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HOUSE BILL NO. 161

Offered January 13, 2016

Prefiled December 22, 2015

A *BILL to amend and reenact §§ 15.2-3226, 15.2-3509, 15.2-3819, 22.1-57.3, 24.2-101, 24.2-200, 24.2-222, 24.2-223, 24.2-226, 24.2-311, 24.2-312, 24.2-503, 24.2-507, 24.2-510, 24.2-701, 24.2-947.8, 24.2-948.2, and 24.2-951.7 of the Code of Virginia and to repeal §§ 24.2-222.1, 24.2-947.7, and 24.2-951.5 of the Code of Virginia, relating to elections and terms for mayors, councils, and elected school boards of cities and towns; providing for November elections.*

Patron—Spruill (By Request)

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-3226, 15.2-3509, 15.2-3819, 22.1-57.3, 24.2-101, 24.2-200, 24.2-222, 24.2-223, 24.2-226, 24.2-311, 24.2-312, 24.2-503, 24.2-507, 24.2-510, 24.2-701, 24.2-947.8, 24.2-948.2, and 24.2-951.7 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-3226. Redistricting and elections in city or town following annexation; registration and transfer of registration of voters in annexed territory.

A. Whenever the boundaries of a city or town, which elects its council by wards or districts, have been expanded through annexation, subject to the provisions of § 24.2-304.1, the council of the city or town shall redistrict the municipality into wards or districts, change the boundaries of existing wards or districts, or increase or diminish the number of wards or districts to incorporate the additional territory.

B. ~~Notwithstanding the provisions of § 24.2-312, there~~ *There* shall be an election for members of council on the first Tuesday in May following the effective date of annexation for terms to commence on July 1 following the election; however, upon the approval of the governing bodies affected and the special court, such election may be on the Tuesday after the first Monday in November following the effective date of annexation for terms to commence on January 1 following the election. If council members are chosen on an at-large basis the election shall be held for the unexpired portion of the term of each council member whose term extends beyond July 1 immediately following the effective date of annexation. If council members are chosen on a ward basis, the election shall be held for each ward affected by the annexation. However, no such election shall be held as a result of an annexation instituted under § 15.2-3202 or § 15.2-3203, unless the city or town increases its population by more than five percent due to the annexation.

C. The registration records of voters residing in the annexed areas shall be transferred, and the appropriate notice given, in accordance with § 24.2-114. Any person residing in the annexed territory who has not registered shall be entitled to register and vote in the city or town if he would have been entitled to register and vote at the next election of the county.

§ 15.2-3509. Election or appointment of city or town officers.

At the next regular ~~May~~ *November* election held at least ~~sixty~~ *60* days after the adoption of the consolidation ordinance by the governing bodies or, if applicable, the election at which the consolidation is approved by the voters, such officers as are provided for by general or special law shall be elected for the consolidated city or town. Their terms shall begin on ~~July~~ *January* 1 next succeeding their election, at which time they shall replace all elective city or town officers of the consolidated cities or towns whose terms shall terminate on such day. The terms of the new officers shall expire on January 1 ~~for~~ *for* constitutional officers next succeeding the regular election of city constitutional officers in the Commonwealth and ~~July 1~~ *July 1* next succeeding the regular election of all other city and town officers *their successors*.

All appointive city and town officers shall be appointed by the person, board or authority upon whom the power to appoint such officers in other cities and towns is conferred. The terms of such officers shall commence on January 1 next succeeding the first election of officers for the consolidated city or town and shall continue, unless otherwise removed, until their successors have been appointed and qualified.

The successors of all such officers whose first election or appointment is herein provided for shall thereafter be elected or appointed at the time, in the manner and for the terms provided by general or special law.

§ 15.2-3819. Election and terms of office of mayor and councilmen after town becomes city.

