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HOUSE BILL NO. 440

Offered January 10, 2024

Prefiled January 8, 2024

A *BILL to amend and reenact §§ 24.2-105, 24.2-501, 24.2-502, 24.2-503, 24.2-505, 24.2-506, 24.2-509, 24.2-511, 24.2-516, 24.2-517, 24.2-520, 24.2-521, 24.2-522, 24.2-525, 24.2-527, 24.2-542, 24.2-543, and 24.2-545 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 5 of Title 24.2 an article numbered 8, consisting of a section numbered 24.2-545.1, relating to elections; candidates for office; electronic filing of required forms filed with Department of Elections.*

Patrons—Cole and McClure

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-105, 24.2-501, 24.2-502, 24.2-503, 24.2-505, 24.2-506, 24.2-509, 24.2-511, 24.2-516, 24.2-517, 24.2-520, 24.2-521, 24.2-522, 24.2-525, 24.2-527, 24.2-542, 24.2-543, and 24.2-545 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 5 of Title 24.2 an article numbered 8, consisting of a sections numbered 24.2-545.1 as follows:

§ 24.2-105. Prescribing various forms.

A. The State Board shall prescribe appropriate forms and records for the registration of voters, conduct of elections, and implementation of this title, which shall be used throughout the Commonwealth.

B. The State Board shall prescribe voting and election materials in languages other than English for use by a county, city, or town that is subject to the requirements of § 24.2-128. For purposes of this subsection, voting and election materials mean registration or voting notices, forms, and instructions. For purposes of this subsection, registration notices mean any notice of voter registration approval, denial, or cancellation, required by the provisions of Chapter 4 (§ 24.2-400 et seq.).

The State Board may make available voting and election materials in any additional languages other than those required by subsection A of § 24.2-128 as it deems necessary and appropriate. The State Board may accept voting and election materials translated by volunteers but shall verify the accuracy of such translations prior to making the translated materials available to a county, city, or town, or any voter.

C. *The State Board shall prescribe all forms required by candidates under Chapter 5 (§ 24.2-500 et seq.) in both paper and electronic formats pursuant to the requirements for such forms under that chapter.*

§ 24.2-501. Statement of qualification as requirement of candidacy.

It shall be a requirement of candidacy for any office of the Commonwealth, or of its governmental units, that a person must file a ~~written~~ statement under oath, on a form prescribed by the State Board, that he is qualified to vote for and hold the office for which he is a candidate. Every candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall file the statement with the ~~State Board Department~~. Every candidate for any other office shall file the statement *on paper* with the general registrar of the county or city where he resides *or electronically with the Department*. *The Department shall promptly notify the respective general registrars of any candidate for local or constitutional office who has electronically filed a statement of qualification.* Each general registrar shall transmit to the ~~State Board Department~~, immediately after the filing deadline, a list of the candidates who have filed *paper* statements of qualification.

The candidate may state, as part of his statement of qualification, how he would like his name to appear on the ballot; however, all names printed on the ballot shall meet the criteria established by the State Board.

§ 24.2-502. Statement of economic interests as requirement of candidacy.

It shall be a requirement of candidacy that a ~~written~~ statement of economic interests shall be filed by (i) a candidate for Governor, Lieutenant Governor, or Attorney General and a candidate for the Senate or House of Delegates with the ~~State Board Department~~, (ii) a candidate for a constitutional office *on paper* with the general registrar for the county or city *or electronically with the Department*, and (iii) a candidate for member of the governing body or elected school board of any county, city, or town with a population in excess of 3,500 persons *on paper* with the general registrar for the county or city *or electronically with the Department*. The statement of economic interests shall be that specified in § 30-111 for candidates for the General Assembly and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a candidate for reelection to the same office who has met the requirement of annually filing a statement pursuant to § 2.2-3114, 2.2-3115, 2.2-3116, or 30-110.

The Department shall promptly notify the respective general registrars of the appropriate localities of any candidate for local or constitutional office who has electronically filed a statement of economic interest. The general registrar, the clerk of the local governing body, or the clerk of the school board, as appropriate, shall

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59 transmit to the local electoral board, immediately after the filing deadline, a list of the candidates who have
60 filed initial or annual statements of economic interests.

