

SENATE BILL NO. 495

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections

on February 1, 2022)

(Patron Prior to Substitute--Senator McClellan)

A BILL to amend and reenact §§ 24.2-103, 24.2-230, 24.2-233, as it is currently effective and as it shall become effective, 24.2-236, 24.2-238, 24.2-682, and 24.2-684.1 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 2 of Title 24.2 an article numbered 8, consisting of sections numbered 24.2-239 through 24.2-244; and to repeal § 24.2-234 of the Code of Virginia, relating to elections; removal of officers; recall elections; petition.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-103, 24.2-230, 24.2-233, as it is currently effective and as it shall become effective, 24.2-236, 24.2-238, 24.2-682, and 24.2-684.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 2 of Title 24.2 an article numbered 8, consisting of sections numbered 24.2-239 through 24.2-244, as follows:

§ 24.2-103. Powers and duties in general; report.

A. The State Board, through the Department of Elections, shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections. Its supervision shall ensure that major risks to election integrity are (i) identified and assessed and (ii) addressed as necessary to promote election uniformity, legality, and purity. It shall make rules and regulations and issue instructions and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws. Electoral boards and registrars shall provide information requested by the State Board and shall follow (a) the elections laws and (b) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law. The State Board shall post on the Internet within three business days any rules or regulations made by the State Board. Upon request and at a reasonable charge not to

27 exceed the actual cost incurred, the State Board shall provide to any requesting political party or candidate,
28 within three days of the receipt of the request, copies of any instructions or information provided by the
29 State Board to the local electoral boards and registrars.

30 B. The State Board, through the Department of Elections, shall ensure that the members of the
31 electoral boards are properly trained to carry out their duties by offering training annually, or more often,
32 as it deems appropriate, and without charging any fees to the electoral boards for the training.

33 C. The State Board, through the Department of Elections, shall conduct a certification program for
34 the general registrars and shall require each general registrar to receive certification through such program
35 from the Department within 12 months of his initial appointment or any subsequent reappointment. The
36 State Board may grant a waiver requested by a local electoral board to extend, on a case-by-case basis,
37 this deadline by up to three months. The State Board shall develop a training curriculum for the
38 certification program and standards for completing the program and maintaining certification, including
39 required hours of annual training. No fees shall be charged to a general registrar for any required training
40 as part of the certification program. The State Board shall review the certification program every four
41 years, or more often as it deems appropriate.

42 D. The State Board shall set the training standards for the officers of election and shall develop
43 standardized training programs for the officers of election to be conducted by the local electoral boards
44 and the general registrars. Training of the officers of election shall be conducted and certified as provided
45 by § 24.2-115.2. The State Board shall provide standardized training materials for such training and shall
46 also offer on the Department of Elections website a training course for officers of election. The content of
47 the online training course shall be consistent with the standardized training programs developed pursuant
48 to this section. The State Board shall review the standardized training materials and the content of the
49 online training course every two years in the year immediately following a general election for federal
50 office.

51 E. The State Board may institute proceedings pursuant to § ~~24.2-234~~ 24.2-233 for the removal of
52 any member of an electoral board who fails to discharge the duties of his office in accordance with law.
53 The State Board may petition the local electoral board to remove from office any general registrar who

54 fails to discharge the duties of his office according to law. The State Board may institute proceedings
55 pursuant to § ~~24.2-234~~ 24.2-233 for the removal of a general registrar if the local electoral board refuses
56 to remove the general registrar and the State Board finds that the failure to remove the general registrar
57 has a material adverse effect upon the conduct of either the registrar's office or any election. Any action
58 taken by the State Board pursuant to this subsection shall require a recorded majority vote of the Board.

59 F. The State Board may petition a circuit court or the Supreme Court, whichever is appropriate,
60 for a writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that
61 elections are conducted as provided by law.

62 G. The Department of Elections shall supervise its own staff to assure that no member of its staff
63 shall serve (i) as the chairman of a political party or other officer of a state-, local-, or district-level political
64 party committee or (ii) as a paid or volunteer worker in the campaign of a candidate for nomination or
65 election to an office filled by election in whole or in part by the qualified voters of the Commonwealth.

66 H. The Department of Elections shall employ a Director of Operations who shall be responsible
67 for managing the day-to-day operations at the Department of Elections and ensuring (i) fulfillment of the
68 Department's mission and responsibilities; (ii) compliance with state and federal election laws and
69 regulations; and (iii) compliance with the Department's business, administrative, and financial policies.
70 This position shall be a full-time classified position subject to the Virginia Personnel Act (§ 2.2-2900 et
71 seq.).