At a general election of city officers, to be held on the ~~second~~ *second* Tuesday in ~~May~~ *May* after the first Monday in November after a town is declared to be a city, a mayor and city council shall be elected for

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59 the city. The terms of office of the mayor and city council shall begin on ~~July~~ *January* 1 following their
60 election. The mayor shall serve for four years. One half of the council shall serve for two years, and the
61 other half for four years.

62 **§ 22.1-57.3. Election of school board members; election of tie breaker.**

63 A. If a majority of the qualified voters voting in such referendum vote in favor of changing the
64 method of selecting school board members to direct election by the voters, then the members of the
65 school board shall be elected by popular vote. Elections of school board members in a county, city, or
66 town shall be held to coincide with the elections for members of the governing body of the county, city,
67 or town at the regular general election in November ~~or the regular general election in May, as the case~~
68 ~~may be.~~

69 B. The initial elected board shall consist of the same number of members as the appointed school
70 board it replaces, and the members shall be elected from the established county or municipal election
71 districts, at large, or a combination thereof, on the same basis as the school board previously was
72 appointed. If the appointed school board being replaced has not been appointed either on an at-large
73 basis or on the basis of the established county or municipal election districts, or a combination thereof,
74 the members shall be elected at large unless the governing body of the county, city, or town provides
75 for the election of school board members on the basis of the established county or municipal election
76 districts. If the appointed school board being replaced has been appointed at large, the governing body
77 of the county, city, or town may establish school election districts for the election of school board
78 members. The governing body may provide for a locality-wide district, one or more districts comprised
79 of a part of the locality, or any combination thereof, and for the apportionment of one or more school
80 board members to any district.

81 The terms of the members of the elected school board for any county, city, or town shall be the
82 same as the terms of the members of the governing body for the county, city, or town. In any locality in
83 which both the school board and the governing body are elected from election districts, as opposed to
84 being elected wholly on an at-large basis, the elections of the school board member and governing body
85 member from each specific district shall be held simultaneously except as otherwise provided in
86 §§ 22.1-57.3:1, 22.1-57.3:1.1, and 22.1-57.3:1.2 .

87 At the first election for members of the school board, so many members shall be elected as there are
88 members to be elected at the regular election for the governing body. At each subsequent regular
89 election for members of the governing body, the same number of members of the school board shall be
90 elected as the number of members to be elected at the regular election to the governing body. However,
91 if the number of members on the school board differs from the number of members of the governing
92 body, the number of members elected to the school board at the first and subsequent general election
93 shall be either more or less than the number of governing body members, as appropriate, to the end that
94 the number of members on the initial elected school board is the same as the number of members on the
95 appointed board being replaced.

96 Except as provided in §§ 22.1-57.3:1, 22.1-57.3:1.1, and 22.1-57.3:1.2, the terms of the members of
97 the school board shall be staggered only if the terms of the members of the governing body are
98 staggered. If there are more, or fewer, members on the school board than on the governing body, the
99 number of members to be elected to the school board at the first and subsequent election for school
100 board members shall be the number required to establish the staggered term structure so that (i) a
101 majority of the members of the school board is elected at the same time as a majority of the members
102 of the governing body; (ii) if one-half of the governing body is being elected and the school board has
103 an even number of members, one-half of the members of the school board is elected; (iii) if one-half of
104 the governing body is being elected and the school board has an odd number of members, the majority
105 by one member of the school board is elected at the first election and the remainder of the school board
106 is elected at the second election; or (iv) if a majority of the members of the governing body is being
107 elected and the school board has an even number of members, one-half of the members of the school
108 board is elected.

109 If the school board is elected at large and the terms of the members of the school board are
110 staggered, the school board members to be replaced at the first election shall include all appointed
111 school board members whose appointive terms are scheduled to expire on December 31 ~~or on June 30,~~
112 ~~as the case may be,~~ next following the first election of county, city, or town school board members. If
113 the number of school board members whose appointive terms are so scheduled to expire is zero or less
114 than the number of school board members to be elected at the first election, the appointed school board
115 members to be replaced at the first election shall also include those whose appointive terms are
116 scheduled to expire next subsequent to the date on which the terms of office of the first elected school
117 board members will commence. If the appointive terms of more than one school board member are
118 scheduled to expire simultaneously, but less than all of such members are to be replaced at the first
119 election, then the identity of such school board member or members to be replaced at the first election
120 shall be determined by a drawing held by the county or city electoral board at least ~~ten~~ 10 days prior to

the last day for a person to qualify as a candidate for school board member.

