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**HOUSE BILL NO. 218**

Offered January 8, 2020

Prefiled December 27, 2019

*A BILL to amend and reenact §§ 15.2-1600, 24.2-511, and 24.2-521 of the Code of Virginia, relating to constitutional offices; candidates to be nominated by petition.*

Patrons—Convirs-Fowler and Cole, J.G.

Referred to Committee on Privileges and Elections

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

**1. That §§ 15.2-1600, 24.2-511, and 24.2-521 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-1600. Counties and cities required to elect certain officers; qualifications of attorney for the Commonwealth; duties and compensation of officers; vacancies, certain counties and cities excepted; officer's powers not to be diminished.**

A. The voters of each county and city shall elect a treasurer, a sheriff, an attorney for the Commonwealth, a clerk, who shall be clerk of the court in the office of which deeds are recorded, and a commissioner of revenue. To qualify to be elected or hold office, an attorney for the Commonwealth shall be a member of the bar of this Commonwealth. The duties and compensation of such officers shall be prescribed by general law or special act and any vacancy in such office shall be filled, notwithstanding any charter provision to the contrary, by a majority of the circuit judges of the judicial circuit for the county or city pursuant to the provisions of §§ 24.2-226 and 24.2-227. Any county or city not required to have or to elect such officers prior to July 1, 1971, shall not be so required by this section, nor shall the provisions of this section apply to those counties and cities which have heretofore adopted, or may hereafter adopt, a form of government, as provided by law, which does not require such counties or cities to have or elect one or more of such officers.

B. Nothing in this title shall be construed to authorize the governing body or the chief administrative officer of a locality to designate an elected constitutional officer to exercise a power or perform a duty which the officer is not required to perform under applicable state law without the consent of such officer, nor by designation to diminish any such officer's powers or duties as provided by applicable state law including the power to organize their offices and to appoint such deputies, assistants and other individuals as are authorized by law upon the terms and conditions specified by such officers.

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

**§ 24.2-511. Party chairman or official to certify candidates to State Board and general registrars; failure to certify.**

A. The state, district, or other appropriate party chairman shall certify the name of any candidate who has been nominated by his party by a method other than a primary for any office to be elected by the qualified voters of (i) the Commonwealth at large; *or* (ii) a congressional district or a General Assembly district; ~~or (iii) political subdivisions jointly electing a shared constitutional officer~~, along with the date of the nomination of the candidate, to the State Board not later than five days after the last day for nominations to be made. The State Board shall notify the general registrars of the names of the candidates to appear on the ballot for such offices.

B. The party chairman of the district or political subdivision in which any other office is to be filled shall certify the name of any candidate for that office who has been nominated by his party by a method other than a primary to the State Board and to the general registrars of the cities and counties in which the name of the candidate will appear on the ballot not later than five days after the last day for nominations to be made. Should the party chairman fail to make such certification, the State Board shall declare that the candidate is the nominee of the particular party and direct that his name be treated as if certified by the party chairman.

C. In the case of a nomination for any office to be filled by a special election, the party chairman shall certify the name of any candidate (i) by the deadline to nominate the candidate or (ii) not later than five days after the deadline if it is a special election held at the second November election after the vacancy occurred.

D. No further notice of candidacy or petition shall be required of a candidate once the party chairman has certified his name to the State Board.

E. In no case shall the individual who is a candidate for an office be the person who certifies the name of the party candidate for that same office. In such case the party shall designate an alternate

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HB218

59 official to certify its candidate.

60 **§ 24.2-521. Petition required to accompany declaration; number of signatures required.**

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

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

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

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

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

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

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

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

82 6. For a candidate for membership on the governing body of any town that has more than 3,500  
83 registered voters, 125 signatures; or if from a ward or other district not at large, 25 signatures;

84 7. For a candidate for membership on the governing body of any town that has at least 1,500 but not  
85 more than 3,500 registered voters, 50 signatures; or if from a ward or other district not at large, 25  
86 signatures;

87 8. For a candidate for membership on the governing body of any town that has fewer than 1,500  
88 registered voters, no petition shall be required; and

89 9. For any other candidate, 50 signatures.