

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 476

An Act to amend and reenact § 24.2-541 of the Code of Virginia, relating to printing ballots after the death, withdrawal, or disqualification of a political party nominee.

[H 1437]

Approved March 16, 2003

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-541 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-541. Printing of names on ballot.

In the case (i) of a candidate who has died if the notice is filed with the proper official at least ~~twenty-five~~ 25 days before the day on which the election is to be held or (ii) of a candidate who has withdrawn or had his nomination set aside if the notice is filed with the proper official at least ~~forty-five~~ 60 days before the day on which the election is to be held, the electoral board or boards having charge of the printing of the ballots for such election shall either:

1. Cause to be printed thereon the name of every person qualifying as provided in this article; or
2. If ballots for the election have already been printed, cause separate ballots to be printed for the office on which shall be printed the name of every person qualifying as provided in this article and of any other party or nonparty candidate for the same office who had already qualified to have his name printed on the ballot. In addition, the electoral board may cause to be stricken from the earlier printed ballots the title of the office involved and the names of all candidates for that office appearing thereon.

If the candidate so dying, withdrawing or having his nomination set aside is a candidate for an office to which more than one person is to be elected and none of the candidates was opposed prior to such death, withdrawal, or setting aside, then the ballots shall be so printed as to permit the electors to vote separately for the remaining unopposed candidate or candidates, and for such persons who filed notice of candidacy as provided in this article.

Whenever any additional candidate qualifies as provided in this article, no votes previously cast by absentee ballot for a candidate for such office shall be counted, but any person who has so voted shall be entitled to receive a new ballot and to vote for his choice among all the candidates for such office.