In any case in which school board members are elected from election districts, as opposed to being elected from the county, city, or town at large, the election districts for the school board shall be coterminous with the election districts for the county, city, or town governing body, except as may be specifically provided for the election of school board members in a county, city, or town in which the governing body is elected at large.

C. The terms of office for the school board members shall commence on January 1 ~~or July 1~~, as the case may be, following their election. On December 31 ~~or June 30~~, as the case may be, following the first election of county, city, or town school board members, the terms of office of the members of the school board in office through appointment shall expire and the school board selection commission, if there is one, shall be abolished. If the entire school board is not elected at the first election of school board members, only the terms of the appointed members being replaced shall so expire and the terms of the appointed members being replaced at a subsequent election shall continue or be extended to expire on December 31 ~~or June 30~~, as appropriate, of the year of the election of the school board members replacing them.

D. Except as otherwise provided herein, a vacancy in the office of any elected school board member shall be filled pursuant to §§ 24.2-226 and 24.2-228. In any county that has adopted the urban county executive form of government and that has adopted an elected school board, any vacancy on the elected school board shall be filled in accordance with the procedures set forth in § 15.2-802, mutatis mutandis. Notwithstanding any provision of law or charter to the contrary, if no candidates file for election to a school board office and no person who is qualified to hold the office is elected by write-in votes, a vacancy shall be deemed to exist in the office as of January 1 ~~or July 1~~, as the case may be, following the general election. For the purposes of this subsection and Article 6 (§ 24.2-225 et seq.) of Chapter 2 of Title 24.2, local school boards comprised of elected and appointed members shall be deemed elected school boards.

E. In order to have their names placed on the ballot, all candidates shall be nominated only by petition as provided by general law pursuant to § 24.2-506.

F. For the purposes of this section, the election and term of the mayor or chairman of the board of supervisors shall be deemed to be an election and term of a member of the governing body of the municipality or county, respectively, whether or not the mayor or chairman is deemed to be a member of the governing body for any other purpose.

G. No employee of a school board shall be eligible to serve on the board with whom he is employed.

H. Any elected school board may have a position of tie breaker for the purpose of casting the deciding vote in cases of tie votes of the school board as provided in § 22.1-75. The position of tie breaker, if any, shall be held by a qualified voter who is a resident of the county, city, or town and who shall be elected in the same manner and for the same length of term as members of the school board and at a general election at which members of the school board are elected. A vacancy in the position of tie breaker shall be filled pursuant to §§ 24.2-226 and 24.2-228.

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established by a county or city pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, Section 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the

182 Commonwealth, sheriff, commissioner of the revenue, and treasurer.

183 "Department of Elections" or "Department" means the state agency headed by the Commissioner of
184 Elections.

185 "Direct recording electronic machine" or "DRE" means the electronic voting machine on which a
186 voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is
187 recorded electronically.

188 "Election" means a general, primary, or special election.

189 "Election district" means the territory designated by proper authority or by law which is represented
190 by an official elected by the people, including the Commonwealth, a congressional district, a General
191 Assembly district, or a district for the election of an official of a county, city, town, or other
192 governmental unit.

193 "Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to
194 administer elections for a county or city. The electoral board of the county in which a town or the
195 greater part of a town is located shall administer the town's elections.

196 "Entrance of polling place" or "entrance to polling place" means an opening in the wall used for
197 ingress to a structure.

198 "General election" means an election held in the Commonwealth on the Tuesday after the first
199 Monday in November ~~or on the first Tuesday in May~~ for the purpose of filling offices regularly
200 scheduled by law to be filled at ~~those times that time~~.

