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HOUSE BILL NO. 49

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections
on February 11, 1998)

(Patron Prior to Substitute—Delegate Callahan)

A BILL to amend and reenact §§ 24.2-506, 24.2-521, and 24.2-543 of the Code of Virginia, relating to petition requirements for independent candidates, primary candidates, and groups of voters nominating candidates in presidential elections.

Be it enacted by the General Assembly of Virginia:**1. That §§ 24.2-506, 24.2-521, and 24.2-543 of the Code of Virginia are amended and reenacted as follows:**

§ 24.2-506. Petition of qualified voters required; number of signatures required; certain towns excepted.

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 below after January 1 of the year in which the election is held and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself a qualified voter for the office for which he is circulating the petition and, in the case of a statewide office, is a resident of the same or a contiguous congressional district as the voter whose signature is witnessed, and whose affidavit to that effect appears on each page of the petition.

Each voter signing the petition shall provide on the petition his social security number, if any; however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on the petition.

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, a number equal to one-half of one percent of the number of voters registered in the Commonwealth as of January 1 of the year in which the petition must be filed and 10,000 signatures, including the signatures of at least 200 400 qualified voters from each congressional district in the Commonwealth;

2. For a candidate for the United States House of Representatives, a number equal to one-half of one percent of the number of voters registered in the congressional district as of January 1 of the year in which the petition must be filed 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 which has more than 1,500 registered voters, 125 signatures; or if from a ward or other district not at large, 25 signatures;

7. For membership on the governing body or elected school board of any town which has 1,500 or fewer registered voters, no petition shall be required; and

8. For any other candidate, 50 signatures.

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

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 below 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, and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself a qualified voter eligible to vote for the office for which he is circulating the petition and, in the case of a statewide office, is a resident of the same or a contiguous congressional district as the voter whose signature is witnessed, and whose affidavit to that effect appears on each page of the petition.

Each voter signing the petition shall provide on the petition his social security number, if any; however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on the petition.

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

HOUSE

SUBSTITUTE

HB49H1

- 60 1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General,
61 a number equal to one-half of one percent of the number of voters registered in the Commonwealth as
62 of January 1 of the year in which the petition must be filed and 10,000 signatures, including the
63 signatures of at least 200 400 qualified voters from each congressional district in the Commonwealth;
64 2. For a candidate for the United States House of Representatives, a number equal to one-half of one
65 percent of the number of voters registered in the congressional district as of January 1 of the year in
66 which the petition must be filed 1,000 signatures;
67 3. For a candidate for the Senate of Virginia, 250 signatures;
68 4. For a candidate for the House of Delegates or for a constitutional office, 125 signatures;
69 5. For a candidate for membership on the governing body of any county or city, 125 signatures; or if
70 from an election district not at large containing 1,000 or fewer registered voters, 50 signatures;
71 6. For a candidate for membership on the governing body of any town which has more than 1,500
72 registered voters, 125 signatures; or if from a ward or other district not at large, 25 signatures;
73 7. For membership on the governing body of any town which has 1,500 or fewer registered voters,
74 no petition shall be required; and
75 8. For any other candidate, 50 signatures.

76 § 24.2-543. How other groups may submit names of electors.

77 A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have the
78 names of electors selected by them, including one elector residing in each congressional district and two
79 from the Commonwealth at large, printed upon the official ballot to be used in the election of electors
80 for President and Vice-President by filing a petition pursuant to this section. The petition shall be filed
81 with the State Board by noon of the seventy-fourth day before the presidential election. The petition
82 shall be signed by at least 10,000 qualified voters equal in number to at least one-half of one percent of
83 the number of voters registered in the Commonwealth as of January 1 of the year of the presidential
84 election and include signatures of at least 200 400 qualified voters from each congressional district. The
85 petition shall be signed by petitioners on and after January 1 of the year of the presidential election only
86 and contain the residence address of each petitioner. The signature of each petitioner shall be witnessed
87 by a qualified voter who is a resident of the same or a contiguous congressional district as the voter
88 whose signature is witnessed, and whose affidavit to that effect appears on each page of the petition.
89 The petition shall state the names of the electors selected by the petitioners, the party name under which
90 they desire the named electors to be listed on the ballot, and the names of the candidates for President
91 and Vice-President for whom the electors are expected to vote in the Electoral College. In order to
92 utilize a selected party name on the ballot, the petitioners shall have had a state central committee
93 composed of registered voters from each congressional district of the Commonwealth, a party plan and
94 bylaws, and a duly designated chairman and secretary in existence and holding office for at least six
95 months prior to filing the petition. The State Board may require proof that the petitioners meet these
96 requirements before permitting use of a party name on the ballot. The party name shall not be identical
97 with or substantially similar to the name of any political party qualifying under § 24.2-101 and then in
98 existence.

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

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