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HOUSE BILL NO. 859

Offered January 22, 1996

A BILL to amend and reenact § 24.2-505 of the Code of Virginia, relating to declarations and filings by independent candidates.

Patron—Putney

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That § 24.2-505 of the Code of Virginia is amended and reenacted as follows:**

§ 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, 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.

The State Board shall notify the respective secretaries of the appropriate electoral boards 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 declaration of candidacy with the ~~clerk of the circuit court~~ *general registrar* of the county or city where he resides. The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates. The ~~clerk~~ *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 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 declaration of candidacy with the general registrar of the county or city where he resides. The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates. 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 ~~subsections~~ *subsection* B or C, the secretary of the electoral board shall notify him of any irregularity in the declaration or petitions which can be corrected prior to the filing deadline.

INTRODUCED

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