201 "Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device
202 operated by a voter and then fed into and scanned by a counting machine capable of reading ballots and
203 tabulating results.

204 "Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve
205 at a polling place for any election.

206 "Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

207 "Party" or "political party" means an organization of citizens of the Commonwealth which, at either
208 of the two preceding statewide general elections, received at least 10 percent of the total vote cast for
209 any statewide office filled in that election. The organization shall have a state central committee and an
210 office of elected state chairman which have been continually in existence for the six months preceding
211 the filing of a nominee for any office.

212 "Person with a disability" means a person with a disability as defined by the Virginians with
213 Disabilities Act (§ 51.5-1 et seq.).

214 "Polling place" means the structure that contains the one place provided for each precinct at which
215 the qualified voters who are residents of the precinct may vote.

216 "Precinct" means the territory designated by the governing body of a county, city, or town to be
217 served by one polling place.

218 "Primary" or "primary election" means an election held for the purpose of selecting a candidate to be
219 the nominee of a political party for election to office.

220 "Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable
221 ballots and paper ballots.

222 "Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and
223 who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or
224 subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers
225 to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified
226 voter unless his civil rights have been restored by the Governor or other appropriate authority. No
227 person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as
228 provided by law. Whether a signature should be counted towards satisfying the signature requirement of
229 any petition shall be determined based on the signer of the petition's qualification to vote. For purposes
230 of determining if a signature on a petition shall be included in the count toward meeting the signature
231 requirements of any petition, "qualified voter" shall include only persons maintained on the Virginia
232 voter registration system (a) with active status and (b) with inactive status who are qualified to vote for
233 the office for which the petition was circulated.

234 "Qualified voter in a town" means a person who is a resident within the corporate boundaries of the
235 town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified
236 voter.

237 "Referendum" means any election held pursuant to law to submit a question to the voters for
238 approval or rejection.

239 "Registered voter" means any person who is maintained on the Virginia voter registration system. All
240 registered voters shall be maintained on the Virginia voter registration system with active status unless
241 assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For
242 purposes of applying the precinct size requirements of § 24.2-307, calculating election machine
243 requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election

district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306, and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "registered voter" shall include only persons maintained on the Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to vote for the office for which the petition was circulated.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, applications, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.

"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections. This term includes direct recording electronic machines (DRE) and ballot scanner machines.

§ 24.2-200. When terms to begin.

The terms of all officers chosen at a November general election shall begin on the January 1 succeeding their election unless otherwise provided in this chapter. ~~Notwithstanding any other provision of law, the terms of all officers elected at a May general election shall begin on the July 1 succeeding their election.~~ They shall continue to discharge the duties of their respective offices until their successors qualify.

§ 24.2-222. Election and terms of mayor and council for cities and towns.

~~The A. Notwithstanding any other provision of law, the qualified voters of each city and town shall elect a mayor, if so provided by charter, and a council at the regular general election in November for the terms provided by charter to commence January 1. Except as provided in § 24.2-222.1, and notwithstanding any other provision of law, general or special: (i) any election of mayor or councilmen of a city or town whose charter provides for such elections at two-year or four-year intervals shall take place at the May general election of an even-numbered year and (ii) any election of mayor or councilmen of a city or town whose charter provides for such elections at one-year or three-year intervals shall take place at the general election in May of the years designated by charter. The persons so elected shall enter upon the duties of their offices on July 1 succeeding their election and remain in office until their successors have qualified. The election shall be held at the regular general election in November of an even-numbered year, unless a charter of the city or town, or an ordinance adopted by the council, provides for a different election cycle.~~

~~B. Except as provided in subsection C, no term of a mayor or member of council shall be shortened when switching from the May election date to the November election date. Mayors and members of council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.~~

~~C. In any city or town that elects its council biennially or quadrennially and that changes to the November general election date in odd-numbered years from the May general election date in even-numbered years, mayors and members of council who were elected at a May general election shall have their term of office shortened by six months but shall continue in office until their successors have been elected at the November general election and have been qualified to serve.~~

~~D. Except to the extent provided in subsections B and C, no ordinance shall have the effect of modifying the terms of office for the mayor, if any, and council members provided in the charter for the city or town.~~

§ 24.2-223. Election and term of school board members.

