

10102111D

HOUSE BILL NO. 648

Offered January 13, 2010

Prefiled January 12, 2010

A *BILL to amend and reenact §§ 24.2-502, 24.2-505, 24.2-507, 24.2-522, 24.2-523, 24.2-524, and 24.2-947.1 of the Code of Virginia, relating to elections; candidates; required filings; to whom submitted and deadlines.*

Patron—Armstrong

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. **That §§ 24.2-502, 24.2-505, 24.2-507, 24.2-522, 24.2-523, 24.2-524, and 24.2-947.1 of the Code of Virginia are amended and reenacted as follows:**

§ 24.2-502. Statement of economic interests as requirement of candidacy.

It shall be a requirement of candidacy that a written statement of economic interests shall be filed by (i) a candidate for Governor, Lieutenant Governor, or Attorney General with the ~~Secretary of the Commonwealth State Board~~, (ii) a candidate for Senate or House of Delegates with the ~~clerk of the appropriate house State Board~~, (iii) a candidate for a constitutional office with the general registrar for the county or city, and (iv) a candidate for member of the governing body or elected school board of any county, city, or town with a population in excess of 3,500 persons with the general registrar for the county or city. The statement of economic interests shall be that specified in § 30-111 for candidates for the General Assembly and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a candidate for reelection to the same office who has met the requirement of annually filing a statement pursuant to § 2.2-3114, § 2.2-3115, or § 30-110.

The ~~Secretary of the Commonwealth, the clerks of the Senate and House of Delegates, the general registrar, and the clerk of the local governing body~~ shall transmit to the State Board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests. The Secretary of the State Board shall notify the appropriate local electoral boards of the filings.

§ 24.2-505. Declaration of candidacy required of independent candidates.

A. Any person, other than a candidate for a party nomination or a party nominee, who intends to be a candidate for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district shall file a declaration of candidacy with the State Board, on a form prescribed by the Board, designating the office for which he is a candidate. The written declaration shall be attested by two witnesses who are qualified voters of the Commonwealth or of the congressional district, or acknowledged before some officer authorized to take acknowledgements to deeds. The declaration shall be signed by the candidate, but if he is incapable of writing his proper signature then some mark adopted by him as his signature shall be acknowledged before some officer authorized to take acknowledgements to deeds.

The State Board shall notify the respective secretaries of the appropriate electoral boards of the qualified candidates who have so filed.

B. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate for election to the General Assembly shall file a declaration of candidacy with the ~~general registrar of the county or city where he resides~~ *State Board*. The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates. The ~~general registrar~~ *State Board* shall, within three days after receiving the declaration, (i) deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the general registrars of the ~~other~~ counties or cities, if any, in the legislative district for delivery to the secretaries of the electoral boards and (ii) deliver the declaration and such petitions to the secretary of his electoral board. ~~He shall transmit the names of the candidates who have filed with him to the State Board immediately after the filing deadline.~~

C. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate at any election for any other office shall file a declaration of candidacy with the general registrar of the county or city where he resides. The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates. The general registrar shall, within three days after receiving the declaration, deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the secretaries of the electoral boards of the counties or cities whose electors vote for the office. He shall transmit the names

INTRODUCED

HB648

59 of the candidates who have filed with him to the State Board immediately after the filing deadline.

60 D. If requested in writing by a candidate filing pursuant to subsection B or C, the *State Board* or
61 secretary of the electoral board, *as appropriate*, shall notify him of any irregularity in the declaration or
62 petitions which can be corrected prior to the filing deadline.

63 § 24.2-507. Deadlines for filing declarations and petitions of candidacy.

64 For any office, declarations of candidacy and the petitions therefor shall be filed according to the
65 following schedule:

66 1. For a general election in November, by 7:00 p.m. on the second Tuesday in June;

67 2. For a general election in May, by 7:00 p.m. on the first Tuesday in March;

68 3. For a special election held at the same time as a November general election, either (i) at least
69 seventy-four days before the election or (ii) if the special election is being held at the second November
70 election after the vacancy occurred, by 7:00 p.m. on the second Tuesday in June before that November
71 election;

72 4. For a special election held at the same time as a May general election, by 7:00 p.m. on the first
73 Tuesday in March; or

74 5. For a special election held at a time other than a general election, (i) at least thirty days before the
75 election or (ii) within five days of any writ of election or order calling a special election to be held less
76 than thirty-five days after the issuance of the writ or order.

