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**HOUSE BILL NO. 440**

Offered January 10, 2024

Prefiled January 8, 2024

*A BILL to amend and reenact §§ 24.2-105, 24.2-501, 24.2-502, 24.2-503, 24.2-505, 24.2-506, 24.2-509, 24.2-511, 24.2-516, 24.2-517, 24.2-520, 24.2-521, 24.2-522, 24.2-525, 24.2-527, 24.2-542, 24.2-543, and 24.2-545 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 5 of Title 24.2 an article numbered 8, consisting of a section numbered 24.2-545.1, relating to elections; candidates for office; electronic filing of required forms filed with Department of Elections.*

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Patrons—Cole and McClure

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Referred to Committee on Privileges and Elections

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

**1. That §§ 24.2-105, 24.2-501, 24.2-502, 24.2-503, 24.2-505, 24.2-506, 24.2-509, 24.2-511, 24.2-516, 24.2-517, 24.2-520, 24.2-521, 24.2-522, 24.2-525, 24.2-527, 24.2-542, 24.2-543, and 24.2-545 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 5 of Title 24.2 an article numbered 8, consisting of a sections numbered 24.2-545.1 as follows:**

**§ 24.2-105. Prescribing various forms.**

A. The State Board shall prescribe appropriate forms and records for the registration of voters, conduct of elections, and implementation of this title, which shall be used throughout the Commonwealth.

B. The State Board shall prescribe voting and election materials in languages other than English for use by a county, city, or town that is subject to the requirements of § 24.2-128. For purposes of this subsection, voting and election materials mean registration or voting notices, forms, and instructions. For purposes of this subsection, registration notices mean any notice of voter registration approval, denial, or cancellation, required by the provisions of Chapter 4 (§ 24.2-400 et seq.).

The State Board may make available voting and election materials in any additional languages other than those required by subsection A of § 24.2-128 as it deems necessary and appropriate. The State Board may accept voting and election materials translated by volunteers but shall verify the accuracy of such translations prior to making the translated materials available to a county, city, or town, or any voter.

C. *The State Board shall prescribe all forms required by candidates under Chapter 5 (§ 24.2-500 et seq.) in both paper and electronic formats pursuant to the requirements for such forms under that chapter.*

**§ 24.2-501. Statement of qualification as requirement of candidacy.**

It shall be a requirement of candidacy for any office of the Commonwealth, or of its governmental units, that a person must file a ~~written~~ statement under oath, on a form prescribed by the State Board, that he is qualified to vote for and hold the office for which he is a candidate. Every candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall file the statement with the ~~State Board Department~~. Every candidate for any other office shall file the statement *on paper* with the general registrar of the county or city where he resides *or electronically with the Department*. *The Department shall promptly notify the respective general registrars of any candidate for local or constitutional office who has electronically filed a statement of qualification.* Each general registrar shall transmit to the ~~State Board Department~~, immediately after the filing deadline, a list of the candidates who have filed *paper* statements of qualification.

The candidate may state, as part of his statement of qualification, how he would like his name to appear on the ballot; however, all names printed on the ballot shall meet the criteria established by the State Board.

**§ 24.2-502. Statement of economic interests as requirement of candidacy.**

It shall be a requirement of candidacy that a ~~written~~ statement of economic interests shall be filed by (i) a candidate for Governor, Lieutenant Governor, or Attorney General and a candidate for the Senate or House of Delegates with the ~~State Board Department~~, (ii) a candidate for a constitutional office *on paper* with the general registrar for the county or city *or electronically with the Department*, and (iii) a candidate for member of the governing body or elected school board of any county, city, or town with a population in excess of 3,500 persons *on paper* with the general registrar for the county or city *or electronically with the Department*. The statement of economic interests shall be that specified in

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§ 30-111 for candidates for the General Assembly and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a candidate for reelection to the same office who has met the requirement of annually filing a statement pursuant to § 2.2-3114, 2.2-3115, 2.2-3116, or 30-110.

*The Department shall promptly notify the respective general registrars of the appropriate localities of any candidate for local or constitutional office who has electronically filed a statement of economic interest.* The general registrar, the clerk of the local governing body, or the clerk of the school board, as appropriate, shall transmit to the local electoral board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests.

**§ 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) all other candidates by 7:00 p.m. on the third Tuesday in June.

A *paper* 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 days from the date of the mailing of the notice of the extension.