72 I. The State Board shall adopt a seal for its use and bylaws for its own proceedings.

73 J. The State Board shall submit an annual report to the Governor and the General Assembly on the
74 activities of the State Board and the Department of Elections in the previous year. Such report shall be
75 governed by the provisions of § 2.2-608.

76 Article 7.

77 Removal of ~~Public~~ Appointed Officers from Office.

78 **§ 24.2-230. Applicability of article; certain exceptions.**

79 This article shall apply to all ~~-elected or~~ appointed Commonwealth, constitutional, and local
 80 officers, except officers (i) for whose removal the Constitution of Virginia specifically provides or (ii)
 81 appointed to fill a vacancy in an elective office.

82 However, an appointed officer shall be removed from office only by the person or authority who
 83 appointed him unless he is (a) sentenced for a crime as provided for in § 24.2-231 or is, (b) determined to
 84 be "mentally incompetent" as provided for in § 24.2-232. This exception shall not apply to an officer who
 85 is (i) appointed to fill a vacancy in an elective office or (ii), or (c) appointed to an office for a term
 86 established by law and the appointing person or authority is not given the unqualified power of removal.

87 This article shall be applicable to members of local electoral boards and general registrars, but
 88 shall not be applicable to assistant registrars who may be removed from office by the general registrar
 89 pursuant to § 24.2-112 or to officers of election who may be removed from office by the local electoral
 90 board pursuant to § 24.2-109.

91 **§ 24.2-233. (Effective until January 1, 2024) Removal of certain appointed officers by courts.**

92 ~~Upon petition, a circuit court may remove from office any elected officer or~~ An officer who has
 93 been appointed to fill an elective office, residing within the jurisdiction of for a term established by law
 94 by an appointing person or authority that is not given the unqualified power of removal may be removed
 95 from office upon a petition filed with the circuit court in the jurisdiction where the officer resides, signed
 96 by the person or a majority of the members of the authority who appointed him, under any of the following
 97 circumstances:

98 1. For neglect of duty, misuse of office, or incompetence in the performance of duties when that
 99 neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse
 100 effect upon the conduct of the office;

101 2. Upon conviction of a misdemeanor pursuant to Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§
 102 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and after all rights of appeal have terminated involving the:

103 a. Manufacture, sale, gift, distribution, or possession with intent to manufacture, sell, give, or
 104 distribute a controlled substance or marijuana;

105 b. Sale, possession with intent to sell, or placing an advertisement for the purpose of selling drug
106 paraphernalia; or

107 c. Possession of any controlled substance or marijuana and such conviction under subdivision a,
108 b, or c has a material adverse effect upon the conduct of such office;

109 3. Upon conviction, and after all rights of appeal have terminated, of a misdemeanor involving a
110 "hate crime" as that term is defined in § 52-8.5 when the conviction has a material adverse effect upon the
111 conduct of such office; or

112 4. Upon conviction, and after all rights of appeal have terminated, of sexual battery in violation of
113 § 18.2-67.4, attempted sexual battery in violation of subsection C of § 18.2-67.5, peeping or spying into
114 dwelling or enclosure in violation of § 18.2-130, consensual sexual intercourse with a child 15 years of
115 age or older in violation of § 18.2-371, or indecent exposure of himself or procuring another to expose
116 himself in violation of § 18.2-387, and such conviction has a material adverse effect upon the conduct of
117 such office.

118 ~~The petition must be signed by a number of registered voters who reside within the jurisdiction of~~
119 ~~the officer equal to ten percent of the total number of votes cast at the last election for the office that the~~
120 ~~officer holds.~~

121 Any person removed from office under the provisions of subdivision 2, 3, or 4 may not be
122 subsequently subject to the provisions of this section for the same criminal offense.