61 **§ 24.2-503. Deadlines for filing required statements; extensions.**

62 The ~~written~~ statements of qualification and economic interests shall be filed by (i) primary candidates not
63 later than the filing deadline for the primary, (ii) all other candidates for city and town offices to be filled at a
64 May general election by 7:00 p.m. on the first Tuesday in March, (iii) candidates in special elections by the
65 time of qualifying as a candidate, and (iv) all other candidates by 7:00 p.m. on the third Tuesday in June.

66 A *paper* statement shall be deemed to be timely filed if it is mailed postage prepaid to the appropriate
67 office by registered or certified mail and if the official receipt therefor, which shall be exhibited on demand,
68 shows mailing within the prescribed time limits.

69 The State Board may grant an extension of any deadline for filing either or both ~~written~~ statements and
70 shall notify all candidates who have not filed their statements of the extension. Any extension shall be
71 granted for a fixed period of time of ten days from the date of the mailing of the notice of the extension.

72 **§ 24.2-505. Declaration of candidacy required of independent candidates.**

73 A. Any person, other than a candidate for a party nomination or a party nominee, who intends to be a
74 candidate for any office to be elected by the qualified voters of the Commonwealth at large or of a
75 congressional district shall file a declaration of candidacy with the ~~State Board Department~~, on a form
76 prescribed by the Board, designating the office for which he is a candidate. ~~The written declaration shall be~~
77 ~~attested by two witnesses who are qualified voters of the Commonwealth or of the congressional district, or~~
78 ~~acknowledged before some officer authorized to take acknowledgements to deeds.~~ The declaration shall be
79 signed by the candidate, ~~but if he is incapable of writing his proper signature then some mark adopted by him~~
80 ~~as his signature shall be acknowledged before some officer authorized to take acknowledgements to deeds~~
81 ~~under oath.~~

82 The ~~State Board Department~~ shall *promptly* notify the respective ~~secretaries~~ *general registrars* of the
83 appropriate ~~electoral boards~~ *localities* of the qualified candidates who have so filed.

84 B. Any person, other than a candidate for a party nomination or party nominee, who intends to be a
85 candidate for election to the General Assembly shall file a *paper* declaration of candidacy with the general
86 registrar of the county or city where he resides *or electronically with the Department*. The declaration shall
87 be in all respects the same as that required to be ~~given to the State Board~~ *filed with the Department* by
88 statewide and congressional district candidates. *The Department shall promptly notify the respective general*
89 *registrars of the appropriate localities of the qualified candidates who have so filed.* The general registrar
90 shall, within three days after receiving the declaration, (i) deliver it in person or transmit it by certified mail,
91 along with the petitions required by § 24.2-506 or copies thereof, to the general registrars of the other
92 counties or cities, if any, in the legislative district for delivery to the secretaries of the electoral boards and (ii)
93 deliver the declaration and such petitions to the secretary of his electoral board. He shall transmit the names
94 of the candidates who have filed with him to the ~~State Board Department~~ immediately after the filing
95 deadline.

96 C. Any person, other than a candidate for a party nomination or party nominee, who intends to be a
97 candidate at any election for any other office shall file a *paper* declaration of candidacy with the general
98 registrar of the county or city where he resides *or electronically with the Department*. The declaration shall
99 be in all respects the same as that required to be ~~given to the State Board~~ *filed with the Department* by
100 statewide and congressional district candidates. *The Department shall promptly notify the respective general*
101 *registrars of the appropriate localities of the qualified candidates who have so filed.* The general registrar
102 shall, within three days after receiving the declaration, deliver it in person or transmit it by certified mail,
103 along with the petitions required by § 24.2-506 or copies thereof, to the secretaries of the electoral boards of
104 the counties or cities whose electors vote for the office. He shall transmit the names of the candidates who
105 have filed with him to the State Board immediately after the filing deadline.

106 D. If requested in writing by a candidate filing pursuant to subsection B or C, the ~~secretary of the electoral~~
107 ~~board~~ *general registrar* shall notify him of any irregularity in the declaration or petitions which can be
108 corrected prior to the filing deadline.

109 **§ 24.2-506. Petition of qualified voters required; number of signatures required; certain towns**
110 **excepted.**

111 A. The name of any candidate for any office, other than a party nominee, shall not be printed upon any
112 official ballots provided for the election unless he shall file along with his declaration of candidacy a petition
113 therefor, on a form prescribed by the State Board, signed by the number of qualified voters specified in this
114 subsection *on and after* January 1 of the year in which the election is held, *or on and after the day on which*
115 *the writ of election is issued in the case of a special election*, and listing the residence address of each such
116 voter.