In any county, city or town wherein members of the school board are elected, pursuant to Article 7 (§ 22.1-57.1 et seq.) of Chapter 5 of Title 22.1, elections shall be held to coincide with the election of members of the governing body at the regular general election in November ~~or the regular general election in May, as the case may be.~~ Elected school board members shall serve terms which are the same as those of the governing body, to commence on January 1 following their election ~~or July 1 following their election, as the case may be.~~

§ 24.2-226. Election to fill vacancy.

305 A. A vacancy in any elected local office, whether occurring when for any reason an officer-elect
306 does not take office or occurring after an officer begins his term, shall be filled as provided by
307 § 24.2-228 or for constitutional officers as provided in § 24.2-228.1, or unless provided otherwise by
308 statute or charter requiring special elections within the time limits provided in this title. The governing
309 body or, in the case of an elected school board, the school board of the county, city, or town in which
310 the vacancy occurs shall, within 15 days of the occurrence of the vacancy, petition the circuit court to
311 issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6.
312 Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the
313 election promptly and shall order the special election to be held on the date of the next general election
314 in November ~~or in May if the vacant office is regularly scheduled by law to be filled in May~~. However,
315 if the governing body or the school board requests in its petition a different date for the election, the
316 court shall order the special election be held on that date, so long as the date requested precedes the
317 date of such next general election and complies with the provisions of § 24.2-682. If the vacancy occurs
318 within 90 days of the next such general election and the governing body or the school board has not
319 requested in its petition a different date for the election, the special election shall be held on the date of
320 the second such general election. Upon receipt of written notification by an officer or officer-elect of his
321 resignation as of a stated date, the governing body or school board, as the case may be, may
322 immediately petition the circuit court to issue a writ of election, and the court may immediately issue
323 the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the
324 date stated by him for his resignation or after the forty-fifth day before the date set for the special
325 election. The person so elected shall hold the office for the remaining portion of the regular term of the
326 office for which the vacancy is being filled.

327 B. Notwithstanding any provision of law or charter to the contrary, no election to fill a vacancy shall
328 be ordered or held if the general election at which it is to be called is scheduled within 60 days of the
329 end of the term of the office to be filled.

330 C. Notwithstanding any provision of law or charter to the contrary, when an interim appointment to a
331 vacancy in any governing body or elected school board has been made by the remaining members
332 thereof, no election to fill the vacancy shall be ordered or held if the general election at which it is to
333 be called is scheduled in the year in which the term expires.

334 **§ 24.2-311. Effective date of decennial redistricting measures; elections following decennial**
335 **redistricting.**

336 A. Legislation enacted to accomplish the decennial redistricting of congressional and General
337 Assembly districts required by Article II, Section 6 of the Constitution of Virginia shall take effect
338 immediately. Members of Congress and the General Assembly in office on the effective date of the
339 decennial redistricting legislation shall complete their terms of office. The elections for their successors
340 shall be held at the November general election next preceding the expiration of the terms of office of
341 the incumbent members and shall be conducted on the basis of the districts set out in the legislation to
342 accomplish the decennial redistricting. However, (i) if the decennial redistricting of congressional
343 districts has not been enacted and approved for implementation pursuant to § 5 of the United States
344 Voting Rights Act of 1965 before January 1 of the year of the election for statewide office, the
345 previously enacted congressional districts shall remain in effect for the purpose of meeting the petition
346 signature requirements set out in §§ 24.2-506, 24.2-521, 24.2-543, and 24.2-545 and (ii) any reference
347 on a petition to the usual primary date of the second Tuesday in June shall not be cause to invalidate
348 the petition even though the date of the primary may be altered by law.

