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SENATE BILL NO. 959

Offered January 8, 2003

Prefiled January 7, 2003

A BILL to amend and reenact §§ 24.2-544 and 24.2-545 of the Code of Virginia, relating to presidential primaries.

Patrons—Lambert and Colgan

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-544 and 24.2-545 of the Code of Virginia are amended and reenacted as follows:

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

A. Primaries for the nomination of candidates for the office of President of the United States to be voted on at the November 2000 2004 general election, and the November general election in each presidential election year thereafter, shall be held on the ~~last~~ *second* Tuesday in February preceding the November general election. Primaries for the nomination of candidates for all offices to be voted on at the May 2000 general election, and the May general election in each presidential election year thereafter, shall be held on the ~~last~~ *second* Tuesday in February preceding the May general election.

B. The provisions of this title shall apply to the conduct of presidential year primaries including the time limits applicable to notices and candidate filing deadlines and the closing of registration records before the primary. The State Board shall provide a schedule for the notices and filing deadlines by the August 1 prior to the February primary including a campaign finance disclosure report filing schedule adjusted to reflect the ~~difference~~ *differences* between the June date for other primaries and the February date for the presidential primary, and the March and February primary dates.

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

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

§ 24.2-545. Presidential primary.

A. The duly constituted authorities of the state political party shall have the right to determine the method by which the state party will select its delegates to the national convention to choose the party's nominees for President and Vice President of the United States ~~including a~~ *The duly constituted authorities of the state political party shall have the right to determine whether the party will participate in the presidential primary or another method determined by the party provided for in §§ 24.2-515 and 24.2-544.* The state chairman shall notify the State Board of the party's determination at least ninety days before the primary date. If the party has determined that it will hold a presidential primary, each registered voter of the Commonwealth shall be given an opportunity to participate in the presidential primary of the political party, as defined in § 24.2-101, subject to requirements determined by the political party for participation in its presidential primary. The requirements may include, but shall not be limited to, the signing of a pledge by the voter of his intention to support the party's candidate when offering to vote in the primary. The requirements applicable to a party's primary shall be determined at least ~~ninety~~ *90* days prior to the primary date and certified to, and approved by, the State Board.

B. Any person seeking the nomination of the national political party for the office of President of the United States, or any group organized in this Commonwealth on behalf of, and with the consent of such person, may file with the State Board petitions signed by at least ~~10,000~~ *5,000* qualified voters, including at least ~~400~~ *200* qualified voters from each congressional district in the Commonwealth, who attest that they intend to participate in the primary of the same political party as the candidate for whom the petitions are filed. Such petitions shall be filed with the State Board by the primary filing deadline. The petitions shall be on a form prescribed by the State Board. ~~Such person or group shall file with the petitions a list of the names of persons who would be elected delegates and alternate delegates to the political party's national convention if the person wins the primary and the party has determined that its delegates will be selected pursuant to the primary. The slate of delegates and alternates shall comply with the rules of the national and state party.~~

C. The names of all candidates in the presidential primary of each political party shall appear on the

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59 ballot in an order determined by lot by the State Board.

60 D. The State Board shall certify the results of the presidential primary to the state chairman. If the
61 party has determined that its delegates and alternates will be selected pursuant to the primary, the slate
62 of delegates and alternates of the candidate receiving the most votes in the primary shall be deemed
63 elected by the state party. If the party has determined to use another method for selecting delegates and
64 alternates, those delegates and alternates shall be bound to vote on the first ballot at the national
65 convention for the candidate receiving the most votes in the primary unless that candidate releases those
66 delegates and alternates from such vote.

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

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