77 § 24.2-522. When and to whom filings to be made.

78 A. Declarations of candidacy, petitions, and receipts indicating the payment of filing fees shall be
79 filed not earlier than noon of the seventy-seventh day and not later than 5:00 p.m. of the sixtieth day
80 before the primary.

81 B. Except as provided in subsection C, candidates for nomination shall file their declarations,
82 petitions, and receipts with the chairman or chairmen of the several committees of the respective parties.

83 C. Any candidate for nomination for United States Senator, Governor, Lieutenant Governor, or
84 Attorney General, *or the General Assembly* shall file with the State Board (i) his declaration of
85 candidacy, (ii) the petitions for his candidacy, sealed in one or more containers to which is attached a
86 written statement under oath by the candidate giving his name and the number of signatures on the
87 petitions contained in the containers, and (iii) a receipt indicating the payment of his filing fee.

88 The State Board shall transmit the material so filed to the state chairman of the party of the
89 candidate on the fifty-ninth day before the primary. The sealed containers containing the petitions for a
90 candidate may be opened only by the state chairman of the party of the candidate.

91 § 24.2-523. Candidates to pay fee at filing.

92 Every candidate for nomination for any office at any primary shall, ~~before~~ *when* he files his
93 declaration of candidacy, pay a fee equal to two percent of one year's minimum salary attached to the
94 office for which he is candidate in effect in the year in which he files.

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

98 If there is no salary or fee attached to the office, the fee for primary expenses shall be five dollars.

99 This provision includes candidates for party committees in § 24.2-518.

100 § 24.2-524. To whom fees paid; refund of fees.

101 A. Candidates for United States Senators, for representatives in Congress, *for the General Assembly*,
102 and for the offices of Governor, Lieutenant Governor, and Attorney General shall pay the primary fee to
103 the State Board of Elections. The primary fees shall be credited by the Board to a fund to be known as
104 the "state primary fee fund."

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

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

119 C. A receipt for the payment of the fee must be attached to the declaration of candidacy; otherwise
120 the declaration shall not be received or filed.

§ 24.2-947.1. Statement of organization.

A. Any individual seeking or campaigning for an office of the Commonwealth or one of its governmental units in a party nomination process or general, primary, or special election, shall file a statement of organization ~~within 10 days of meeting any one of the following conditions:~~

- ~~1. Acceptance of a contribution;~~
- ~~2. Expenditure of any funds;~~
- ~~3. The payment of a filing fee for any party nomination method;~~
- ~~4. The filing of a~~ *at the same time he files his* candidate statement of qualification pursuant to § 24.2-501; ~~or~~

~~5. The appointment of a campaign treasurer, designation of a campaign committee, or designation of a campaign depository.~~

B. Candidates for statewide office shall file the statement with the State Board. Candidates for the General Assembly shall file the statement with the State Board and a copy of the statement with the local electoral board of the candidate's residence. Candidates for local or constitutional office shall file the statement with the local electoral board and, if the statement indicates that the candidate committee will be filing electronically, a copy with the State Board.

C. The statement of organization shall include the following information:

1. The full name and residence address of the candidate;
2. The full name and mailing address for the campaign committee;
3. The full name, residence address, and daytime phone number of the treasurer;
4. The office being sought and district, if any, for the office;
5. The recognized political party affiliation of the candidate for statewide office or the General Assembly. In the absence of any political party affiliation, independent shall be used;
6. The name of the financial institution for his campaign depository; and
7. Such other information as shall be required by the State Board except that the account number for a designated depository account shall not be required.

D. In the case of any candidate who seeks election for successive terms in the same office, the statement of organization filed by the candidate shall continue in effect for such successive elections, but the candidate shall file notice of any changes in the information provided on the form within 10 days of the change with the State Board, local electoral board, or both, as appropriate.