349 B. Ordinances adopted by local governing bodies to accomplish the decennial redistricting of districts
350 for county, city, and town governing bodies required by Article VII, Section 5 of the Constitution of
351 Virginia shall take effect immediately. Members of county, city, and town governing bodies in office on
352 the effective date of a decennial redistricting measure shall complete their terms of office. The elections
353 for their successors shall be held at the general election next preceding the expiration of the terms of
354 office of the incumbent members and shall be conducted on the basis of the districts set out in the
355 measures to accomplish the decennial redistricting.

356 C. If a vacancy in any such office occurs after the effective date of a decennial redistricting measure
357 and a special election is required by law to fill the vacancy, the vacancy shall be filled from the district
358 in the decennial redistricting measure which most closely approximates the district in which the vacancy
359 occurred.

360 D. If a decennial redistricting measure adopted by a local governing body adds one or more districts
361 and also increases the size of the governing body, an election for the additional governing body member
362 or members to represent the additional district or districts for the full or partial term provided by law
363 shall be held at the next November general election ~~in any county or in any city or town that regularly~~
364 ~~elects its governing body in November pursuant to § 24.2-222.1, or at the next May general election in~~
365 ~~any other city or town, which that~~ occurs at least 120 days after the effective date of the redistricting
366 measure.

E. In the event of a conflict between the provisions of a decennial redistricting measure and the provisions of the charter of any locality, the provisions of the redistricting measure shall be deemed to override the charter provisions to the extent required to give effect to the redistricting plan.

§ 24.2-312. Effective date of other redistricting measures; elections following annexation.

A. Any redistricting, other than the decennial redistricting, of any county, city, or town shall be effective at midnight December 31 of the year in which the redistricting occurs.

B. Members of county, city, and town governing bodies in office when any such redistricting measure is adopted shall complete their terms of office. The elections for their successors shall be held at the general election next preceding the expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the measures to accomplish the redistricting.

C. When a county has been redistricted as a result of annexation and the redistricting occurs in the year of a regularly scheduled November general election for members of the county's board of supervisors, the November general election shall be conducted from the newly established districts so long as the redistricting measure has been adopted prior to March 15 of the year of the election.

D. When a city or town has been redistricted as a result of annexation and the redistricting occurs prior to a regularly scheduled ~~May~~ *November* general election for members of the city's or town's governing body, the ~~May~~ *November* general election shall be conducted from the newly established districts so long as the redistricting measure has been adopted prior to the ~~November~~ *March* 15 immediately preceding the election.

§ 24.2-503. Deadlines for filing required statements; extensions.

The written statements of qualification and economic interests shall be filed by (i) primary candidates not later than the filing deadline for the primary, (ii) ~~all other candidates for city and town offices to be filled at a May general election by 7:00 p.m. on the first Tuesday in March;~~ (iii) candidates in special elections by the time of qualifying as a candidate, and ~~(iv)~~ (iii) all other candidates by 7:00 p.m. on the second Tuesday in June.

A statement shall be deemed to be timely filed if it is mailed postage prepaid to the appropriate office by registered or certified mail and if the official receipt therefor, which shall be exhibited on demand, shows mailing within the prescribed time limits.

The State Board may grant an extension of any deadline for filing either or both written statements and shall notify all candidates who have not filed their statements of the extension. Any extension shall be granted for a fixed period of time of ~~ten~~ 10 days from the date of the mailing of the notice of the extension.

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

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

1. For a general election in November, by 7:00 p.m. on the second Tuesday in June;
2. ~~For a general election in May, by 7:00 p.m. on the first Tuesday in March;~~
3. For a special election held at the same time as a November general election, either (i) at least 81 days before the election or (ii) if the special election is being held at the second November election after the vacancy occurred, by 7:00 p.m. on the second Tuesday in June before that November election;

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

5. 3. For a special election held at a time other than a general election, (i) at least 60 days before the election or (ii) within five days of any writ of election or order calling a special election to be held less than 60 days after the issuance of the writ or order.

