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HOUSE BILL NO. 88

Offered January 9, 2008

Prefiled December 13, 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.

Patron—Marshall, R.G.

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. 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 or indicate his independent status, 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.

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

A. Any registered voter may change his political party affiliation or independent status on his registration record by giving 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.

A. 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 or (ii) open to qualified voters who are registered as being affiliated with the political party and to qualified voters who are registered as independents. The state party chairman's notice shall apply to all primaries conducted by the party including statewide and other election district primaries.

B. The primaries shall be open to qualified voters who have registered as being affiliated with the political party and as independents if the state party chairman fails to provide to the State Board the written notice required by subsection A.

§ 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.

A qualified voter who has registered as a member of a political party prior to the closing of the registration records for a November general election shall not be eligible to participate in a primary election for a different political party held prior to the following July 1. However, the voter may participate in the primary of the different political party if it has opened its primary to independent voters pursuant to § 24.2-516.1 and the voter has changed his registration to independent status before the registration records are closed for that primary.

§ 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

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HB88

59 the official ballots used in the election for which the primary was held.

60 **2. That the provisions of this act shall become effective on January 1, 2009; however, the**
61 **provisions of this act shall not be applicable to primaries conducted prior to April 1, 2009.**