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HOUSE BILL NO. 2213

Offered January 11, 2013

A *BILL to amend and reenact §§ 24.2-506, 24.2-521, 24.2-543, and 24.2-545 of the Code of Virginia, relating to candidate petitions.*

Patron—Morrissey

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-506, 24.2-521, 24.2-543, and 24.2-545 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.

A. 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 appears on each page of the petition.

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.

B. *The State Board shall approve uniform standards by which each electoral board and general registrar shall review each petition filed by a candidate seeking to appear on the ballot pursuant to this section.*

C. *If the State Board or an electoral board determines that a candidate does not qualify to have his name appear on the ballot pursuant to this section by reason of the candidate's filed petition not having the minimum number of signatures of qualified voters for the office sought, that candidate may appeal the determination that there are insufficient signatures within seven calendar days of the issuance of the notice of disqualification. The notice of disqualification shall be sent by email and regular mail to the address on file for the candidate, and such notice shall be deemed sufficient. For local offices, the electoral board shall notify the State Board of the filing of the appeal and hear the appeal within three business days of its filing. The State Board shall hear any appeal before the State Board within three business days of its filing.*

The State Board shall develop procedures for the conduct of such an appeal. However, the consideration on appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of this title and the uniform standards approved by the State Board for the review of petitions. Immediately after the conclusion of the appeal hearing,

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59 *the entity conducting the appeal shall notify the candidate and if applicable the State Board of its*
60 *decision in writing. The decision on appeal shall be final and not subject to further appeal.*

61 **§ 24.2-521. Petition required to accompany declaration; number of signatures required.**

62 A candidate for nomination by primary for any office shall be required to file with his declaration of
63 candidacy a petition for his name to be printed on the official primary ballot, on a form prescribed by
64 the State Board, signed by the number of qualified voters specified below after January 1 of the year in
65 which the election is held or before or after said date in the case of a March primary, and listing the
66 residence address of each such voter. Each signature on the petition shall have been witnessed by a
67 person who is himself a legal resident of the Commonwealth and who is not a minor or a felon whose
68 voting rights have not been restored and whose affidavit to that effect appears on each page of the
69 petition.

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

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

75 1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General,
76 ~~10,000~~ 5,000 signatures, including the signatures of at least ~~400~~ 200 qualified voters from each
77 congressional district in the Commonwealth;

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

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

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

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

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

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

87 8. For any other candidate, 50 signatures.

88 **§ 24.2-543. How other groups may submit names of electors; oaths of electors.**

89 A. A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have
90 the names of electors selected by them, including one elector residing in each congressional district and
91 two from the Commonwealth at large, printed upon the official ballot to be used in the election of
92 electors for President and Vice President by filing a petition pursuant to this section. The petition shall
93 be filed with the State Board by noon of the seventy-fourth day before the presidential election. The
94 petition shall be signed by at least ~~10,000~~ 5,000 qualified voters and include signatures of at least ~~400~~
95 200 qualified voters from each congressional district. The petition shall be signed by petitioners on and
96 after January 1 of the year of the presidential election only and contain the residence address of each
97 petitioner. The signature of each petitioner shall be witnessed either by a person who is a
98 constitutionally qualified candidate for President of the United States, who may witness his own petition,
99 or by a person who is a resident of the Commonwealth and who is not a minor or a felon whose voting
100 rights have not been restored and whose affidavit to that effect appears on each page of the petition. The
101 petition shall state the names of the electors selected by the petitioners, the party name under which they
102 desire the named electors to be listed on the ballot, and the names of the candidates for President and
103 Vice President for whom the electors are required to vote in the Electoral College. The persons filing
104 the petition shall file with it a copy of a subscribed and notarized oath by each elector stating that he
105 will, if elected, cast his ballot for the candidates for President and Vice President named in the petition,
106 or as the party may direct in the event of death, withdrawal or disqualification of the party nominee. In
107 order to utilize a selected party name on the ballot, the petitioners shall have had a state central
108 committee composed of registered voters from each congressional district of the Commonwealth, a party
109 plan and bylaws, and a duly designated chairman and secretary in existence and holding office for at
110 least six months prior to filing the petition. The State Board may require proof that the petitioners meet
111 these requirements before permitting use of a party name on the ballot. The party name shall not be
112 identical with or substantially similar to the name of any political party qualifying under § 24.2-101 and
113 then in existence.