123 **§ 24.2-233. (Effective January 1, 2024) Removal of certain appointed officers by courts.**

124 ~~Upon petition, a circuit court may remove from office any elected officer or~~ An officer who has
125 been appointed to fill an elective office, residing within the jurisdiction of for a term established by law
126 by an appointing person or authority that is not given the unqualified power of removal may be removed
127 from office upon a petition filed with the circuit court in the jurisdiction where the officer resides, signed
128 by the person or a majority of the members of the authority who appointed him, under any of the following
129 circumstances:

130 1. For neglect of duty, misuse of office, or incompetence in the performance of duties when that
131 neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse
132 effect upon the conduct of the office;

133 2. Upon conviction of a misdemeanor pursuant to Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§
134 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and after all rights of appeal have terminated involving the:

135 a. Manufacture, sale, gift, distribution, or possession with intent to manufacture, sell, give, or
136 distribute a controlled substance;

137 b. Sale, possession with intent to sell, or placing an advertisement for the purpose of selling drug
138 paraphernalia; or

139 c. Possession of any controlled substance and such conviction under subdivision a, b, or c has a
140 material adverse effect upon the conduct of such office;

141 3. Upon conviction, and after all rights of appeal have terminated, of a misdemeanor involving a
142 "hate crime" as that term is defined in § 52-8.5 when the conviction has a material adverse effect upon the
143 conduct of such office; or

144 4. Upon conviction, and after all rights of appeal have terminated, of sexual battery in violation of
145 § 18.2-67.4, attempted sexual battery in violation of subsection C of § 18.2-67.5, peeping or spying into
146 dwelling or enclosure in violation of § 18.2-130, consensual sexual intercourse with a child 15 years of
147 age or older in violation of § 18.2-371, or indecent exposure of himself or procuring another to expose
148 himself in violation of § 18.2-387, and such conviction has a material adverse effect upon the conduct of
149 such office.

150 ~~The petition must be signed by a number of registered voters who reside within the jurisdiction of~~
151 ~~the officer equal to 10 percent of the total number of votes cast at the last election for the office that the~~
152 ~~officer holds.~~

153 Any person removed from office under the provisions of subdivision 2, 3, or 4 may not be
154 subsequently subject to the provisions of this section for the same criminal offense.

155 **§ 24.2-236. Suspension from office pending hearing and appeal.**

156 In the event of a judicial proceeding under § 24.2-231, 24.2-232, or 24.2-233, ~~or 24.2-234~~, the
157 circuit court may enter an order suspending the officer pending the hearing. Any officer convicted of a
158 felony under the laws of any state or the United States shall be automatically suspended upon such
159 conviction, regardless of any appeals, pleadings, delays, or motions. The court may, in its discretion,
160 continue the suspension until the matter is finally disposed of in the Supreme Court or otherwise. During
161 the suspension the court may appoint some suitable person to act in the officer's place. The officer's
162 compensation shall be withheld and kept in a separate account and paid to him if and when the judicial
163 proceedings result in his favor. Otherwise, it shall be paid back to the county, city, town, or State Treasurer
164 who paid it.

165 **§ 24.2-238. Costs.**

166 A. If a judicial proceeding under this article is dismissed in favor of the respondent, the court in
167 its discretion may require the state agency or political subdivision which the respondent serves to pay
168 court costs or reasonable attorney fees, or both, for the respondent.

169 B. No person who signs a petition for the removal of an official pursuant to § 24.2-233 ~~or who~~
170 ~~circulates such a petition~~ (i) shall be liable for any costs associated with removal proceedings conducted
171 pursuant to the petition, including attorney fees incurred by any other party or court costs, or (ii) shall
172 have sanctions imposed against him pursuant to § 8.01-271.1.

173 Article 8.

174 Removal of Elected Officers from Office.

175 **§ 24.2-239. Applicability of article; definitions.**

176 A. This article shall apply to all elected Commonwealth, constitutional, and local officers, and any
177 officer appointed to fill a vacancy in an elective office except officers for whose removal the Constitution
178 of Virginia specifically provides.

179 B. As used in this article, unless the context requires another meaning:

180 "Official sponsors" or "sponsors" means the registered voters who circulate or file an application
181 for a recall petition who were registered and eligible to vote in the last general or special election for the

182 office held by the officer sought to be recalled and who are currently qualified voters for the officer sought
183 to be recalled.

184 "Recall referendum" or "recall" means a referendum on the question of whether or not an officer
185 identified in a certified recall petition for such referendum should be removed from office for grounds
186 stated in the recall petition.

187 **§ 24.2-240. Forfeiture of office by person sentenced for commission of a felony.**

188 Any person holding an elected office in the Commonwealth who is convicted of a felony and for
189 whom all rights of appeal under Virginia law have expired shall by such final conviction forfeit his office
190 or post and thereafter may not act therein under his previous election. A pardon that may be afterwards
191 granted him shall not void the forfeiture.

