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HOUSE BILL NO. 1133

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on January 27, 2012)

(Patron Prior to Substitute—Delegate Cole)

A BILL to amend and reenact §§ 24.2-506, 24.2-521, and 24.2-543 of the Code of Virginia, relating to candidate petitions in primaries and general 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, or qualified to register to vote, for the office for which he is circulating the petition~~ legal resident of the Commonwealth and 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 voter signing the 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.

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 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;

8. 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

9. 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, or qualified to register to vote, for the office for which he is circulating the petition~~ legal resident of the Commonwealth and 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 voter signing the 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.

The minimum number of signatures of qualified voters required for primary 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

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60 district in the Commonwealth;

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

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

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

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

66 6. For a candidate for membership on the governing body of any town which has more than 1,500
67 registered voters, 125 signatures; or if from a ward or other district not at large, 25 signatures;

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

70 8. For any other candidate, 50 signatures.

71 § 24.2-543. How other groups may submit names of electors; oaths of electors.

72 A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have the
73 names of electors selected by them, including one elector residing in each congressional district and two
74 from the Commonwealth at large, printed upon the official ballot to be used in the election of electors
75 for President and Vice President by filing a petition pursuant to this section. The petition shall be filed
76 with the State Board by noon of the seventy-fourth day before the presidential election. The petition
77 shall be signed by at least 10,000 qualified voters and include signatures of at least 400 qualified voters
78 from each congressional district. The petition shall be signed by petitioners on and after January 1 of the
79 year of the presidential election only and contain the residence address of each petitioner. The signature
80 of each petitioner shall be witnessed *either by a person who is a qualified voter, or qualified to register*
81 *to vote, constitutionally qualified candidate for President of the United States, who may witness his own*
82 *petition, or by a person who is a resident of the Commonwealth and who is not a minor or a felon*
83 *whose voting rights have not been restored and whose affidavit to that effect appears on each page of*
84 *the petition. The petition shall state the names of the electors selected by the petitioners, the party name*
85 *under which they desire the named electors to be listed on the ballot, and the names of the candidates*
86 *for President and Vice President for whom the electors are required to vote in the Electoral College. The*
87 *persons filing the petition shall file with it a copy of a subscribed and notarized oath by each elector*
88 *stating that he will, if elected, cast his ballot for the candidates for President and Vice President named*
89 *in the petition, or as the party may direct in the event of death, withdrawal or disqualification of the*
90 *party nominee. In order to utilize a selected party name on the ballot, the petitioners shall have had a*
91 *state central committee composed of registered voters from each congressional district of the*
92 *Commonwealth, a party plan and bylaws, and a duly designated chairman and secretary in existence and*
93 *holding office for at least six months prior to filing the petition. The State Board may require proof that*
94 *the petitioners meet these requirements before permitting use of a party name on the ballot. The party*
95 *name shall not be identical with or substantially similar to the name of any political party qualifying*
96 *under § 24.2-101 and then in existence.*

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

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

105 **2. That an emergency exists and this act is in force from its passage.**