117 ~~Each signature on the petition shall have been witnessed~~ *A petition shall be circulated* by a person who is
118 not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears
119 on each page of the petition. Each such person circulating a petition who is not a legal resident of the

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

126 *Each signature on the paper petition shall be witnessed by the circulator of the petition.* Each voter
127 signing the *paper* petition may provide on the petition the last four digits of his social security number, if any;
128 however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on the
129 petition.

130 *A qualified voter may sign an electronic petition while not in the presence of a petition circulator. Each*
131 *voter signing the electronic petition shall provide (i) an affirmation that he is the individual he is identifying*
132 *himself to be, (ii) an affirmation that he is a resident of the jurisdiction in which he is registered, and (iii) the*
133 *last four digits of his social security number. The voter signing the electronic petition may transmit the signed*
134 *form either electronically, by mail, or in person to the candidate, the candidate's campaign, or the petition*
135 *circulator.*

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

138 1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General,
139 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional district in
140 the Commonwealth;

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

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

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

144 5. For a candidate for membership on the governing body or elected school board of any county or city,
145 125 signatures; or if from an election district not at large containing 1,000 or fewer registered voters, 50
146 signatures;

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

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

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

155 9. For a candidate for director of a soil and water conservation district created pursuant to Article 3 (§
156 10.1-506 et seq.) of Chapter 5 of Title 10.1, 25 signatures; and

157 10. For any other candidate, 50 signatures.

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

161 ~~The State Board of Elections, on or before January 1, 2020, shall revise its processes and associated~~
162 ~~regulations for reviewing and processing candidate petitions. Such revisions~~ Such review shall provide a
163 process for checking petition signatures that includes a method for determining if a petition signature belongs
164 to an individual whose prior registration has been canceled and the reason for such cancellation. The process
165 review shall provide for the tracking of such information associated with each petition. The process review
166 shall provide for the escalation of cases of suspected fraud to the electoral board, the State Board, or the
167 office of the attorney for the Commonwealth, as appropriate.

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

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

177 The State Board shall develop procedures for the conduct of such an appeal. The consideration on appeal
178 shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected
179 according to the requirements of this title and the uniform standards approved by the State Board for the
180 review of petitions. Immediately after the conclusion of the appeal hearing, the entity conducting the appeal

181 shall notify the candidate and, if applicable, the State Board, of its decision in writing. The decision on appeal
182 shall be final and not subject to further appeal.

183 **§ 24.2-509. Party to determine method of nominating its candidates for office.**

184 A. The duly constituted authorities of the state political party shall have the right to determine the method
185 by which a party nomination for a member of the United States Senate or for any statewide office shall be
186 made. The duly constituted authorities of the political party for the district, county, city, or town in which any
187 other office is to be filled shall have the right to determine the method by which a party nomination for that
188 office shall be made. A method of nomination shall not be selected if such method will have the practical
189 effect of excluding participation in the nominating process by qualified voters who are otherwise eligible to
190 participate in the nominating process under that political party's rules but are unable to attend meetings
191 because they are (i) a member of a uniformed service, as defined in § 24.2-452, on active duty; (ii)
192 temporarily residing outside of the United States; (iii) a student attending a school or institution of higher
193 education; (iv) a person with a disability; or (v) a person who has a communicable disease of public health
194 threat as defined in § 32.1-48.06 or who may have come in contact with a person with such disease. However,
195 such restriction shall not apply when selecting a candidate for a special election or nominating a candidate
196 pursuant to § 24.2-539, or in the event that no candidate files the required paperwork by the deadline
197 prescribed in § 24.2-522.

