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HOUSE BILL NO. 736

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections)
(Patron Prior to Substitute—Delegate Jones)
House Amendments in [] — February 8, 2012

A BILL to provide for a revised primary and filing schedule for the November 2012 election and to schedule the 2012 primary for August 7, 2012 [; petition requirements] .

Be it enacted by the General Assembly of Virginia:

1. § 1. The provisions of this act shall apply to the November 6, 2012, elections for members of the United States Congress and other offices, except President of the United States, regularly scheduled to be elected at the November 6, 2012, elections.

§ 2. The regular primary date for the selection of candidates for such elections shall be Tuesday, August 7, 2012, and not Tuesday, June 12, 2012. There shall be no primary on June 12, 2012, and the primary date for any special election on November 6, 2012, shall be August 7, 2012. [Moreover, (i) when the decennial redistricting of congressional districts has not been enacted and approved for implementation pursuant to § 5 of the United States Voting Rights Act of 1965 before January 1 of the year of the election for statewide office, the previously enacted congressional districts shall remain in effect for the purpose of meeting the petition signature requirements set out in §§ 24.2-506 and 24.2-521 and (ii) any reference on a petition to the usual primary date of the second Tuesday in June shall not be cause to invalidate the petition even though the date of the primary may be altered by law.]

§ 3. For purposes of § 24.2-516 of the Code of Virginia, the State Board of Elections shall make inquiry of each party chairman by Friday, May 11, 2012, as to whether a direct primary has been adopted, and the State Board must receive notification as provided in § 24.2-516 not later than Friday, May 18, 2012.

§ 4. The declaration of candidacy, petitions, and receipts indicating the payment of filing fees for a primary election required by § 24.2-522 of the Code of Virginia shall be filed not earlier than noon on Tuesday, May 22, 2012, and not later than 5:00 p.m. on Wednesday, May 30, 2012.

§ 5. The statements required to be filed by primary candidates under § 24.2-503 of the Code of Virginia shall be filed not later than 5:00 p.m. on Wednesday, May 30, 2012. The extension of any deadline requested under § 24.2-503 shall be no longer than 48 hours.

§ 6. The chairman or chairmen required to furnish names of candidates for a primary under § 24.2-527 of the Code of Virginia shall do so no later than Friday, June 1, 2012.

§ 7. Ballots for the August 7, 2012, primary shall be sent to qualified absentee voters who are eligible for an absentee ballot under subdivision 2 of § 24.2-700 of the Code of Virginia and made available to all other qualified absentee voters on or before Friday, June 22, 2012, pursuant to the provisions of § 24.2-612 of the Code of Virginia. Absentee ballots shall be delivered to the registrar and secretary of the electoral board pursuant to § 24.2-612 on or before Thursday, June 21, 2012. The deadlines in this section may be extended at the discretion of the Secretary of the State Board of Elections.

§ 8. The costs of any primary shall be paid for by the treasurer of the county or city in which such election is held.

§ 9. With respect to independent candidates and party nominees selected by any means other than a primary, the provisions of Title 24.2 of the Code of Virginia shall be applicable except that (i) Tuesday, August 7, 2012, shall be deemed to be the regular primary date in lieu of Tuesday, June 12, 2012; (ii) a party selecting a nominee by any method other than the direct primary shall do so only within the period beginning Friday, June 15, 2012, and ending at 7:00 p.m. on Tuesday, August 7, 2012; (iii) the statements required to be filed under § 24.2-503 of the Code of Virginia shall be filed not later than 7:00 p.m. on Tuesday, August 7, 2012; (iv) the certification of party candidates required pursuant to § 24.2-511 of the Code of Virginia shall be completed not later than Friday, August 10, 2012; and (v) for any special election held November 6, 2012, the notice of candidacy shall be filed and party nominations shall be completed on or before 7:00 p.m. on Tuesday, August 7, 2012.

§ 10. Ballots for the November 2012 election shall be sent to qualified absentee voters who are eligible for an absentee ballot under subdivision 2 of § 24.2-700 of the Code of Virginia and made available to all other qualified absentee voters on or before Friday, September 21, 2012, pursuant to the provisions of § 24.2-612 of the Code of Virginia. Absentee ballots shall be delivered to the registrar and secretary of the electoral board pursuant to § 24.2-612 on or before Thursday, September 20, 2012.

§ 11. The State Board of Elections shall promulgate instructions to implement the provisions of this act.

2. With the exception of the primary date of August 7, 2012, and general election date of

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60 November 6, 2012, the State Board of Elections shall be authorized to postpone dates and modify
61 deadlines set forth in this act if the necessary 2012 reapportionment or redistricting, including
62 preclearance from the appropriate United States authority under § 5 of the United States Voting
63 Rights Act of 1965, will not be completed in time to comply with the dates and deadlines set forth
64 in this act.
65 3. That the provisions of this act shall expire on January 1, 2013.
66 4. That the provisions of this act shall not take effect if Chapter 1 of the 2012 Acts of Assembly
67 has been cleared for implementation on or before [~~March 20~~ April 3], 2012, by the appropriate
68 United States authority under § 5 of the United States Voting Rights Act of 1965.
69 5. That an emergency exists and this act is in force from its passage subject to the provisions of
70 enactment clause 4.