

25101115D

HOUSE BILL NO. 1794

Offered January 13, 2025

Prefiled January 6, 2025

A *BILL to amend and reenact §§ 24.2-506, 24.2-507, 24.2-510, 24.2-515, 24.2-544, and 24.2-947.6 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-947.6:1, relating to elections; primary dates; presidential year primaries.*

Patrons—Helmer, Cousins and Glass

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-506, 24.2-507, 24.2-510, 24.2-515, 24.2-544, and 24.2-947.6 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-947.6:1 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 on and after January 1 of the year in which the general election is held, or on and after the day on which the writ of election is issued in the case of a special election, and listing the residence address of each such voter; *however, petition signatures for candidates for any office elected in November of a presidential election year shall be signed on and after the date prescribed by the State Board pursuant to § 24.2-544.*

Each signature on the petition shall have been witnessed by a person 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

1/28/25 14:37

59 qualified voters as required in subsection A.

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

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

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

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

82 **§ 24.2-507. Deadlines for filing declarations and petitions of candidacy.**

83 For any office, declarations of candidacy and the petitions therefor shall be filed according to the
 84 following schedule:

85 1. For a general election in November *of a non- presidential election year*, by 7:00 p.m. on the third
 86 Tuesday in June;

87 2. *For a general election in November of a presidential election year*, by 7:00 p.m. on the first Tuesday in
 88 March;

89 3. For a general election in May, by 7:00 p.m. on the first Tuesday in March;

90 ~~3-~~ 4. For a special election held at the same time as a November general election, either (i) at least 81 days
 91 before the election or (ii) if the special election is being held at the second November election after the
 92 vacancy occurred, by 7:00 p.m. on the third Tuesday in June before that November election;

93 ~~4-~~ 5. For a special election held at the same time as a May general election, by 7:00 p.m. on the first
 94 Tuesday in March; or

95 ~~5-~~ 6. For a special election held at a time other than a general election, (i) at least 60 days before the
 96 election or (ii) within five days of any writ of election or order calling a special election to be held less than
 97 60 days after the issuance of the writ or order.

98 **§ 24.2-510. Deadlines for parties to nominate by methods other than primary.**

99 For any office, nominations by political parties by methods other than a primary shall be made and
 100 completed in the manner prescribed by law according to the following schedule:

101 1. For a general election in November *of a non-presidential election year*, by 7:00 p.m. on the third
 102 Tuesday in June;

103 2. *For a general election in November of a presidential election year*, by 7:00 p.m. on the first Tuesday in
 104 March;

105 3. For a general election in May, by 7:00 p.m. on the first Tuesday in March;

106 ~~3-~~ 4. For a special election held at the same time as a November general election, either (i) at least 81 days
 107 before the election or (ii) if the special election is held at the second November election after the vacancy
 108 occurred, by 7:00 p.m. on the third Tuesday in June before that November election;

109 ~~4-~~ 5. For a special election held at the same time as a May general election, by 7:00 p.m. on the first
 110 Tuesday in March; or

111 ~~5-~~ 6. For a special election held at a time other than a general election, (i) at least 60 days before the
 112 election or (ii) within five days of any writ of election or order calling a special election to be held less than
 113 60 days after the issuance of the writ or order.

114 In the case of all general elections a party shall nominate its candidate for any office by a nonprimary
 115 method only within the 47 days immediately preceding the primary date established for nominating
 116 candidates for the office in question. This limitation shall have no effect, however, on nominations for special
 117 elections or pursuant to § 24.2-539.

118 **§ 24.2-514. To what nominations this article applies.**

119 This article shall apply to the nomination of *non-presidential* candidates for offices by a direct primary

120 held on the regular dates established in §§ 24.2-515 and 24.2-544 for the conduct of primaries, and to no
121 other nominations.

122 A primary is not authorized under this article to nominate presidential electors, nor to nominate candidates
123 to fill vacancies unless the candidates for nomination to fill vacancies are to be voted for on the regular date
124 set by this article for primaries.

125 **§ 24.2-515. Non-presidential election year primaries.**

126 Primaries for the nomination of candidates for offices to be voted on at the general election date in
127 November of any non-presidential election year shall be held on the third Tuesday in June next preceding
128 such election; ~~except that beginning with the year 2012 and in presidential election years thereafter, primaries~~
129 ~~to choose among presidential candidates may be held as provided in Article 7 (§ 24.2-544 et seq.). Primaries~~
130 ~~for the nomination of candidates for offices to be voted on at the general election date in May shall be held on~~
131 ~~the first Tuesday in March next preceding such election.~~

132 **§ 24.2-544. Time presidential primaries to be held and completion of duties by officers of election;**
133 **age qualifications for participation.**

134 A. Primaries for the nomination of candidates for the office of President of the United States and any
135 other candidates to be voted on at the ~~November 2012 general election~~ and the November general election in
136 each presidential election year thereafter shall be held on the first Tuesday in March preceding the November
137 general election.

