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HOUSE BILL NO. 2135

Offered January 23, 1995

A BILL to amend and reenact § 24.2-101 of the Code of Virginia, relating to definitions for purposes of elections laws.

Patrons—Cunningham and Almand

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-101 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-101. Definitions.

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

"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.) and 9 (§ 24.2-900 et seq.) of this title, "candidate" shall include any write-in candidate.

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

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

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

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

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

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

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

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

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

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

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) eighteen years of age, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) registered to vote. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority. No person adjudicated to be mentally incompetent shall be a qualified voter unless his competency has been reestablished as provided by law.

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

"Referendum" means any election held pursuant to law to submit a question to the voters for

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60 approval or rejection.

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

64 "Residence" or "resident," for all purposes of qualification to register and vote, means and requires
65 both domicile and a place of abode. In determining domicile, consideration may be given to a person's
66 expressed intent, conduct, and all attendant circumstances including, but not limited to, financial
67 independence, business pursuits, employment, income sources, residence for income tax purposes,
68 marital status, residence of parents, spouse and children, if any, leasehold, sites of personal and real
69 property owned by the person, motor vehicle and other personal property registration, and other factors
70 reasonably necessary to determine the qualification of a person to register or vote. *In determining the*
71 *domicile and place of abode of a participant in the American Conservation and Youth Service Corps*
72 *provided for by federal law (42 U.S.C. § 12655 et seq.), there shall be a presumption that a participant*
73 *in the Corps who was domiciled and had a place of abode in Virginia at the time of entering the Corps*
74 *continues to be domiciled and retains the same place of abode unless the participant expressly states*
75 *otherwise.*

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

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

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