198 B. ~~Notwithstanding subsection A, the following provisions shall apply to the determination of the method~~
199 ~~of making party nominations. A party shall nominate its candidate for election for a General Assembly~~
200 ~~district where there is only one incumbent of that party for the district by the method designated by that~~
201 ~~incumbent, or absent any designation by him by the method of nomination determined by the party. A party~~
202 ~~shall nominate its candidates for election for a General Assembly district where there is more than one~~
203 ~~incumbent of that party for the district by a primary unless all the incumbents consent to a different method of~~
204 ~~nomination. A party, whose candidate at the immediately preceding election for a particular office other than~~
205 ~~the General Assembly (i) was nominated by a primary or filed for a primary but was not opposed and (ii) was~~
206 ~~elected at the general election, shall nominate a candidate for the next election for that office by a primary~~
207 ~~unless all incumbents of that party for that office consent to a different method.~~

208 ~~When, under any of the foregoing provisions, no incumbents offer as candidates for reelection to the same~~
209 ~~office, the method of nomination shall be determined by the political party.~~

210 ~~For the purposes of this subsection, any officeholder who offers for reelection to the same office shall be~~
211 ~~deemed an incumbent notwithstanding that the district which he represents differs in part from that for which~~
212 ~~he offers for election.~~

213 **§ 24.2-511. Party chairman or official to certify candidates to Department of Elections and general**
214 **registrars; failure to certify.**

215 A. The state, district, or other appropriate party chairman shall certify the name of any candidate who has
216 been nominated by his party by a method other than a primary for any office to be elected by the qualified
217 voters of (i) the Commonwealth at large, (ii) a congressional district or a General Assembly district, or (iii)
218 political subdivisions jointly electing a shared constitutional officer, along with the date of the nomination of
219 the candidate, to the ~~State Board~~ *Department* not later than five days after the last day for nominations to be
220 made. The ~~State Board~~ *Department* shall notify the general registrars of the names of the candidates to appear
221 on the ballot for such offices.

222 B. The party chairman of the district or political subdivision in which any other office is to be filled shall
223 certify the name of any candidate for that office who has been nominated by his party by a method other than
224 a primary to the ~~State Board~~ *Department* and to the general registrars of the cities and counties in which the
225 name of the candidate will appear on the ballot not later than five days after the last day for nominations to be
226 made. Should the party chairman fail to make such certification, the ~~State Board~~ *Department* shall declare
227 that the candidate is the nominee of the particular party and direct that his name be treated as if certified by
228 the party chairman.

229 C. In the case of a nomination for any office to be filled by a special election, the party chairman shall
230 certify the name of any candidate (i) by the deadline to nominate the candidate or (ii) not later than five days
231 after the deadline if it is a special election held at the second November election after the vacancy occurred.

232 D. No further notice of candidacy or petition shall be required of a candidate once the party chairman has
233 certified his name to the ~~State Board~~ *Department*.

234 E. In no case shall the individual who is a candidate for an office be the person who certifies the name of
235 the party candidate for that same office. In such case the party shall designate an alternate official to certify
236 its candidate.

237 **§ 24.2-516. Party to furnish names of chairmen and notify Department of Elections of adoption of**
238 **direct primary.**

239 Each political party within the Commonwealth shall furnish to the ~~State Board~~ *Department* the names and
240 addresses of its state, county, and city party chairmen in January of each year, and during the remainder of the
241 year it shall notify the ~~Board~~ *Department* of any changes in such names and addresses.

242 At least 135 days prior to the regular date for a primary, the ~~Board~~ *Department* shall inquire of each state

243 chairman and each county and city chairman whether a direct primary has been adopted. The ~~Board~~
244 *Department* shall advise each chairman that notification to the ~~Board~~ *Department* of the adoption of a direct
245 primary is required and must be filed with the ~~Board~~ *Department* not more than 125 days and not less than
246 105 days before the date set for the primaries.

247 Each chairman shall file timely ~~written~~ notice with the ~~Board~~ *Department on a form prescribed by the*
248 *State Board* whether or not a primary has been adopted and identify each office for which a primary has been
249 adopted. The requirement to notify the ~~Board~~ *Department* of the adoption of a direct primary shall be
250 satisfied when the ~~Board~~ *Department* receives by the deadline ~~(i) written~~ notice from the appropriate party
251 chairman or ~~(ii) a copy of the written notice from an incumbent officeholder to his party chairman of the~~
252 ~~incumbent's selection, pursuant to § 24.2-509, of the primary as the method of nomination.~~

253 **§ 24.2-517. State Board to order election.**

254 The State Board shall order the holding of a primary election in any county, city, or other district of the
255 Commonwealth in which ~~it is notified~~ *notification pursuant to § 24.2-516 has been provided* that a primary is
256 intended to be held. The notice ordering the primary shall be sent to the secretary of the electoral board.
257 Within five days of the issuance of the order by the State Board, each secretary shall post a copy of the notice
258 on the official website of the county or city, post copies of the notice at not less than 10 public places in the
259 county or city, or have notice of the election published at least once in a newspaper of general circulation in
260 the county or city.

