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HOUSE BILL NO. 214

Offered January 8, 2020

Prefiled December 27, 2019

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; residency of petition circulators; signed statement required for nonresident circulators.

 Patron—Sullivan

Referred to Committee on Privileges and 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.

A. 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 in this subsection 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 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 such person circulating a petition who is not a legal resident of the Commonwealth shall sign a statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted towards the minimum number of signatures required pursuant to this subsection.*

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 that has more than 3,500 registered voters, 125 signatures; or if from a ward or other district not at large, 25 signatures;

7. For a candidate for membership on the governing body or elected school board of any town that has at least 1,500 but not more than 3,500 registered voters, 50 signatures; or if from a ward or other district not at large, 25 signatures;

8. For a candidate for membership on the governing body or elected school board of any town that has fewer than 1,500 registered voters, no petition shall be required;

9. 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

10. For any other candidate, 50 signatures.

B. The State Board shall approve uniform standards by which petitions filed by a candidate for office, other than a party nominee, are reviewed to determine if the petitions contain sufficient signatures of qualified voters as required in subsection A.

The State Board of Elections, on or before January 1, 2020, shall revise its processes and associated

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59 regulations for reviewing and processing candidate petitions. Such revisions shall provide a process for
60 checking petition signatures that includes a method for determining if a petition signature belongs to an
61 individual whose prior registration has been canceled and the reason for such cancellation. The process
62 shall provide for the tracking of such information associated with each petition. The process shall
63 provide for the escalation of cases of suspected fraud to the electoral board, the State Board, or the
64 office of the attorney for the Commonwealth, as appropriate.

65 C. If a candidate, other than a party nominee, does not qualify to have his name appear on the ballot
66 by reason of the candidate's filed petition not containing the minimum number of signatures of qualified
67 voters for the office sought, the candidate may appeal that determination within five calendar days of the
68 issuance of the notice of disqualification pursuant to § 24.2-612 or notice from the State Board that the
69 candidate did not meet the requirements to have his name appear on the ballot.

70 Appeals made by candidates for a county, city, or town office shall be filed with the electoral board.
71 Appeals made by candidates for all other offices shall be filed with the State Board. The appeal shall be
72 heard by the State Board or the electoral board, as appropriate, within five business days of its filing.
73 The electoral board shall notify the State Board of any appeal that is filed with the electoral board.

74 The State Board shall develop procedures for the conduct of such an appeal. The consideration on
75 appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably
76 rejected according to the requirements of this title and the uniform standards approved by the State
77 Board for the review of petitions. Immediately after the conclusion of the appeal hearing, the entity
78 conducting the appeal shall notify the candidate and, if applicable, the State Board, of its decision in
79 writing. The decision on appeal shall be final and not subject to further appeal.

80 **§ 24.2-521. Petition required to accompany declaration; number of signatures required.**

81 A. A candidate for nomination by primary for any office shall be required to file with his declaration
82 of candidacy a petition for his name to be printed on the official primary ballot, on a form prescribed by
83 the State Board, signed by the number of qualified voters specified in this section after January 1 of the
84 year in which the election is held or before or after said date in the case of a March primary, and listing
85 the residence address of each such voter. Each signature on the petition shall have been witnessed by a
86 person who is himself a legal resident of the Commonwealth and who is not a minor or a felon whose
87 voting rights have not been restored and whose affidavit to that effect appears on each page of the
88 petition. *Each such person circulating a petition who is not a legal resident of the Commonwealth shall*
89 *sign a statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in*
90 *resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that*
91 *person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign*
92 *such statement, or who later fails to appear or produce documents when properly served with a*
93 *subpoena to do so, shall not be counted towards the minimum number of signatures required pursuant*
94 *to subsection B.*

95 Each voter signing the petition may provide on the petition the last four digits of his social security
96 number, if any; however, noncompliance with this requirement shall not be cause to invalidate the
97 voter's signature on the petition.

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

100 1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General,
101 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional
102 district in the Commonwealth;

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

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

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

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

108 6. For a candidate for membership on the governing body of any town that has more than 3,500
109 registered voters, 125 signatures; or if from a ward or other district not at large, 25 signatures;

110 7. For a candidate for membership on the governing body of any town that has at least 1,500 but not
111 more than 3,500 registered voters, 50 signatures; or if from a ward or other district not at large, 25
112 signatures;

113 8. For a candidate for membership on the governing body of any town that has fewer than 1,500
114 registered voters, no petition shall be required; and

115 9. For any other candidate, 50 signatures.

116 **§ 24.2-543. How other groups may submit names of electors; oaths of electors.**

117 A. A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have
118 the names of electors selected by them, including one elector residing in each congressional district and
119 two from the Commonwealth at large, printed upon the official ballot to be used in the election of
120 electors for President and Vice President by filing a petition pursuant to this section. The petition shall

be filed with the State Board by noon of the seventy-fourth day before the presidential election. The petition shall be signed by at least 5,000 qualified voters and include signatures of at least 200 qualified voters from each congressional district. The petition shall be signed by petitioners on and after January 1 of the year of the presidential election only and contain the residence address of each petitioner. The signature of each petitioner shall be witnessed either by a person who is a constitutionally qualified candidate for President of the United States, who may witness his own petition, or by a person ~~who is a 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 such person circulating a petition who is not a legal resident of the Commonwealth shall sign a statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted towards the minimum number of signatures required pursuant to this subsection.*

The petition shall state the names of the electors selected by the petitioners, the party name under which they desire the named electors to be listed on the ballot, and the names of the candidates for President and Vice President for whom the electors are required to vote in the Electoral College. The persons filing the petition shall file with it a copy of a subscribed and notarized oath by each elector stating that he will, if elected, cast his ballot for the candidates for President and Vice President named in the petition, or as the party may direct in the event of death, withdrawal or disqualification of the party nominee. In order to utilize a selected party name on the ballot, the petitioners shall have had a state central committee composed of registered voters from each congressional district of the Commonwealth, a party plan and bylaws, and a duly designated chairman and secretary in existence and holding office for at least six months prior to filing the petition. The State Board may require proof that the petitioners meet these requirements before permitting use of a party name on the ballot. The party name shall not be identical with or substantially similar to the name of any political party qualifying under § 24.2-101 and then in existence.

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

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

In the event of the death or disqualification of any person listed as an elector for candidates for President and Vice President on a petition filed pursuant to this section, the party or candidate for President, as applicable, may substitute the name of a different elector. Such substitution shall not invalidate any petition of qualified voters circulated with the name of the deceased or disqualified elector provided that notice of the substitution is filed with the State Board by noon of the seventy-fourth day before the presidential election. Notice of the substitution and the name of any substitute elector shall be submitted on a form prepared by the State Board.

B. If the State Board determines that a candidate for President does not qualify to have his name appear on the ballot pursuant to this section by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought, the candidate may appeal the determination to the State Board within seven calendar days of the issuance of the notice of disqualification. The notice of disqualification shall be sent by email or regular mail to the address on file for the candidate, and such notice shall be deemed sufficient. The State Board shall hear the appeal within three business days of its filing.

The State Board shall develop procedures for the conduct of such an appeal. The consideration on appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of this title and the rules and procedures set forth by the State Board for checking petitions. Immediately after the conclusion of the appeal hearing, the State Board shall notify the candidate of its decision in writing. The decision on appeal shall be final and not subject to further appeal.