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HOUSE BILL NO. 20

Offered January 9, 2008

Prefiled November 28, 2007

A BILL to amend and reenact §§ 24.2-530 and 24.2-535 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 24.2-418.1, 24.2-423.1, and 24.2-516.1, relating to voter registration by political party; primary elections.

Patrons—Lingamfelter, Athey, Bell, Cline, Cole, Hargrove, Hugo, Janis, Landes, Loupassi, May, Nixon, Nutter, Oder, Pogge and Saxman; Senator: Ruff

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-530 and 24.2-535 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 24.2-418.1, 24.2-423.1, and 24.2-516.1 as follows:

§ 24.2-418.1. Application for registration; political party affiliation; independent status.

A. On and after January 1, 2009, each application to register shall provide a space for the applicant to state his political party affiliation or independent status. If the applicant does not state a political party affiliation, he shall be designated as independent in the registration records.

B. Each voter registered prior to January 1, 2009, shall be deemed to be an independent in the registration records unless the voter changes his designation to a political party affiliation pursuant to § 24.2-423.1. On and after January 1, 2009, the State Board shall provide the means for each registered voter to provide his political party affiliation or independent status for the voter registration system.

§ 24.2-423.1. Change of political party affiliation or independent status.

A. On and after January 1, 2009, any registered voter may change his political party affiliation or independent status on his registration record by providing notice in writing, signed by him, to the general registrar of the jurisdiction where he is registered. Such notice may be made in person or by mail or facsimile on a form approved by the State Board. The notice shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature. On receipt of the notice prescribed in this subsection, the general registrar shall enter the voter's new political party affiliation or independent status on his registration record and issue the voter a new voter registration card confirming the changed affiliation or status.

B. No change in a voter's political party affiliation or independent status shall be entered in the registration records at any time the registration records are closed pursuant to § 24.2-416.

§ 24.2-516.1. Party to notify State Board of persons qualified to vote in primaries.

By January 31 of each year, the state party chairman of each political party shall file written notice with the State Board applicable to the primaries to be conducted by the party from April 1 of that year and for the following 12 months. The notice shall state the rules adopted by the party for participation in the party's primaries including, but not limited to, whether the primary shall be (i) open only to qualified voters who are registered as being affiliated with the political party; (ii) open to qualified voters who are registered as being affiliated with the political party and to qualified voters who are registered as independents; (iii) open to all qualified voters; (iv) closed to qualified voters who have participated in another party's primary within a stated period of time; or (v) such other limitations on participation in the primary that the party determines to adopt and that are permitted by law. The state party chairman's notice shall apply to all primaries conducted by the party including statewide and other election district primaries.

§ 24.2-530. Who may vote in primary.

All persons qualified to vote, pursuant to §§ 24.2-400 through 24.2-403 *and § 24.2-516.1*, may vote at the primary. *The primary shall be conducted, as specified pursuant to § 24.2-516.1, in accordance with the notice of the state chairman of the political party holding the primary.* No person shall vote for the candidates of more than one party.

§ 24.2-535. Vote required to nominate.

Any candidate for party nomination to any office who receives a plurality of the votes cast ~~by~~ *at* his *political* party *primary* shall be the nominee of his party for that office and his name shall be printed on the official ballots used in the election for which the primary was held.

2. That the provisions of this act shall be applicable only to primaries conducted after April 1, 2009.

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