261 **§ 24.2-520. Declaration of candidacy required.**

262 A candidate for nomination by primary for any office shall be required to file a ~~written~~ declaration of
263 candidacy on a form prescribed by the State Board. The declaration shall include the name of the political
264 party of which the candidate is a member, a designation of the office for which he is a candidate, and a
265 statement that, if defeated in the primary, his name is not to be printed on the ballots for that office in the
266 succeeding general election. The declaration shall be ~~acknowledged before some officer who has the~~
267 ~~authority to take acknowledgments to deeds, or attested by two witnesses who are qualified voters of the~~
268 ~~election district signed under oath.~~

269 **§ 24.2-521. Petition required to accompany declaration; number of signatures required.**

270 A. A candidate for nomination by primary for any office shall be required to file with his declaration of
271 candidacy a petition for his name to be printed on the official primary ballot, on a form prescribed by the
272 State Board, signed by the number of qualified voters specified in this section *on and after* January 1 of the
273 year in which the election is held, or ~~before or after said date in the case of a March primary, on and after the~~
274 ~~day on which the writ of election is issued in the case of a special election,~~ and listing the residence address
275 of each such voter. ~~Each signature on the petition shall have been witnessed~~ *A petition shall be circulated*
276 *by a person who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that*
277 *effect appears on each page of the petition. Each such person circulating a petition who is not a legal resident*
278 *of the Commonwealth shall sign a statement on the affidavit that he consents to the jurisdiction of the courts*
279 *of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein,*
280 *by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to*
281 *sign such statement, or who later fails to appear or produce documents when properly served with a subpoena*
282 *to do so, shall not be counted* ~~towards~~ *toward* the minimum number of signatures required pursuant to
283 subsection B.

284 *Each signature on the paper petition shall be witnessed by the circulator of the petition.* Each voter
285 signing the *paper* petition may provide on the petition the last four digits of his social security number, if any;
286 however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on the
287 petition.

288 *A qualified voter may sign an electronic petition while not in the presence of a petition circulator. Each*
289 *voter signing the electronic petition shall provide (i) an affirmation that he is the individual he is identifying*
290 *himself to be, (ii) an affirmation that he is a resident of the jurisdiction in which he is registered, and (iii) the*
291 *last four digits of his social security number. The voter signing the electronic petition may transmit the signed*
292 *form either electronically, by mail, or in person to the candidate, the candidate's campaign, or the petition*
293 *circulator.*

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

- 296 1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General,
297 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional district in
298 the Commonwealth;
- 299 2. For a candidate for the United States House of Representatives, 1,000 signatures;
- 300 3. For a candidate for the Senate of Virginia, 250 signatures;
- 301 4. For a candidate for the House of Delegates or for a constitutional office, 125 signatures;
- 302 5. For a candidate for membership on the governing body of any county or city, 125 signatures; or if from
303 an election district not at large containing 1,000 or fewer registered voters, 50 signatures;
- 304 6. For a candidate for membership on the governing body of any town that has more than 3,500 registered

305 voters, 125 signatures; or if from a ward or other district not at large, 25 signatures;

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

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

310 9. For any other candidate, 50 signatures.

311 **§ 24.2-522. When and to whom filings to be made.**

312 A. Declarations of candidacy, petitions, and receipts indicating the payment of filing fees shall be filed not
313 earlier than noon of the ninety-second day and not later than 5:00 p.m. of the seventy-fifth day before the
314 primary.

315 B. Except as provided in subsection C, candidates for nomination shall file their declarations, petitions,
316 and receipts with the chairman or chairmen of the several committees of the respective parties.

317 C. Any candidate *filing on paper* for nomination for United States Senator, Governor, Lieutenant
318 Governor, or Attorney General shall file with the ~~State Board~~ *Department* (i) his declaration of candidacy, (ii)
319 the petitions for his candidacy, sealed in one or more containers to which is attached a ~~written~~ statement
320 under oath by the candidate giving his name and the number of signatures on the petitions contained in the
321 containers, and (iii) a receipt indicating the payment of his filing fee.

