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**HOUSE BILL NO. 1898**

Offered January 9, 2013

Prefiled January 8, 2013

A *BILL to amend and reenact § 24.2-506, 24.2-521, and 24.2-543 of the Code of Virginia, relating to candidate petitions; circulator requirements.*

Patrons—Brink and Krupicka

Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-506, 24.2-521, and 24.2-543 of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-506. Petition of qualified voters required; number of signatures required; certain towns excepted.**

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 legal resident of the Commonwealth and who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect, *which shall include the person's name, age, residence address, and, if different, mailing address and the name of the organization, if any, that he represents in circulating the petition*, appears on each page of the petition. A person who circulates a petition pursuant to this section and who is not a legal resident of the Commonwealth shall be deemed to have submitted to the jurisdiction of the Commonwealth.

Each voter signing the petition may provide on the petition the last four digits of 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 than 1,500 registered voters, 125 signatures; or if from a ward or other district not at large, 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.

**§ 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 legal resident of the Commonwealth and who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect, *which shall include the person's name, age, residence address, and, if different, mailing address and the name of the organization, if any, that he represents in circulating the petition*, appears on each page of the petition. A person who circulates a petition pursuant to this section and who is not a legal resident of the Commonwealth shall

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59 *be deemed to have submitted to the jurisdiction of the Commonwealth.*

60 Each voter signing the petition may provide on the petition the last four digits of his social security  
61 number, if any; however, noncompliance with this requirement shall not be cause to invalidate the  
62 voter's signature on the petition.

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

65 1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General,  
66 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional  
67 district in the Commonwealth;

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

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

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

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

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

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

77 8. For any other candidate, 50 signatures.

78 **§ 24.2-543. How other groups may submit names of electors; oaths of electors.**

79 A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have the  
80 names of electors selected by them, including one elector residing in each congressional district and two  
81 from the Commonwealth at large, printed upon the official ballot to be used in the election of electors  
82 for President and Vice President by filing a petition pursuant to this section. The petition shall be filed  
83 with the State Board by noon of the seventy-fourth day before the presidential election. The petition  
84 shall be signed by at least 10,000 qualified voters and include signatures of at least 400 qualified voters  
85 from each congressional district. The petition shall be signed by petitioners on and after January 1 of the  
86 year of the presidential election only and contain the residence address of each petitioner. The signature  
87 of each petitioner shall be witnessed either by a person who is a constitutionally qualified candidate for  
88 President of the United States, who may witness his own petition, or by a person who is a resident of  
89 the Commonwealth and who is not a minor or a felon whose voting rights have not been restored and  
90 whose affidavit to that effect, *which shall include the person's name, age, residence address, and, if*  
91 *different, mailing address and the name of the organization, if any, that he represents in circulating the*  
92 *petition*, appears on each page of the petition. A person who circulates a petition pursuant to this  
93 section and who is not a legal resident of the Commonwealth shall be deemed to have submitted to the  
94 jurisdiction of the Commonwealth. The petition shall state the names of the electors selected by the  
95 petitioners, the party name under which they desire the named electors to be listed on the ballot, and the  
96 names of the candidates for President and Vice President for whom the electors are required to vote in  
97 the Electoral College. The persons filing the petition shall file with it a copy of a subscribed and  
98 notarized oath by each elector stating that he will, if elected, cast his ballot for the candidates for  
99 President and Vice President named in the petition, or as the party may direct in the event of death,  
100 withdrawal or disqualification of the party nominee. In order to utilize a selected party name on the  
101 ballot, the petitioners shall have had a state central committee composed of registered voters from each  
102 congressional district of the Commonwealth, a party plan and bylaws, and a duly designated chairman  
103 and secretary in existence and holding office for at least six months prior to filing the petition. The State  
104 Board may require proof that the petitioners meet these requirements before permitting use of a party  
105 name on the ballot. The party name shall not be identical with or substantially similar to the name of  
106 any political party qualifying under § 24.2-101 and then in existence.

107 In the event of the death or withdrawal of a candidate for President or Vice President qualified to  
108 appear on the ballot by party name, that party may substitute the name of a different candidate before  
109 the State Board certifies to the county and city electoral boards the form of the official ballots.

110 In the event that a group of qualified voters meets the requirements set forth in this section except  
111 that they cannot utilize a party name, the electors selected and the candidates for President and Vice  
112 President shall be identified and designated as "Independent" on the ballot. Substitution of a different  
113 candidate for Vice President may be made by the candidate for President before the State Board certifies  
114 to the county and city electoral boards the form of the official ballot.