192 **§ 24.2-241. Vacancy occurring when officer determined "mentally incompetent"**
193 **(incapacitated).**

194 A person who is determined to be incapacitated in a judicial proceeding as provided for in Chapter
195 20 (§ 64.2-2000 et seq.) of Title 64.2 shall be deemed for purposes of Article II, Section 1 of the
196 Constitution of Virginia and this title to be "mentally incompetent" as that term is used in those provisions.
197 The office of any person who is so determined to be incapacitated shall become vacant, and the vacancy
198 shall be filled in the manner provided by law. Notwithstanding the provisions of Chapter 20 of Title 64.2,
199 however, any officer shall have a jury trial unless it is waived by him or for him by his counsel of record.

200 **§ 24.2-242. Recall of elected and certain appointed officials.**

201 A. An officer shall be subject to a recall upon a petition filed with the general registrar in whose
202 jurisdiction the officer resides, signed by a number of qualified voters equal to 30 percent of the total
203 number of votes cast at the last election for the office that the officer holds, and certified to the circuit
204 court in whose jurisdiction the officer resides as being grounded on any of the following circumstances:

205 1. Conviction of a crime against a locality served by the office that occurred during the official's
206 term of office.

207 2. Conviction of any offense for which registration is required as defined in § 9.1-902.

208 B. Within five days of certification of the sufficiency of the petition for recall, the court shall order
209 the election officials of the appropriate locality to conduct a recall referendum not less than 90 days and
210 not more than 150 days from the date of the order.

211 The general registrar of a locality in which the recall referendum is to be held shall cause a notice
212 of the recall to be published in some newspaper published or having a general circulation in the locality
213 once a week for three successive weeks prior to such referendum and shall post a copy of such notice
214 during the same time at the front door of the registrar's office and the courthouse serving the locality.

215 The ballots used in the recall referendum shall be printed as follows:

216 "Shall (name of officer), (name of office), be recalled and removed from public office on the
217 grounds that said official has (state the grounds for recall as identified on the certified petition)?

218 Yes []

219 No []"

220 The ballots shall be counted, returns made and canvassed as in other elections, and the results
221 certified by the electoral board to the State Board, the clerk of the locality, and the circuit court, and the
222 court shall enter of record the results of the recall referendum.

223 C. If the majority of the votes cast in the recall are for the proposition, the office in question shall
224 become vacant and the vacancy filled in the manner provided by law. If a majority of the votes cast in the
225 recall are against the proposition, the officer in question shall continue in office and shall not be subject
226 to another referendum for recall on the same grounds.

227 D. If the office in question is vacated prior to the holding of a recall referendum, no recall shall be
228 conducted.

229 **§ 24.2-243. Application for recall petition.**

230 A. No person shall be permitted to circulate a recall petition before an application to do so has
231 been submitted to and approved by the general registrar of the locality in which the official for which a
232 recall is being sought resides. No application for a recall petition may be filed during the first 180 days or
233 during the last 180 days of the term of office of any public official subject to recall.

234 B. An application for a recall petition shall be made on a form approved by the State Board and
235 distributed by the general registrar. The form shall include:

236 1. The name and office of the person for which the recall is being sought.

237 2. The printed names, residence addresses, and signatures of the official sponsors, along with the
238 date on which the application was signed by each sponsor.

239 3. The designation of one of the sponsors as the petition chairperson who shall represent the
240 sponsors on all matters pertaining to the recall application and petition.

241 4. A statement of the grounds on which the recall is being sought.

242 5. An affidavit by the petition chairperson and the person circulating such recall application that
243 each person sponsoring such recall application is a registered voter qualified to vote for the office for
244 which the application for a recall petition was circulated.

245 C. Applications shall be issued by the general registrar, who shall assign a number to each
246 application. Such number shall appear on the face of each application. The general registrar shall keep
247 records of applications issued, including the date of issuance and number assigned. The general registrar
248 shall immediately notify in writing the public officer named for recall in the application that an application
249 for a recall petition has been officially issued for circulation.

250 D. The number of official sponsors necessary to file an application for a recall petition must be at
251 least 100 or 10 percent of the number of those who voted in the election for the public official sought to
252 be recalled, whichever is smaller.

253 E. No application for a recall petition shall be accepted for verification if more than 15 days have
254 elapsed since the application forms were issued to the sponsors. If an application for a recall petition
255 contains more than one sheet, such application, when offered for filing, shall be bound together and each
256 sheet shall be numbered consecutively at the foot of each page beginning with page one. No application
257 for a recall petition shall be amended, supplemented, or returned after it has been filed with the general
258 registrar for verification.