322 *Any candidate filing electronically shall file with the Department.*

323 The ~~State Board~~ *Department* shall transmit the material so filed to the state chairman of the party of the
324 candidate within 72 hours and not later than the seventy-fourth day before the primary. The sealed containers
325 containing the petitions for a candidate may be opened only by the state chairman of the party of the
326 candidate.

327 **§ 24.2-525. Persons entitled to have name printed on ballot.**

328 A. Only a person meeting all the qualifications and fulfilling all the requirements of a candidate, and who
329 has complied with the rules and regulations of his party, shall have his name printed on the ballot provided
330 for the primary election. A person who does not file either or both ~~written~~ statements required by § 24.2-503
331 by the relevant deadline, or the end of the extension period if an extension has been granted pursuant to that
332 section, shall not have his name printed on the ballot provided for the primary election.

333 B. No person shall have his name printed on the ballot for more than one office at any one primary
334 election. However, a candidate for federal or statewide office, or a candidate for an office being filled in a
335 special election, may have his name printed on the ballot for two offices at a primary election.

336 **§ 24.2-527. Chairman or official to furnish Department and general registrars with names of
337 candidates and certify petition signature requirements met.**

338 A. It shall be the duty of the chairman or chairmen of the several committees of the respective parties to
339 furnish the name of any candidate for nomination for any office to be elected by the qualified voters of the
340 Commonwealth at large or of a congressional district or of a General Assembly district to the ~~State Board~~
341 *Department*, and to furnish the name of any candidate for any other office to the ~~State Board~~ *Department* and
342 to the general registrars charged with the duty of preparing and printing the primary ballots. In furnishing the
343 name of any such candidate, the chairman shall certify that a review of the filed candidate petitions found the
344 required minimum number of signatures of qualified voters for that office to have been met. The chairman
345 shall also certify the order and date and time of filing for purposes of printing the ballots as prescribed in §
346 24.2-529, provided that the ~~State Board~~ *Department* shall determine the order and date and time of filing for
347 candidates *filing on paper* for United States Senator, Governor, Lieutenant Governor, and Attorney General
348 *and any candidate filing electronically* for such purposes. Each chairman shall comply with the provisions of
349 this section not less than 70 days before the primary.

350 B. In no case shall the individual who is a candidate for an office be the person who certifies the names of
351 candidates for a primary for that same office. In such case the party shall designate an alternate official to
352 certify the candidates.

353 **§ 24.2-542. Department to be furnished names of electors selected by political parties; oaths of
354 electors.**

355 In elections for President and Vice President of the United States, the appropriate chairman or secretary of
356 each political party shall furnish to the *Department on forms prescribed by the State Board* by noon of the
357 seventy-fourth day before the presidential election (i) the names of the electors selected by the party at its
358 convention held for that purpose, together with the names of the political party and of the candidates for
359 President and Vice President for whom the electors are required to vote in the Electoral College and (ii) a
360 copy of a subscribed and ~~notarized~~ *sworn* oath by each elector stating that he will, if elected, cast his ballot
361 for the candidates for President and Vice President nominated by the party that selected the elector, or as the
362 party may direct in the event of death, withdrawal or disqualification of the party nominee. In the event of the
363 death or withdrawal of a candidate of a political party for President or Vice President, that party may
364 substitute the name of a different candidate before the State Board certifies to the county and city electoral
365 boards the form of the official ballots. The State Board shall ~~also~~ be furnished, if it requests, with satisfactory

366 evidence that any person undertaking to act as an elector on behalf of any political party is, in fact, duly and
 367 properly authorized to do so.

368 **§ 24.2-543. How other groups may submit names of electors; oaths of electors.**

369 A. A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have the
 370 names of electors selected by them, including one elector residing in each congressional district and two from
 371 the Commonwealth at large, printed upon the official ballot to be used in the election of electors for President
 372 and Vice President by filing a petition pursuant to this section. The petition shall be *on a form prescribed by*
 373 *the State Board* and filed with the ~~State Board~~ *Department* by noon of the seventy-fourth day before the
 374 presidential election. The petition shall be signed by at least 5,000 qualified voters and include signatures of
 375 at least 200 qualified voters from each congressional district. The petition shall be signed by petitioners on
 376 and after January 1 of the year of the presidential election ~~only~~ and ~~contain~~ *list* the residence address of each
 377 petitioner. *The petition shall state the names of the electors selected by the petitioners, the party name under*
 378 *which the petitioners desire the named electors to be listed on the ballot, and the names of the candidates for*
 379 *President and Vice President for whom the electors are required to vote in the Electoral College.*