**§ 24.2-505. Declaration of candidacy required of independent candidates.**

A. Any person, other than a candidate for a party nomination or a party nominee, who intends to be a candidate for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district shall file a declaration of candidacy with the ~~State Board Department~~, on a form prescribed by the Board, designating the office for which he is a candidate. ~~The written declaration shall be attested by two witnesses who are qualified voters of the Commonwealth or of the congressional district, or acknowledged before some officer authorized to take acknowledgements to deeds.~~ The declaration shall be signed by the candidate; ~~but if he is incapable of writing his proper signature then some mark adopted by him as his signature shall be acknowledged before some officer authorized to take acknowledgements to deeds under oath.~~

~~The State Board Department shall promptly notify the respective secretaries general registrars of the appropriate electoral boards localities of the qualified candidates who have so filed.~~

B. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate for election to the General Assembly shall file a *paper* declaration of candidacy with the general registrar of the county or city where he resides *or electronically with the Department*. The declaration shall be in all respects the same as that required to be ~~given to the State Board filed with the Department~~ by statewide and congressional district candidates. *The Department shall promptly notify the respective general registrars of the appropriate localities of the qualified candidates who have so filed.* The general registrar shall, within three days after receiving the declaration, (i) deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the general registrars of the other counties or cities, if any, in the legislative district for delivery to the secretaries of the electoral boards and (ii) deliver the declaration and such petitions to the secretary of his electoral board. He shall transmit the names of the candidates who have filed with him to the ~~State Board Department~~ immediately after the filing deadline.

C. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate at any election for any other office shall file a *paper* declaration of candidacy with the general registrar of the county or city where he resides *or electronically with the Department*. The declaration shall be in all respects the same as that required to be ~~given to the State Board filed with the Department~~ by statewide and congressional district candidates. *The Department shall promptly notify the respective general registrars of the appropriate localities of the qualified candidates who have so filed.* The general registrar shall, within three days after receiving the declaration, deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the secretaries of the electoral boards of the counties or cities whose electors vote for the office. He shall transmit the names of the candidates who have filed with him to the State Board immediately after the filing deadline.

D. If requested in writing by a candidate filing pursuant to subsection B or C, the ~~secretary of the electoral board general registrar~~ shall notify him of any irregularity in the declaration or petitions which can be corrected prior to the filing deadline.

**§ 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 in this subsection *on and after January 1 of the year in which the election is held, or on and after the day on which the writ of election is issued in the case of a special election*, and listing the residence address of each such voter.

~~Each signature on the petition shall have been witnessed~~ *A petition shall be circulated by a person 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 such person circulating a petition who is not a legal resident of the Commonwealth shall sign a statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted toward the minimum number of signatures required pursuant to this subsection.*

*Each signature on the paper petition shall be witnessed by the circulator of the petition. Each voter signing the paper 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.*

*A qualified voter may sign an electronic petition while not in the presence of a petition circulator. Each voter signing the electronic petition shall provide (i) an affirmation that he is the individual he is identifying himself to be, (ii) an affirmation that he is a resident of the jurisdiction in which he is registered, and (iii) the last four digits of his social security number. The voter signing the electronic petition may transmit the signed form either electronically, by mail, or in person to the candidate, the candidate's campaign, or the petition circulator.*

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 that has more than 3,500 registered voters, 125 signatures; or if from a ward or other district not at large, 25 signatures;

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

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

9. 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

10. For any other candidate, 50 signatures.

B. The State Board shall approve uniform standards by which petitions filed by a candidate for office, other than a party nominee, are reviewed to determine if the petitions contain sufficient signatures of qualified voters as required in subsection A.

~~The State Board of Elections, on or before January 1, 2020, shall revise its processes and associated regulations for reviewing and processing candidate petitions. Such revisions~~ *Such review shall provide a process for checking petition signatures that includes a method for determining if a petition signature belongs to an individual whose prior registration has been canceled and the reason for such cancellation. The process review shall provide for the tracking of such information associated with each petition. The process review shall provide for the escalation of cases of suspected fraud to the electoral board, the State Board, or the office of the attorney for the Commonwealth, as appropriate.*

C. If a candidate, other than a party nominee, does not qualify to have his name appear on the ballot by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought, the candidate may appeal that determination within five calendar days of the issuance of the notice of disqualification pursuant to § 24.2-612 or notice from the State Board that the candidate did not meet the requirements to have his name appear on the ballot.