259 F. On receipt of the application, the general registrar shall file the application and immediately
260 notify in writing the public officer named for recall in the application that a completed application for a

261 recall petition has been filed with the general registrar for verification. The general registrar shall then
262 proceed to determine the legal sufficiency of the application and determine if the signers are qualified to
263 be sponsors. The general registrar shall be assisted by the Central Criminal Records Exchange for the
264 purposes of determining the veracity of the grounds for recall stated in the application. If the general
265 registrar finds that any signer is not a qualified voter eligible to sign the application, such signature shall
266 not be counted in determining whether the application contains a sufficient number of signatures as
267 required by law. The nullification of a signature on an application shall not affect the validity of other
268 signatures contained in such application. The general registrar shall certify the sufficiency or insufficiency
269 of the application for a recall petition within 10 business days.

270 G. Upon certifying the sufficiency of the application for a recall petition, the general registrar shall
271 issue official recall petition forms, assign a number to the recall petition, which number shall appear on
272 the face of each petition form, and issue that number to the sponsors. The general registrar shall
273 immediately notify in writing the public officer named for recall in the application that a recall petition
274 has been officially issued for circulation.

275 **§ 24.2-244. Recall petition.**

276 A. The official recall petition shall be on a form approved by the State Board and distributed by
277 the general registrar. The form shall include:

278 1. The official application number associated with the petition.

279 2. The locality in which the petition is to be circulated.

280 3. The following statement: "We, the qualified voters registered to vote in the recall referendum
281 herein petitioned, demand the recall of (name and office of the person for which the recall is being sought)
282 on the grounds that said official (the grounds for recall as stated in the recall petition application and
283 verified by the general registrar)."

284 4. Lines for signatures that include adjacent spaces for the printed name of the signer, the signer's
285 residence address, the date on which the petition was signed, and the last four digits of the signer's social
286 security number.

287 5. The following notice: "If (insert appropriate number) qualified voters sign this petition, there
288 will be an election at which a majority of the electors voting therein will determine whether the above-
289 named official will be removed from office."

290 6. An affidavit to be signed by the circulator of the recall petition that (i) he is not a minor or a
291 felon whose voting rights have not been restored, (ii) each of the names on the petition form was signed
292 in his presence on the date indicated and that in his belief each signer was a qualified voter for the office
293 sought to be recalled, and (iii) if he is not a legal resident of the Commonwealth, that he consents to the
294 jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or
295 signatures contained therein.

296 B. Every qualified voter signing a recall petition shall do so in the presence of the person
297 circulating the petition, who is to execute the affidavit on the petition form. At the time of signing, the
298 qualified voter shall sign his name, and such qualified voter or the person circulating the petition shall, in
299 the appropriate spaces following the signature, print the qualified voter's full name, residence address, and
300 the date on which the qualified voter signed the petition.

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

304 If a qualified voter is incapable of signing his own name, he may specifically request the circulator
305 of the petition to sign and print his name and complete the information required on the petition sheet to
306 accompany the signature; provided, however, that the circulator shall also sign his full name beside the
307 printed name of such elector.

308 C. A completed recall petition shall be filed with the general registrar in the locality in which the
309 petitions were originally issued. If a recall petition contains more than one sheet, such recall petition shall,
310 when offered for filing, be bound together and each sheet shall be numbered consecutively at the foot of
311 each page beginning with page one. A recall petition shall not be accepted for verification for:

312 1. Any officer for whom not fewer than 5,000 signatures are required for the recall petition if more
313 than 45 days have elapsed since the date the official recall petition forms were issued to the sponsor; or

314 2. Any officer for whom fewer than 5,000 signatures are required if more than 30 days have elapsed
315 since the date the official recall petition forms were issued to the sponsors.

316 D. No recall petition shall be amended, supplemented, or returned after it has been filed with the
317 general registrar for verification.

318 E. The general registrar shall be responsible for determining the sufficiency of the recall petition
319 within 30 days after it has been filed. Review of the legal sufficiency of recall petitions shall be conducted
320 according to uniform standards approved by the State Board. Each qualified voter signing the petition
321 shall have been registered in the jurisdiction for which the petition is circulated at the time of signing the
322 petition and at the time of validating the petition signatures.

323 F. Upon certifying the sufficiency or insufficiency of a recall petition, the general registrar shall
324 immediately notify the petition chairman and the officer who is named on the recall petition in writing of
325 the results and officially file the certification of the sufficiency of the petition with the local circuit court.