§ 24.2-510. Deadlines for parties to nominate by methods other than primary.

For any office, nominations by political parties by methods other than a primary shall be made and completed in the manner prescribed by law according to the following schedule:

1. For a general election in November, by 7:00 p.m. on the second Tuesday in June;
2. ~~For a general election in May, by 7:00 p.m. on the first Tuesday in March;~~
3. For a special election held at the same time as a November general election, either (i) at least 81 days before the election or (ii) if the special election is held at the second November election after the vacancy occurred, by 7:00 p.m. on the second Tuesday in June before that November election;

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

5. 3. For a special election held at a time other than a general election, (i) at least 60 days before the election or (ii) within five days of any writ of election or order calling a special election to be held less than 60 days after the issuance of the writ or order.

In the case of all general elections a party shall nominate its candidate for any office by a nonprimary method only within the 47 days immediately preceding the primary date established for

428 nominating candidates for the office in question. This limitation shall have no effect, however, on
429 nominations for special elections or pursuant to § 24.2-539.

430 **§ 24.2-701. Application for absentee ballot.**

431 A. The State Board shall furnish each general registrar with a sufficient number of applications for
432 official absentee ballots. The registrars shall furnish applications to persons requesting them.

433 The State Board shall implement a system that enables eligible persons to request and receive an
434 absentee ballot application electronically through the Internet. Electronic absentee ballot applications
435 shall be in a form approved by the State Board.

436 Except as provided in § 24.2-703, a separate application shall be completed for each election in
437 which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i)
438 12 months before an election or (ii) the day following any election held in the twelfth month prior to
439 the election in which the applicant is applying to vote.

440 An application that is completed in person at the same time that the applicant registers to vote shall
441 be held and processed no sooner than the fifth day after the date that the applicant registered to vote;
442 however, this requirement shall not be applicable to any person who is qualified to vote absentee under
443 subdivision 2 of § 24.2-700.

444 Any application received before the ballots are printed shall be held and processed as soon as the
445 printed ballots for the election are available.

446 For the purposes of this chapter, the general registrar's office shall be open a minimum of eight
447 hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately
448 preceding all general elections; ~~except May general elections~~; and on the Saturday immediately
449 preceding any primary election; ~~May general election~~; or special election.

450 Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant
451 who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to
452 the best of his knowledge and belief the facts contained in the application are true and correct and that
453 he has not and will not vote in the election at any other place in Virginia or in any other state. If the
454 applicant is unable to sign the application, a person assisting the applicant will note this fact on the
455 applicant signature line and provide his signature, name, and address.

456 B. Applications for absentee ballots shall be completed in the following manner:

457 1. An application completed in person shall be made not less than three days prior to the election in
458 which the applicant offers to vote and completed only in the office of the general registrar. The
459 applicant shall sign the application in the presence of a registrar. The applicant shall provide one of the
460 forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of
461 the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot
462 under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general
463 registrar for the handling and counting of such provisional ballots pursuant to subsection B of
464 § 24.2-653 and this section.

465 2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile
466 device if one is available to the office of the general registrar or the office of the State Board if a
467 device is not available locally, or other means. The application shall be on a form furnished by the
468 registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application
469 prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the
470 later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month
471 prior to the election in which the applicant is applying to vote. The application shall be made to the
472 appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the
473 applicant offers to vote.

474 C. Applications for absentee ballots shall contain the following information:

475 1. The applicant's printed name, the last four digits of the applicant's social security number, and the
476 reason the applicant will be absent or cannot vote at his polling place on the day of the election;

477 2. A statement that he is registered in the county or city in which he offers to vote and his residence
478 address in such county or city. Any person temporarily residing outside the United States shall provide
479 the last date of residency at his Virginia residence address, if that residence is no longer available to
480 him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter
481 may file the applications to register and for a ballot simultaneously;

482 3. The complete address to which the ballot is to be sent directly to the applicant, unless the
483 application is made in person at a time when the printed ballots for the election are available and the
484 applicant chooses to vote in person at the time of completing his application. The address given shall be
485 (i) the address of the applicant on file in the registration records; (ii) the address at which he will be
486 located while absent from his county or city; or (iii) the address at which he will be located while
487 temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other
488 person; and

489 4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a

member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of learning, the name of the school or institution of learning; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated.

