

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 24.2-418, 24.2-506, 24.2-676, 24.2-680, and 24.2-947.1 of the Code of*
 3 *Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 5 of Title 24.2 a section*
 4 *numbered 24.2-504.1, relating to elections; candidates and elected officials; address confidentiality.*

5 [H 835]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That §§ 24.2-418, 24.2-506, 24.2-676, 24.2-680, and 24.2-947.1 of the Code of Virginia are amended**
 9 **and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 5 of Title**
 10 **24.2 a section numbered 24.2-504.1 as follows:**

11 **§ 24.2-418. Application for registration.**

12 A. Each applicant to register shall provide, subject to felony penalties for making false statements
 13 pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically
 14 disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed
 15 by the State Board.

16 The form of the application to register shall require the applicant to provide the following information:
 17 full name; gender; date of birth; social security number, if any; whether the applicant is presently a United
 18 States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the
 19 applicant has ever been adjudicated incapacitated and disqualified to vote or convicted of a felony, and if so,
 20 whether the applicant's right to vote has been restored. The form shall contain a statement that whoever votes
 21 more than once in any election in the same or different jurisdictions is guilty of a Class 6 felony. Unless
 22 directed by the applicant or as permitted in § 24.2-411.2 or 24.2-411.3, the registration application shall not
 23 be pre-populated with information the applicant is required to provide.

24 The form of the application to register shall request that the applicant provide his telephone number and
 25 email address, but no application shall be denied for failure to provide such information.

26 B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to
 27 his residence street address, a post office box address located within the Commonwealth to be included in
 28 lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant
 29 to §§ 24.2-405 and 24.2-406, on voter registration records made available for public inspection pursuant to
 30 § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. The voter
 31 shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under
 32 this subsection.

33 1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20), but
 34 excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

35 2. Any *party person* granted a protective order issued by or under the authority of any court of competent
 36 jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

37 3. Any *party person* who has furnished a signed written statement by the *party person* that he is in fear for
 38 his personal safety from another person who has threatened or stalked him;

39 4. Any *party person* participating in the address confidentiality program pursuant to § 2.2-515.2;

40 5. Any active or retired federal or Virginia justice, judge, or magistrate and any active or retired attorney
 41 employed by the United States Attorney General or Virginia Attorney General;

42 6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et seq.) of
 43 Title 63.2;

44 7. Any person who is or has been one of the Commonwealth's electors for President and Vice President of
 45 the United States; ~~and~~

46 8. Any person who is or has been a member of the State Board of Elections, the Commissioner of
 47 Elections, an employee of the Department of Elections, a member of a local electoral board pursuant to
 48 § 24.2-106, a general registrar pursuant to § 24.2-110, a deputy registrar or employee in the office of the
 49 general registrar pursuant to § 24.2-112, or an officer of election pursuant to § 24.2-115; *and*

50 9. *Any person who is or has been an elected official.*

51 C. If the applicant formerly resided in another state, the general registrar shall send the information
 52 contained in the applicant's registration application to the appropriate voter registration official or other
 53 authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-114.

54 **§ 24.2-504.1. Confidentiality of personally identifiable information.**

55 A. *The custodian of any filing made by a candidate pursuant to this chapter shall not release the address,*
 56 *phone number, or email address of such candidate in response to a request made under the Virginia Freedom*

57 of Information Act (§ 2.2-3700 et seq.) without written consent of the candidate. If written consent is not
 58 granted or if the candidate does not respond to the custodian's request within five business days, the
 59 information shall be redacted. Nothing in this section shall have any bearing upon disclosures required to be
 60 made pursuant to any court order or subpoena. No exemption from mandatory disclosure shall be construed
 61 to make records or parts of records covered by such exemption privileged under the rules of discovery.

62 B. A candidate shall be permitted to provide the unique identifier assigned to him in the voter registration
 63 system pursuant to subdivision A 1 of § 24.2-404 in place of his residence address on any candidate filing
 64 required pursuant to this chapter.

65 **§ 24.2-506. Petition of qualified voters required; number of signatures required; certain towns**
 66 **excepted.**

67 A. The name of any candidate for any office, other than a party nominee, shall not be printed upon any
 68 official ballots provided for the election unless he shall file along with his declaration of candidacy a petition
 69 therefor, on a form prescribed by the State Board, signed by the number of qualified voters specified in this
 70 subsection on and after January 1 of the year in which the general election is held, or on and after the day on
 71 which the writ of election is issued in the case of a special election, and listing the residence address of each
 72 such voter. Each signature on the petition shall have been witnessed by a person who is not a minor or a felon
 73 whose voting rights have not been restored and whose affidavit to that effect appears on each page of the
 74 petition. Each such person circulating a petition who is not a legal resident of the Commonwealth shall sign a
 75 statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in resolving any
 76 disputes concerning the circulation of petitions, or signatures contained therein, by that person. The
 77 signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement,
 78 or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not
 79 be counted towards the minimum number of signatures required pursuant to this subsection.

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

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

85 1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General,
 86 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional district in
 87 the Commonwealth;

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

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

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

91 5. For a candidate for membership on the governing body or elected school board of any county or city,
 92 125 signatures; or if from an election district not at large containing 1,000 or fewer registered voters, 50
 93 signatures;

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

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

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

102 9. For a candidate for director of a soil and water conservation district created pursuant to Article 3
 103 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1, 25 signatures; and

104 10. For any other candidate, 50 signatures.