326 **§ 24.2-682. Times for special elections.**

327 A. Notwithstanding any charter or special act to the contrary, the following provisions govern the
328 times for holding special elections. Every special election shall be held on a Tuesday. No special election
329 shall be held within the 55 days prior to a general or primary election. No special election shall be held on
330 the same day as a primary election. A special election may be held on the same day as a general election.

331 B. A referendum election shall be ordered at least 81 days prior to the date for which the
332 referendum election is called, except for a recall referendum ordered pursuant to § 24.2-242.

333 C. A special election to fill a vacancy in any constitutional office shall be held promptly and in
334 accordance with the requirements of subsection A.

335 **§ 24.2-684.1. Requirements for voter petitions to call for referendum elections.**

336 In addition to other applicable requirements of law, the following requirements shall apply
337 whenever a referendum election is initiated by voter petitions, except for a recall referendum initiated
338 pursuant to Article 8 (§ 24.2-239 et seq.) of Chapter 2. The requirements of this section shall be construed
339 to override any requirement of general or special law in conflict with this section, except requirements set

340 out in charter provisions to govern the exercise of recall, initiative, or referendum powers in a county, city,
341 or town.

342 The requirements of this section shall apply to petitions calling for any referendum which is
343 ordered to be held on or after January 1, 1994.

344 1. Prior to circulating any petition for signature, an individual shall file a copy of the petition with
345 the clerk of the circuit court for the county or city in which the referendum will be held. The individual
346 shall be a qualified voter of the county or city and shall file, with the petition copy, a statement giving his
347 name; residence address and, if different, his mailing address; and the name of the organization, if any,
348 which he represents in circulating the petition. The copy of the petition shall be filed on or after the
349 effective date of the law which authorizes the referendum for which the petition will be circulated. The
350 clerk shall certify, within 10 days of such filing, that he has received and accepted the petition copy and
351 statement.

352 2. If the referendum will be held only in a town, the copy and statement shall be filed with the
353 clerk of the circuit court for the county in which the town, or larger portion of the town, is located, and
354 the individual shall be a qualified voter of the town. If the referendum will be held only in part of a county,
355 city, or town, the copy and statement shall be filed with the clerk of the appropriate circuit court, and the
356 individual shall be a qualified voter of the part of the county, city, or town in which the referendum will
357 be held. If the referendum will be held in more than one county, city, or town, the copy and statement
358 shall be filed with the clerk of the circuit court of any one of the localities in which the referendum will
359 be held, and the individual shall be a qualified voter of that locality.

360 3. Each qualified voter signing a petition shall date his signature.

361 4. Each such voter may provide on the petition the last four digits of his social security number, if
362 any; however, noncompliance with this requirement shall not be cause to invalidate the voter's signature
363 on the petition.

364 5. Each signature on the petition shall be witnessed by a person who is qualified to vote, or
365 qualified to register to vote, in the referendum for which he is circulating the petition and whose affidavit
366 to that effect, including his name, residence address and, if different, his mailing address, and the name of

367 the organization, if any, that he represents in circulating the petition, appears on each page, front and back,
368 of the petition.

369 6. The petition shall be circulated, completed, and filed with the appropriate court or authority
370 within nine months of the date of the certification by the clerk of the circuit court pursuant to subdivision
371 1.

372 7. Each qualified voter signing the petition shall have been validly registered in the jurisdiction for
373 which the petition is circulated at the time of signing the petition and at the time of validating the petition
374 signatures.

375 8. The number of voters registered on January 1 of the year of the certification by the clerk of the
376 circuit court pursuant to subdivision 1 shall be the basis for determining the number of signatures required
377 on the petition in all cases in which the law authorizing the referendum provides that the number of
378 signatures required for the petition is a percentage of the number of registered voters.

379 9. If the court or authority finds that the filed petitions are valid and sufficient under law, it shall
380 proceed, as provided by law, to order or call for the referendum election. If the court or authority finds
381 that the filed petitions are invalid for any cause, the petitions and the signatures on them shall be invalid
382 for all purposes. The invalidity of one or more signatures on a petition page shall not be cause to invalidate
383 the entire petition page. If the circulators of the petitions fail to file within the nine-month period provided
384 in subdivision 6, the petitions and the signatures on them shall be invalid for all purposes.

385 **2. That § 24.2-234 of the Code of Virginia is repealed.**

386 #