380 ~~The signature of each petitioner shall be witnessed either~~ *A petition shall be circulated* by a person who is
 381 a constitutionally qualified candidate for President of the United States; ~~who may witness his own petition;~~ or
 382 by a person who is not a minor or a felon whose voting rights have not been restored and whose affidavit to
 383 that effect appears on each page of the petition. Each such person circulating a petition who is not a legal
 384 resident of the Commonwealth shall sign a statement on the affidavit that he consents to the jurisdiction of
 385 the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures
 386 contained therein, by that person. The signatures of qualified voters collected by a nonresident petition
 387 circulator who fails to sign such statement, or who later fails to appear or produce documents when properly
 388 served with a subpoena to do so, shall not be counted ~~towards~~ *toward* the minimum number of signatures
 389 required pursuant to this subsection.

390 ~~The petition shall state the names of the electors selected by the petitioners, the party name under which~~
 391 ~~they desire the named electors to be listed on the ballot, and the names of the candidates for President and~~
 392 ~~Vice President for whom the electors are required to vote in the Electoral College.~~ *Each signature on the*
 393 *paper petition shall have been witnessed by the circulator of the petition. A circulator who is a*
 394 *constitutionally qualified candidate for President of the United States may witness his own petition. Each*
 395 *voter signing the paper petition may provide on the petition the last four digits of his social security number,*
 396 *if any; however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on*
 397 *the petition.*

398 *A qualified voter may sign an electronic petition while not in the presence of a petition circulator. Each*
 399 *voter signing the electronic petition shall provide (i) an affirmation that he is the individual he is identifying*
 400 *himself to be, (ii) an affirmation that he is a resident of the jurisdiction in which he is registered, and (iii) the*
 401 *last four digits of his social security number. The voter signing the electronic petition may transmit the signed*
 402 *form either electronically, by mail, or in person to the candidate, the candidate's campaign, or the petition*
 403 *circulator.*

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

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

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

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

427 form prepared prescribed by the State Board.

428 B. *The State Board shall approve uniform standards by which petitions filed by a candidate for office,*
429 *other than a party nominee, are reviewed to determine if the petitions contain sufficient signatures of*
430 *qualified voters as required in subsection A. Such review shall provide a process for determining if a petition*
431 *signature belongs to an individual whose prior registration has been canceled and the reason for such*
432 *cancellation. The review shall provide for the tracking of such information associated with each petition. The*
433 *review shall provide for the escalation of cases of suspected fraud to the electoral board, the State Board, or*
434 *the office of the attorney for the Commonwealth, as appropriate.*

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

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

446 **§ 24.2-545. Presidential primary.**

447 A. The duly constituted authorities of the state political party shall have the right to determine the method
448 by which the state party will select its delegates to the national convention to choose the party's nominees for
449 President and Vice President of the United States including a presidential primary or another method
450 determined by the party. The state chairman shall notify the State Board of the party's determination at least
451 90 days before the primary date. If the party has determined that it will hold a presidential primary, each
452 registered voter of the Commonwealth shall be given an opportunity to participate in the presidential primary
453 of the political party, as defined in § 24.2-101, subject to requirements determined by the political party for
454 participation in its presidential primary. The requirements may include, but shall not be limited to, the signing
455 of a pledge by the voter of his intention to support the party's candidate when offering to vote in the primary.
456 The requirements applicable to a party's primary shall be determined at least 90 days prior to the primary date
457 and certified to, and approved by, the State Board.

458 B. Any person seeking the nomination of the national political party for the office of President of the
459 United States, or any group organized in the Commonwealth on behalf of, and with the consent of such
460 person, may file with the ~~State Board~~ *Department* petitions signed by at least 5,000 qualified voters,
461 including at least 200 qualified voters from each congressional district in the Commonwealth, who attest that
462 they intend to participate in the primary of the same political party as the candidate for whom the petitions are
463 filed. ~~Such~~ *The* petitions shall be *on a form prescribed by the State Board* and filed with the ~~State Board~~
464 *Department* by the primary filing deadline.