105 B. The State Board shall approve uniform standards by which petitions filed by a candidate for office,
 106 other than a party nominee, are reviewed to determine if the petitions contain sufficient signatures of
 107 qualified voters as required in subsection A. *Such standards shall not include a requirement for a candidate*
 108 *for office to provide his residence address or the unique identifier assigned to the voter in the voter*
 109 *registration system pursuant to subdivision A 1 of § 24.2-404 on the petition prior to it being filed.*

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

117 C. If a candidate, other than a party nominee, does not qualify to have his name appear on the ballot by
 118 reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters

119 for the office sought, the candidate may appeal that determination within five calendar days of the issuance of
 120 the notice of disqualification pursuant to § 24.2-612 or notice from the State Board that the candidate did not
 121 meet the requirements to have his name appear on the ballot.

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

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

132 **§ 24.2-676. Secretary to make out and deliver certificate of election.**

133 Immediately after the electoral board has determined the election results, the secretary shall make out
 134 certificates of election for each county, city, town, or district office other than an office shared by more than
 135 one county or city, or any combination thereof. The secretary shall make out the certificate for each of the
 136 persons who has the highest number of votes for the office, who has sufficient votes to be elected to a
 137 multi-member office, or, in case of a tie, who has been decided by lot to be elected. The secretary, or another
 138 board member or registrar designated by the secretary, shall deliver in person or the secretary shall transmit
 139 by certified mail the certificate to the person elected, as soon as such person has complied with the provisions
 140 of § 24.2-948.2. *The certificate shall be delivered to the person declared to be elected with a notice that the*
 141 *person meets the qualifications for being granted protected voter status under the provisions of subsection B*
 142 *of § 24.2-418. The notice shall include instructions for updating the person's voter registration to acquire*
 143 *such protected status.*

144 **§ 24.2-680. Certificates of election.**

145 Subject to the requirements of § 24.2-948.2, the State Board shall without delay complete and transmit to
 146 each of the persons declared to be elected a certificate of his election, certified by it under its seal of office. In
 147 the election of a member of the United States Congress, it shall also forward a certificate of election to the
 148 clerk of the United States Senate or House of Representatives, as appropriate. The names of members elected
 149 to the General Assembly shall be certified by the State Board to the clerk of the House of Delegates or
 150 Senate, as appropriate. The names of the persons elected Governor, Lieutenant Governor, and Attorney
 151 General shall be certified by the State Board to the clerks of the House of Delegates and Senate. The name of
 152 any officer shared by more than one county or city, or any combination thereof, shall be certified by the State
 153 Board to the clerk of the circuit court having jurisdiction in each affected county or city. The names of the
 154 persons elected to soil and water conservation districts shall be certified by the State Board to the Director of
 155 the Department of Conservation and Recreation. *The certificate shall be delivered to the person declared to*
 156 *be elected with a notice that the person meets the qualifications for being granted protected voter status*
 157 *under the provisions of subsection B of § 24.2-418. The notice shall include instructions for updating the*
 158 *person's voter registration to acquire such protected status.*

159 **§ 24.2-947.1. Statement of organization.**

160 A. Any individual seeking or campaigning for an office of the Commonwealth or one of its governmental
 161 units in a party nomination process or general, primary, or special election shall file a statement of
 162 organization within 10 days of meeting any one of the following conditions:

- 163 1. Acceptance of a contribution;
- 164 2. Expenditure of any funds;
- 165 3. The payment of a filing fee for any party nomination method;
- 166 4. The filing of a candidate statement of qualification pursuant to § 24.2-501;
- 167 5. The appointment of a campaign treasurer, designation of a campaign committee, or designation of a
 168 campaign depository; or

169 6. In the case of a candidate for a town office in a town with a population of less than 25,000 that has not
 170 otherwise adopted the provisions of this chapter by ordinance, acceptance of a contribution or expenditure of
 171 funds that brings the total amount of contributions accepted or funds expended to more than \$25,000 within
 172 the candidate's election cycle, as set forth in § 24.2-947.

173 B. Candidates for statewide office shall file the statement with the State Board. Candidates for the General
 174 Assembly shall file the statement with the State Board and a copy of the statement with the general registrar
 175 of the locality of the candidate's residence. Candidates for local or constitutional office shall file the statement
 176 with the general registrar and, if the statement indicates that the candidate committee will be filing
 177 electronically, a copy with the State Board.

178 C. The statement of organization shall include the following information:

- 179 1. The full name and *either the residence address of the candidate or the unique identifier assigned to the*
 180 *candidate in the voter registration system pursuant to subdivision A 1 of § 24.2-404;*

- 181 2. The full name and mailing address for the campaign committee;
182 3. The full name, residence address, and daytime phone number of the treasurer;
183 4. The office being sought and district, if any, for the office;
184 5. The recognized political party affiliation of the candidate for statewide office or the General Assembly.
185 In the absence of any political party affiliation, independent shall be used;
186 6. The name of the financial institution for his campaign depository; and
187 7. Such other information as shall be required by the State Board except that the account number for a
188 designated depository account shall not be required.
189 D. In the case of any candidate who seeks election for successive terms in the same office, the statement
190 of organization filed by the candidate shall continue in effect for such successive elections, but the candidate
191 shall file notice of any changes in the information provided on the form within 10 days of the change with the
192 State Board, general registrar, or both, as appropriate.
193 **2. That the provisions of this act shall become effective on January 1, 2027.**