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HOUSE BILL NO. 736

Offered January 11, 2012

Prefiled January 11, 2012

A *BILL to provide for a revised primary and filing schedule for the November 2012 election and to schedule the 2012 primary for August 21, 2012.*

 Patron—Jones

 Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The provisions of this act shall apply to the November 6, 2012, elections for members of the United States Congress and other offices, except President of the United States, regularly scheduled to be elected at the November 6, 2012, elections.*

§ 2. *The regular primary date for the selection of candidates for such elections shall be Tuesday, August 21, 2012, and not Tuesday, June 12, 2012. There shall be no primary on June 12, 2011, and the primary date for any special election on November 8, 2011, shall be August 21, 2012.*

§ 3. *For purposes of § 24.2-516 of the Code of Virginia, the State Board of Elections shall make inquiry of each party chairman by Friday, May 25, 2012, as to whether a direct primary has been adopted, and the Board must receive notification as provided in § 24.2-516 not later than Friday, June 1, 2012.*

§ 4. *The declaration of candidacy, petitions, and receipts indicating the payment of filing fees for a primary election required by § 24.2-522 of the Code of Virginia shall be filed not earlier than noon on Tuesday, June 5, 2012, and not later than 5:00 p.m. on Wednesday, June 13, 2012.*

§ 5. *The statements required to be filed by primary candidates under § 24.2-503 of the Code of Virginia shall be filed not later than 5:00 p.m. on Wednesday, June 13, 2012. The extension of any deadline requested under § 24.2-503 shall be no longer than 28 hours.*

§ 6. *The chairman or chairmen required to furnish names of candidates for a primary under § 24.2-527 of the Code of Virginia shall do so no later than Friday, June 15, 2012.*

§ 7. *Ballots for the August 21, 2012, primary shall be sent to qualified absentee voters who are eligible for an absentee ballot under subdivision 2 of § 24.2-700 of the Code of Virginia and made available to all other qualified absentee voters on or before Friday, July 6, 2012, pursuant to the provisions of § 24.2-612. Absentee ballots shall be delivered to the registrar and secretary of the electoral board pursuant to § 24.2-612 on or before Thursday, July 5, 2012. The deadlines in this section may be extended at the discretion of the Secretary of the State Board of Elections.*

§ 8. *The costs of any primary shall be paid for by the treasurer of the county or city in which such election is held.*

§ 9. *With respect to independent candidates and party nominees selected by any means other than a primary, the provisions of Title 24.2 of the Code of Virginia shall be applicable except that (i) Tuesday, August 21, 2012, shall be deemed to be the regular primary date in lieu of Tuesday, June 12, 2012; (ii) a party selecting a nominee by any method other than the direct primary shall do so only within the period beginning Friday, June 29, 2012, and ending at 7:00 p.m. on Tuesday, August 21, 2012; (iii) the statements required to be filed under § 24.2-503 shall be filed not later than 7:00 p.m. on Tuesday, August 21, 2012; (iv) the certification of party candidates required pursuant to § 24.2-511 shall be completed not later than Friday, August 24, 2012; and (v) for any special election held November 6, 2012, the notice of candidacy shall be filed and party nominations shall be completed on or before 7:00 p.m. on Tuesday, August 21, 2012.*

§ 10. *Ballots for the November 2012 election shall be sent to qualified absentee voters who are eligible for an absentee ballot under subdivision 2 of § 24.2-700 of the Code of Virginia and made available to all other qualified absentee voters on or before Friday, September 21, 2012, pursuant to the provisions of § 24.2-612. Absentee ballots shall be delivered to the registrar and secretary of the electoral board pursuant to § 24.2-612 on or before Thursday, September 20, 2012.*

§ 11. *The State Board of Elections shall promulgate instructions to implement the provisions of this section.*

2. *With the exception of the primary date of August 21, 2012, and general election date of November 6, 2012, the State Board of Elections shall be authorized to postpone dates and modify deadlines set forth in this act if the necessary 2012 reapportionment or redistricting, including preclearance from the appropriate United States authority under § 5 of the United States Voting Rights Act of 1965, will not be completed in time to comply with the dates and deadlines set forth*

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59 in this act.

60 3. That an emergency exists and this act is in force from its passage.

61 4. That the provisions of this act shall expire on January 1, 2013.