§ 24.2-947.8. Filing requirements for special elections.

A. Candidates for nomination or election to an office to be filled by a special election held on a regular election date shall file the prescribed reports of contributions and expenditures which apply to regularly scheduled elections for that office.

B. In the case of a special election held on a date other than a regularly scheduled general election, the candidate shall file as follows:

1. A report not later than the eighth day before the special election date complete through the twelfth day before that date;

2. A postelection report no later than the thirtieth day after the election and prior to taking office; and

3. A postelection report not later than January 15 and July 15 each year until a final report is filed.

C. Any candidate, who has been subject to the election year filing schedule set out in subdivisions B 1 through B 3 and who has not filed a final report, shall file reports in any subsequent election year for the same office in accordance with the election year filing schedule set out in § 24.2-947.6 or 24.2-947.7 as appropriate for that office.

D. Any candidate shall also file any report of certain large contributions required by § 24.2-947.9, if applicable.

§ 24.2-948.2. Reports as condition to qualification for office.

A. No person shall be permitted to qualify for any office, enter upon the duties thereof, or receive any salary or emoluments therefrom until he has filed the campaign finance reports required in subdivisions A 3 through A 9 of § 24.2-947.6; ~~subdivisions A 3 through A 6 of § 24.2-947.7~~; and subdivisions B 1 and B 2 of § 24.2-947.8, as applicable; and a final report if required by subsection C of § 24.2-948.1; and has responded to and complied with any notice that additional information is required to complete a report in compliance with § 24.2-953.3. No person shall be permitted to qualify for any office, enter upon the duties thereof, or receive any salary or emoluments therefrom until he has paid any civil penalty and returned any contribution required to be returned pursuant to § 24.2-953.5. No officer authorized by the laws of this Commonwealth to issue certificates of election shall issue one to any person determined to be elected to any such office, until copies of the reports cited above have been filed as required in this article.

B. Notwithstanding the requirements of subsection A, a person who is elected to fill a vacancy at a special election held on a general election day may qualify for the office and be issued a certificate of

551 election in advance of filing the postelection report required to be filed under subdivision A 9 of
552 § 24.2-947.6 in the case of a November election; ~~or under subdivision A 6 of § 24.2-947.7 in the case of~~
553 ~~a May election~~, upon the filing of a postelection report complete through the election day.

554 **§ 24.2-951.7. Large dollar contribution reporting requirement for referendum committees.**

555 In addition to the reports required by §§ 24.2-951.4, ~~24.2-951.5~~ and 24.2-951.6, referendum
556 committees shall report any single contribution or loan of \$10,000 or more received at any time during
557 the calendar year within three business days of receipt of the contribution or loan.

558 1. The report shall be filed on a "large dollar contribution report" form prescribed by the State Board
559 and shall be filed in writing or electronically in the same manner as the person or committee files its
560 quarterly disclosure reports.

561 2. Any contribution or loan reported pursuant to this section shall also be reported on the next
562 subsequent report required under this article following receipt of the contribution or loan.

563 3. For the purposes of this section, referendum committees shall report as one contribution multiple
564 contributions from a single source that have been subdivided into smaller amounts or given through
565 different bank accounts for the purpose of evading the \$10,000 threshold.

566 4. A referendum committee that receives contributions from affiliated organizations shall not be
567 deemed to be receiving contributions from a single source.

568 2. That §§ 24.2-222.1, 24.2-947.7, and 24.2-951.5 of the Code of Virginia are repealed.