182 Appeals made by candidates for a county, city, or town office shall be filed with the electoral board.  
183 Appeals made by candidates for all other offices shall be filed with the State Board. The appeal shall be  
184 heard by the State Board or the electoral board, as appropriate, within five business days of its filing.  
185 The electoral board shall notify the State Board of any appeal that is filed with the electoral board.

186 The State Board shall develop procedures for the conduct of such an appeal. The consideration on  
187 appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably  
188 rejected according to the requirements of this title and the uniform standards approved by the State  
189 Board for the review of petitions. Immediately after the conclusion of the appeal hearing, the entity  
190 conducting the appeal shall notify the candidate and, if applicable, the State Board, of its decision in  
191 writing. The decision on appeal shall be final and not subject to further appeal.

192 **§ 24.2-509. Party to determine method of nominating its candidates for office.**

193 A. The duly constituted authorities of the state political party shall have the right to determine the  
194 method by which a party nomination for a member of the United States Senate or for any statewide  
195 office shall be made. The duly constituted authorities of the political party for the district, county, city,  
196 or town in which any other office is to be filled shall have the right to determine the method by which  
197 a party nomination for that office shall be made. A method of nomination shall not be selected if such  
198 method will have the practical effect of excluding participation in the nominating process by qualified  
199 voters who are otherwise eligible to participate in the nominating process under that political party's  
200 rules but are unable to attend meetings because they are (i) a member of a uniformed service, as defined  
201 in § 24.2-452, on active duty; (ii) temporarily residing outside of the United States; (iii) a student  
202 attending a school or institution of higher education; (iv) a person with a disability; or (v) a person who  
203 has a communicable disease of public health threat as defined in § 32.1-48.06 or who may have come in  
204 contact with a person with such disease. However, such restriction shall not apply when selecting a  
205 candidate for a special election or nominating a candidate pursuant to § 24.2-539, or in the event that no  
206 candidate files the required paperwork by the deadline prescribed in § 24.2-522.

207 B. Notwithstanding subsection A, the following provisions shall apply to the determination of the  
208 method of making party nominations: A party shall nominate its candidate for election for a General  
209 Assembly district where there is only one incumbent of that party for the district by the method  
210 designated by that incumbent, or absent any designation by him by the method of nomination  
211 determined by the party. A party shall nominate its candidates for election for a General Assembly  
212 district where there is more than one incumbent of that party for the district by a primary unless all the  
213 incumbents consent to a different method of nomination. A party, whose candidate at the immediately  
214 preceding election for a particular office other than the General Assembly (i) was nominated by a  
215 primary or filed for a primary but was not opposed and (ii) was elected at the general election, shall  
216 nominate a candidate for the next election for that office by a primary unless all incumbents of that  
217 party for that office consent to a different method.

218 When, under any of the foregoing provisions, no incumbents offer as candidates for reelection to the  
219 same office, the method of nomination shall be determined by the political party.

220 For the purposes of this subsection, any officeholder who offers for reelection to the same office  
221 shall be deemed an incumbent notwithstanding that the district which he represents differs in part from  
222 that for which he offers for election.

223 **§ 24.2-511. Party chairman or official to certify candidates to Department of Elections and**  
224 **general registrars; failure to certify.**

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

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

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

243 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~~ Department.

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 official to certify its candidate.

**§ 24.2-516. Party to furnish names of chairmen and notify Department of Elections of adoption of direct primary.**

Each political party within the Commonwealth shall furnish to the ~~State Board~~ Department the names and addresses of its state, county, and city party chairmen in January of each year, and during the remainder of the year it shall notify the ~~Board~~ Department of any changes in such names and addresses.

At least 135 days prior to the regular date for a primary, the ~~Board~~ Department shall inquire of each state chairman and each county and city chairman whether a direct primary has been adopted. The ~~Board~~ Department shall advise each chairman that notification to the ~~Board~~ Department of the adoption of a direct primary is required and must be filed with the ~~Board~~ Department not more than 125 days and not less than 105 days before the date set for the primaries.

Each chairman shall file timely ~~written~~ notice with the ~~Board~~ Department on a form prescribed by the State Board whether or not a primary has been adopted and identify each office for which a primary has been adopted. The requirement to notify the ~~Board~~ Department of the adoption of a direct primary shall be satisfied when the ~~Board~~ Department receives by the deadline (i) ~~written~~ notice from the appropriate party chairman or (ii) a copy of the written notice from an incumbent officeholder to his party chairman of the incumbent's selection, pursuant to § 24.2-509, of the primary as the method of nomination.