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

117 In the event that a group of qualified voters meets the requirements set forth in this section except
118 that they cannot utilize a party name, the electors selected and the candidates for President and Vice
119 President shall be identified and designated as "Independent" on the ballot. Substitution of a different
120 candidate for Vice President may be made by the candidate for President before the State Board certifies

to the county and city electoral boards the form of the official ballot.

B. If the State Board determines that a candidate for President does not qualify to have his name appear on the ballot pursuant to this section by reason of the candidate's filed petition not having the minimum number of signatures of qualified voters for the office sought, that candidate may appeal the determination to the State Board within seven calendar days of the issuance of the notice of disqualification. The notice of disqualification shall be sent by email and regular mail to the address on file for the candidate, and such notice shall be deemed sufficient. The State Board shall hear the appeal within three business days of its filing.

The State Board shall develop procedures for the conduct of such an appeal. However, the consideration on appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of this title and the rules and procedures set forth by the State Board for checking petitions. Immediately after the conclusion of the appeal hearing, the State Board shall notify the candidate of its decision in writing. The decision on appeal shall be final and not subject to further appeal.

§ 24.2-545. Presidential primary.

A. The duly constituted authorities of the state political party shall have the right to determine the method by which the state party will select its delegates to the national convention to choose the party's nominees for President and Vice President of the United States including a presidential primary or another method determined by the party. The state chairman shall notify the State Board of the party's determination at least 90 days before the primary date. If the party has determined that it will hold a presidential primary, each registered voter of the Commonwealth shall be given an opportunity to participate in the presidential primary of the political party, as defined in § 24.2-101, subject to requirements determined by the political party for participation in its presidential primary. The requirements may include, but shall not be limited to, the signing of a pledge by the voter of his intention to support the party's candidate when offering to vote in the primary. The requirements applicable to a party's primary shall be determined at least 90 days prior to the primary date and certified to, and approved by, the State Board.

B. Any person seeking the nomination of the national political party for the office of President of the United States, or any group organized in this Commonwealth on behalf of, and with the consent of such person, may file with the State Board petitions signed by at least ~~10,000~~ 5,000 qualified voters, including at least ~~400~~ 200 qualified voters from each congressional district in the Commonwealth, who attest that they intend to participate in the primary of the same political party as the candidate for whom the petitions are filed. Such petitions shall be filed with the State Board by the primary filing deadline. The petitions shall be on a form prescribed by the State Board and shall be sealed in one or more containers to which is attached a written statement giving the name of the presidential candidate and the number of signatures on the petitions contained in the containers. Such person or group shall also attach a list of the names of persons who would be elected delegates and alternate delegates to the political party's national convention if the person wins the primary and the party has determined that its delegates will be selected pursuant to the primary. The slate of delegates and alternates shall comply with the rules of the national and state party.

The State Board shall transmit the material so filed to the state chairman of the party of the candidate immediately after the primary filing deadline. The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate. The state chairman of the party shall, by the deadline set by the State Board, furnish to the State Board the names of all candidates who have satisfied the requirements of this section. Whenever only one candidate for a party's nomination for President of the United States has met the requirements to have his name on the ballot, he will be declared the winner and no presidential primary for that party will be held.

C. The names of all candidates in the presidential primary of each political party shall appear on the ballot in an order determined by lot by the State Board.

D. The State Board shall certify the results of the presidential primary to the state chairman. If the party has determined that its delegates and alternates will be selected pursuant to the primary, the slate of delegates and alternates of the candidate receiving the most votes in the primary shall be deemed elected by the state party unless the party has determined another method for allocation of delegates and alternates. If the party has determined to use another method for selecting delegates and alternates, those delegates and alternates shall be bound to vote on the first ballot at the national convention for the candidate receiving the most votes in the primary unless that candidate releases those delegates and alternates from such vote.

E. The election, or binding of votes, of delegates to a political party's national convention for the nomination of that party's candidates for President and Vice President of the United States through the presidential primary process shall be considered to be equivalent to a primary for the nomination of a party's candidate.

182 F. The cost of the presidential primary shall be paid by the Commonwealth pursuant to the
183 provisions of the appropriation act.