of \$50 or two percent of one year's
82 minimum salary attached to the office for which he is candidate in effect in the year in which he files.

83 In case of an office for which compensation is paid in whole or in part by fees, the amount to be
84 paid by a candidate as his contribution for the payment of the expenses of the primary shall be fixed by
85 the proper committee of the respective parties.

86 If there is no salary or fee attached to the office, the fee for primary expenses shall be five dollars.
87 This provision includes candidates for party committees in § 24.2-518.

88 In lieu of the filing fee required in this section, a candidate may execute an affidavit before the
89 circuit court clerk or the general registrar, in a form prescribed by the State Board of Elections,
90 affirming, subject to felony penalties for false statements under § 24.2-1016, that he is indigent.

91 § 24.2-524. To whom fees paid; refund of fees.

92 A. Candidates for United States Senators, for representatives in Congress, and for the offices of
93 Governor, Lieutenant Governor, and Attorney General shall pay the primary fee to the State Board of
94 Elections. The primary fees shall be credited by the Board to a fund to be known as the "state primary
95 fee fund."

96 The Board shall refund the fee by warrant upon the state primary fee fund in the event the
97 prospective candidate does not become a candidate, becomes a candidate and is not opposed, or must
98 refile for any reason. All other primary fees paid to the Board shall be paid or placed to the credit of
99 the fund out of which the Board pays the Commonwealth's expenses for the primary.

100 B. All other candidates shall pay the fee to the treasurer, or director of finance if there is no
101 treasurer, of the city or county in which they reside. The treasurer or director of finance shall pay back
102 the fee in the event the prospective candidate does not become a candidate, or becomes a candidate and
103 must refile for any reason. In the event the candidate is unopposed, the State Board or the local electoral
104 board, as appropriate, shall notify, no less than 45 days before the primary, the treasurer or director of
105 finance to whom the fee was paid that the candidate is unopposed and shall provide the name and
106 mailing address for returning the fee to the candidate. The treasurer or director of finance promptly shall
107 return the fee to the candidate. All other primary fees paid a county or city treasurer or director of
108 finance shall be paid or placed to the credit of the fund of the county or city out of which the expenses
109 of the primary were paid by the county or city.

110 C. A receipt for the payment of the fee or the affidavit of indigence permitted in § 24.2-523 must be
111 attached to the declaration of candidacy; otherwise the declaration shall not be received or filed.