**§ 24.2-517. State Board to order election.**

The State Board shall order the holding of a primary election in any county, city, or other district of the Commonwealth in which it is ~~notified~~ notification pursuant to § 24.2-516 ~~has been provided~~ that a primary is intended to be held. The notice ordering the primary shall be sent to the secretary of the electoral board. Within five days of the issuance of the order by the State Board, each secretary shall post a copy of the notice on the official website of the county or city, post copies of the notice at not less than 10 public places in the county or city, or have notice of the election published at least once in a newspaper of general circulation in the county or city.

**§ 24.2-520. Declaration of candidacy required.**

A candidate for nomination by primary for any office shall be required to file a ~~written~~ declaration of candidacy on a form prescribed by the State Board. The declaration shall include the name of the political party of which the candidate is a member, a designation of the office for which he is a candidate, and a statement that, if defeated in the primary, his name is not to be printed on the ballots for that office in the succeeding general election. The declaration shall be ~~acknowledged before some officer who has the authority to take acknowledgments to deeds, or attested by two witnesses who are qualified voters of the election district signed under oath.~~

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

A. 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 in this section ~~on and 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, on and after the day on which the writ of election is issued in the case of a special election,~~ and listing the residence address of each such voter. ~~Each signature on the petition shall have been witnessed A petition shall be circulated by a person 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 such person circulating a petition who is not a legal resident of the Commonwealth shall sign a statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted towards~~ toward the minimum number of signatures required pursuant to subsection B.

*Each signature on the paper petition shall be witnessed by the circulator of the petition.* Each voter signing the *paper* 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.

*A qualified voter may sign an electronic petition while not in the presence of a petition circulator. Each voter signing the electronic petition shall provide (i) an affirmation that he is the individual he is identifying himself to be, (ii) an affirmation that he is a resident of the jurisdiction in which he is registered, and (iii) the last four digits of his social security number. The voter signing the electronic petition may transmit the signed form either electronically, by mail, or in person to the candidate, the*

305 *candidate's campaign, or the petition circulator.*

306 B. The minimum number of signatures of qualified voters required for primary candidate petitions  
307 shall be as follows:

308 1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General,  
309 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional  
310 district in the Commonwealth;

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

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

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

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

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

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

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

323 9. For any other candidate, 50 signatures.

324 **§ 24.2-522. When and to whom filings to be made.**

325 A. Declarations of candidacy, petitions, and receipts indicating the payment of filing fees shall be  
326 filed not earlier than noon of the ninety-second day and not later than 5:00 p.m. of the seventy-fifth day  
327 before the primary.

328 B. Except as provided in subsection C, candidates for nomination shall file their declarations,  
329 petitions, and receipts with the chairman or chairmen of the several committees of the respective parties.  
330

331 C. Any candidate *filing on paper* for nomination for United States Senator, Governor, Lieutenant  
332 Governor, or Attorney General shall file with the ~~State Board~~ *Department* (i) his declaration of  
333 candidacy, (ii) the petitions for his candidacy, sealed in one or more containers to which is attached a  
334 ~~written~~ statement under oath by the candidate giving his name and the number of signatures on the  
335 petitions contained in the containers, and (iii) a receipt indicating the payment of his filing fee.

336 *Any candidate filing electronically shall file with the Department.*

337 The ~~State Board~~ *Department* shall transmit the material so filed to the state chairman of the party of  
338 the candidate within 72 hours and not later than the seventy-fourth day before the primary. The sealed  
339 containers containing the petitions for a candidate may be opened only by the state chairman of the  
340 party of the candidate.

341 **§ 24.2-525. Persons entitled to have name printed on ballot.**

342 A. Only a person meeting all the qualifications and fulfilling all the requirements of a candidate, and  
343 who has complied with the rules and regulations of his party, shall have his name printed on the ballot  
344 provided for the primary election. A person who does not file either or both ~~written~~ statements required  
345 by § 24.2-503 by the relevant deadline, or the end of the extension period if an extension has been  
346 granted pursuant to that section, shall not have his name printed on the ballot provided for the primary  
347 election.

348 B. No person shall have his name printed on the ballot for more than one office at any one primary  
349 election. However, a candidate for federal or statewide office, or a candidate for an office being filled in  
350 a special election, may have his name printed on the ballot for two offices at a primary election.