138 B. The provisions of this title shall apply to the conduct of presidential election year primaries including
139 the time limits applicable to notices and candidate filing deadlines and the closing of registration records
140 before the primary. The State Board shall provide a schedule for the notices and filing deadlines by the
141 August 1 prior to the March primary including a campaign finance disclosure report filing schedule adjusted
142 to reflect the differences between the June date for other primaries and the March date for the presidential
143 primary and primaries for the nomination of candidates for offices to be voted on at the general election date
144 in May.

145 C. Notwithstanding any other provision of law to the contrary, any officer of election who serves at any
146 election held on the first Tuesday in March shall be required to complete his official duties relating to that
147 election whether or not he has been reappointed to serve for the ensuing year.

148 D. Notwithstanding any other provision of law to the contrary, any person who is otherwise qualified and
149 will be 18 years of age on or before the day of the next November general election shall be permitted to
150 register in advance of and also vote in any presidential primary and any other primary held on the same day.

151 **§ 24.2-947.6. Filing schedule for candidates for office; November elections in a non-presidential**
152 **election year.**

153 A. Any candidate for any office to be filled at a November general election in a non-presidential election
154 year shall file the prescribed campaign finance reports as follows:

- 155 1. Not later than July 15 in a nonelection year for the period January 1 through June 30;
- 156 2. Not later than January 15 following a nonelection year for the period July 1 through December 31;
- 157 3. In an election year, not later than April 15 for the period January 1 through March 31 and pursuant to
158 subdivisions 4 through 9 of this section;
- 159 4. Not later than the eighth day before the primary date complete through the twelfth day before the
160 primary date;
- 161 5. Not later than July 15 complete through June 30;
- 162 6. Not later than September 15 complete through August 31;
- 163 7. Not later than October 15 complete through September 30;
- 164 8. Not later than the eighth day before the November election date complete through the twelfth day
165 before the election date;
- 166 9. Not later than the thirtieth day after the November election date complete through the twenty-third day
167 after the election date; and
- 168 10. Not later than January 15 following an election year complete through December 31, and then in
169 accordance with subdivisions A 1 and A 2 or subdivisions A 3 through A 9, as appropriate, of this subsection
170 until a final report is filed.

171 B. Any candidate, who was subject to the election year filing schedule set out in subdivisions A 3 through
172 A 9 and who has not filed a final report, shall file reports in any subsequent election year for the same office
173 in accordance with the election year filing schedule set out in subdivisions A 3 through A 9.

174 C. Any candidate shall also file any report of certain large contributions required by § 24.2-947.9, if
175 applicable.

176 **§ 24.2-947.6:1. Filing schedule for candidates for office; November elections in a presidential election**
177 **year.**

178 A. Any candidate for any office to be filled at a November general election in a presidential election year
179 shall file the prescribed campaign finance reports as follows:

- 180 1. Not later than July 15 in a nonelection year for the period January 1 through June 30;
- 181 2. Not later than January 15 following a nonelection year for the period July 1 through December 31;

- 182 3. In an election year, not later than the eighth day before the primary date for the period January 1
183 through the twelfth day before the primary date and pursuant to subdivisions 4 through 9;
184 4. Not later than April 1 complete through March 15;
185 5. Not later than July 15 complete through June 30;
186 6. Not later than September 15 complete through August 31;
187 7. Not later than October 15 complete through September 30;
188 8. Not later than the eighth day before the November election date complete through the twelfth day
189 before the election date;
190 9. Not later than the thirtieth day after the November election date complete through the twenty-third day
191 after the election date; and
192 10. Not later than January 15 following an election year complete through December 31, and then in
193 accordance with subdivisions 1 and 2 or subdivisions 3 through 9, as appropriate, until a final report is filed.
194 B. Any candidate, who was subject to the election year filing schedule set out in subdivisions A 3 through
195 9 and who has not filed a final report, shall file reports in any subsequent election year for the same office in
196 accordance with the election year filing schedule set out in subdivisions A 3 through 9.
197 C. Any candidate shall also file any report of certain large contributions required by § 24.2-947.9, if
198 applicable.