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HOUSE BILL NO. 1057

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact §§ 24.2-500 and 24.2-501 of the Code of Virginia, relating to elections; qualifications of candidates.

Patrons—Armstrong and Kory

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-500 and 24.2-501 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-500. Qualification of candidates.

A. In order to qualify as a candidate for any office of the Commonwealth, or of its governmental units, a person must be qualified to vote for and hold that office. In order to hold any office of the Commonwealth or its governmental units, elective by the people, the candidate must have been a resident of the Commonwealth for one year next preceding his election and be qualified to vote for that office.

B. With respect to the various offices elected by the voters of the Commonwealth, the State Board of Elections, an electoral board, or a general registrar, as appropriate, shall evaluate whether a person meets the residency requirements to qualify as a candidate and entitle him to have his name printed on the ballot in a general, primary, or special election. In determining residency, the Board, electoral board, or general registrar may consider as prima facie evidence of domicile, among other factors, the applicant's driver's license, motor vehicle registration, and the state and locality to which income and personal property taxes are filed.

§ 24.2-501. Statement of qualification as requirement of candidacy.

It shall be a requirement of candidacy for any office of the Commonwealth, or of its governmental units, that a person must file a written statement under oath, on a form prescribed by the State Board, that he is qualified to vote for and hold the office for which he is a candidate. Every candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall file the statement with the State Board. Every candidate for any other office shall file the statement with the general registrar of the county or city where he resides. Each general registrar shall transmit to the State Board, immediately after the filing deadline, a list of the candidates who have filed statements of qualification.

The determination of the State Board in accepting or failing to accept the statement of qualification filed by any candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall be considered a case decision as defined in § 2.2-4001 and proceedings related thereto shall be conducted pursuant to Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act. Any proposed candidate whose statement of qualification was not accepted, or the opponent of a candidate whose statement of qualification was accepted, shall have standing to challenge the action of the State Board in such instance.

The candidate may state, as part of his statement of qualification, how he would like his name to appear on the ballot; however, all names printed on the ballot shall meet the criteria established by the State Board.

2. That the State Board of Elections, in consultation with general registrars, shall develop guidelines for the implementation of this act.