351 **§ 24.2-527. Chairman or official to furnish Department and general registrars with names of**  
352 **candidates and certify petition signature requirements met.**

353 A. It shall be the duty of the chairman or chairmen of the several committees of the respective  
354 parties to furnish the name of any candidate for nomination for any office to be elected by the qualified  
355 voters of the Commonwealth at large or of a congressional district or of a General Assembly district to  
356 the ~~State Board~~ *Department*, and to furnish the name of any candidate for any other office to the ~~State~~  
357 ~~Board~~ *Department* and to the general registrars charged with the duty of preparing and printing the  
358 primary ballots. In furnishing the name of any such candidate, the chairman shall certify that a review of  
359 the filed candidate petitions found the required minimum number of signatures of qualified voters for  
360 that office to have been met. The chairman shall also certify the order and date and time of filing for  
361 purposes of printing the ballots as prescribed in § 24.2-529, provided that the ~~State Board~~ *Department*  
362 shall determine the order and date and time of filing for candidates *filing on paper* for United States  
363 Senator, Governor, Lieutenant Governor, and Attorney General *and any candidate filing electronically*  
364 for such purposes. Each chairman shall comply with the provisions of this section not less than 70 days  
365 before the primary.

366 B. In no case shall the individual who is a candidate for an office be the person who certifies the

names of candidates for a primary for that same office. In such case the party shall designate an alternate official to certify the candidates.

**§ 24.2-542. Department to be furnished names of electors selected by political parties; oaths of electors.**

In elections for President and Vice President of the United States, the appropriate chairman or secretary of each political party shall furnish to the *Department on forms prescribed by the State Board* by noon of the seventy-fourth day before the presidential election (i) the names of the electors selected by the party at its convention held for that purpose, together with the names of the political party and of the candidates for President and Vice President for whom the electors are required to vote in the Electoral College and (ii) a copy of a subscribed and ~~notarized~~ *sworn* oath by each elector stating that he will, if elected, cast his ballot for the candidates for President and Vice President nominated by the party that selected the elector, or as the party may direct in the event of death, withdrawal or disqualification of the party nominee. In the event of the death or withdrawal of a candidate of a political party for President or Vice President, that party may substitute the name of a different candidate before the State Board certifies to the county and city electoral boards the form of the official ballots. The State Board shall also be furnished, if it requests, with satisfactory evidence that any person undertaking to act as an elector on behalf of any political party is, in fact, duly and properly authorized to do so.

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

A. A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have the names of electors selected by them, including one elector residing in each congressional district and two from the Commonwealth at large, printed upon the official ballot to be used in the election of electors for President and Vice President by filing a petition pursuant to this section. The petition shall be *on a form prescribed by the State Board and* filed with the ~~State Board~~ *Department* by noon of the seventy-fourth day before the presidential election. The petition shall be signed by at least 5,000 qualified voters and include signatures of at least 200 qualified voters from each congressional district. The petition shall be signed by petitioners on and after January 1 of the year of the presidential election ~~only and contain~~ *list* the residence address of each petitioner. *The petition shall state the names of the electors selected by the petitioners, the party name under which the petitioners desire the named electors to be listed on the ballot, and the names of the candidates for President and Vice President for whom the electors are required to vote in the Electoral College.*

The signature of each petitioner shall be witnessed either *A petition shall be circulated* by a person who is a constitutionally qualified candidate for President of the United States; ~~who may witness his own petition;~~ or by a person 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 such person circulating a petition who is not a legal resident of the Commonwealth shall sign a statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted ~~towards~~ *toward* the minimum number of signatures required pursuant to this subsection.

The petition shall state the names of the electors selected by the petitioners, the party name under which they desire the named electors to be listed on the ballot, and the names of the candidates for President and Vice President for whom the electors are required to vote in the Electoral College. *Each signature on the paper petition shall have been witnessed by the circulator of the petition. A circulator who is a constitutionally qualified candidate for President of the United States may witness his own petition. Each voter signing the paper 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.*

A qualified voter may sign an electronic petition while not in the presence of a petition circulator. Each voter signing the electronic petition shall provide (i) an affirmation that he is the individual he is identifying himself to be, (ii) an affirmation that he is a resident of the jurisdiction in which he is registered, and (iii) the last four digits of his social security number. The voter signing the electronic petition may transmit the signed form either electronically, by mail, or in person to the candidate, the candidate's campaign, or the petition circulator.