465 *A petition shall be circulated either by a person who is a constitutionally qualified candidate for*
466 *President of the United States or by a person who is not a minor or a felon whose voting rights have not been*
467 *restored and whose affidavit to that effect appears on each page of the petition. Each such person circulating*
468 *a petition who is not a legal resident of the Commonwealth shall sign a statement on the affidavit that he*
469 *consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of*
470 *petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a*
471 *nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce*
472 *documents when properly served with a subpoena to do so, shall not be counted toward the minimum number*
473 *of signatures required pursuant to this subsection.*

474 *Each signature on the paper petition shall have been witnessed by the circulator of the petition. A*
475 *circulator who is a constitutionally qualified candidate for President of the United States may witness his*
476 *own petition. Each voter signing the paper petition may provide on the petition the last four digits of his*
477 *social security number, if any; however, noncompliance with this requirement shall not be cause to invalidate*
478 *the voter's signature on the petition.*

479 *A qualified voter may sign an electronic petition while not in the presence of a petition circulator. Each*
480 *voter signing the electronic petition shall provide (i) an affirmation that he is the individual he is identifying*
481 *himself to be, (ii) an affirmation that he is a resident of the jurisdiction in which he is registered, and (iii) the*
482 *last four digits of his social security number. The voter signing the electronic petition may transmit the signed*
483 *form either electronically, by mail, or in person to the candidate, the candidate's campaign, or the petition*
484 *circulator.*

485 ~~The Paper~~ petitions shall be on a form prescribed by the State Board and shall be sealed in one or more
486 containers to which is attached a written statement giving the name of the presidential candidate and the
487 number of signatures on the petitions contained in the containers. Such person or group shall also attach a list

488 of the names of persons who would be elected delegates and alternate delegates to the political party's
 489 national convention if the person wins the primary and the party has determined that its delegates will be
 490 selected pursuant to the primary. *Such person or group may file all such paperwork electronically.* The slate
 491 of delegates and alternates shall comply with the rules of the national and state party.

492 The ~~State Board~~ Department shall transmit the material so filed to the state chairman of the party of the
 493 candidate immediately after the primary filing deadline. The sealed containers containing the *paper* petitions
 494 for a candidate may be opened only by the state chairman of the party of the candidate. The state chairman of
 495 the party shall, by the deadline set by the State Board, furnish to the State Board the names of all candidates
 496 who have satisfied the requirements of this section. In furnishing the name of each such candidate, the state
 497 chairman shall certify that a review of the filed candidate petitions found the required minimum number of
 498 signatures of qualified voters for that office to have been met. Whenever only one candidate for a party's
 499 nomination for President of the United States has met the requirements to have his name on the ballot, he will
 500 be declared the winner and no presidential primary for that party will be held.

501 C. The names of all candidates in the presidential primary of each political party shall appear on the ballot
 502 in an order determined by lot by the State Board.

503 D. The State Board shall certify the results of the presidential primary to the state chairman. If the party
 504 has determined that its delegates and alternates will be selected pursuant to the primary, the slate of delegates
 505 and alternates of the candidate receiving the most votes in the primary shall be deemed elected by the state
 506 party unless the party has determined another method for allocation of delegates and alternates. If the party
 507 has determined to use another method for selecting delegates and alternates, those delegates and alternates
 508 shall be bound to vote on the first ballot at the national convention for the candidate receiving the most votes
 509 in the primary unless that candidate releases those delegates and alternates from such vote.

510 E. The election, or binding of votes, of delegates to a political party's national convention for the
 511 nomination of that party's candidates for President and Vice President of the United States through the
 512 presidential primary process shall be considered to be equivalent to a primary for the nomination of a party's
 513 candidate.

514 F. The cost of the presidential primary shall be paid by the Commonwealth pursuant to the provisions of
 515 the appropriation act.

516

Article 8.

517

Electronic Filing of Required Forms.

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§ 24.2-545.1. State Board to provide a system for the electronic filing of required forms.

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The Department shall develop and implement an online filing system to accept any notification, form, or petition required by this chapter to be filed by a party official or candidate for any office by electronic means in accordance with the standards approved by the State Board and using software meeting standards approved by it. Such system shall provide for notifying party officials and candidates of when filings are due and of any outstanding filings. The State Board may prescribe the method of execution and certification of and the procedures for the Department's receipt by electronic means of forms, petitions, and notifications required by this chapter.