The persons filing the petition shall file with it a copy of a subscribed and ~~notarized~~ *sworn* oath by each elector stating that he will, if elected, cast his ballot for the candidates for President and Vice President named in the petition, or as the party may direct in the event of death, withdrawal or disqualification of the party nominee. In order to utilize a selected party name on the ballot, the petitioners shall have had a state central committee composed of registered voters from each congressional district of the Commonwealth, a party plan and bylaws, and a duly designated chairman

428 and secretary in existence and holding office for at least six months prior to filing the petition. The State  
429 Board may require proof that the petitioners meet these requirements before permitting use of a party  
430 name on the ballot. The party name shall not be identical with or substantially similar to the name of  
431 any political party qualifying under § 24.2-101 and then in existence.

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

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

440 In the event of the death or disqualification of any person listed as an elector for candidates for  
441 President and Vice President on a petition filed pursuant to this section, the party or candidate for  
442 President, as applicable, may substitute the name of a different elector. Such substitution shall not  
443 invalidate any petition of qualified voters circulated with the name of the deceased or disqualified  
444 elector provided that notice of the substitution is filed with the ~~State Board~~ *Department* by noon of the  
445 seventy-fourth day before the presidential election. Notice of the substitution and the name of any  
446 substitute elector shall be submitted on a form ~~prepared~~ *prescribed* by the State Board.

447 B. *The State Board shall approve uniform standards by which petitions filed by a candidate for*  
448 *office, other than a party nominee, are reviewed to determine if the petitions contain sufficient*  
449 *signatures of qualified voters as required in subsection A. Such review shall provide a process for*  
450 *determining if a petition signature belongs to an individual whose prior registration has been canceled*  
451 *and the reason for such cancellation. The review shall provide for the tracking of such information*  
452 *associated with each petition. The review shall provide for the escalation of cases of suspected fraud to*  
453 *the electoral board, the State Board, or the office of the attorney for the Commonwealth, as appropriate.*

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

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

467 **§ 24.2-545. Presidential primary.**

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

480 B. Any person seeking the nomination of the national political party for the office of President of the  
481 United States, or any group organized in the Commonwealth on behalf of, and with the consent of such  
482 person, may file with the ~~State Board~~ *Department* petitions signed by at least 5,000 qualified voters,  
483 including at least 200 qualified voters from each congressional district in the Commonwealth, who attest  
484 that they intend to participate in the primary of the same political party as the candidate for whom the  
485 petitions are filed. ~~Such~~ *The* petitions shall be *on a form prescribed by the State Board* and filed with  
486 the ~~State Board~~ *Department* by the primary filing deadline.

487 *A petition shall be circulated either by a person who is a constitutionally qualified candidate for*  
488 *President of the United States or by a person who is not a minor or a felon whose voting rights have*  
489 *not been restored and whose affidavit to that effect appears on each page of the petition. Each such*



person circulating a petition who is not a legal resident of the Commonwealth shall sign a statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted toward the minimum number of signatures required pursuant to this subsection.

Each signature on the paper petition shall have been witnessed by the circulator of the petition. A circulator who is a constitutionally qualified candidate for President of the United States may witness his own petition. Each voter signing the paper 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.

A qualified voter may sign an electronic petition while not in the presence of a petition circulator. Each voter signing the electronic petition shall provide (i) an affirmation that he is the individual he is identifying himself to be, (ii) an affirmation that he is a resident of the jurisdiction in which he is registered, and (iii) the last four digits of his social security number. The voter signing the electronic petition may transmit the signed form either electronically, by mail, or in person to the candidate, the candidate's campaign, or the petition circulator.

The Paper 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. Such person or group may file all such paperwork electronically. The slate of delegates and alternates shall comply with the rules of the national and state party.

The State Board Department 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 paper 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. In furnishing the name of each such candidate, the state chairman shall certify that a review of the filed candidate petitions found the required minimum number of signatures of qualified voters for that office to have been met. 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.

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

#### Article 8.

##### Electronic Filing of Required Forms.

##### **§ 24.2-545.1. State Board to provide a system for the electronic filing of required forms.**

The Department shall develop and implement an online filing system to accept any notification, form, or petition required by this chapter to be filed by a party official or candidate for any office by electronic means in accordance with the standards approved by the State Board and using software meeting standards approved by it. Such system shall provide for notifying party officials and candidates of when filings are due and of any outstanding filings. The State Board may prescribe the method of execution and certification of and the procedures for the Department's receipt by electronic means of forms, petitions, and notifications required by this chapter.