

# VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

## CHAPTER 570

*An Act to amend and reenact §§ 24.2-515, 24.2-544, and 24.2-545 of the Code of Virginia, relating to presidential election year primaries.*

[H 1843]

Approved March 25, 2011

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-515, 24.2-544, and 24.2-545 of the Code of Virginia are amended and reenacted as follows:**

§ 24.2-515. Presidential election year primaries.

Primaries for the nomination of candidates for offices to be voted on at the general election date in November shall be held on the second Tuesday in June next preceding such election, except that beginning with the year 2004 2012 and in presidential election years thereafter, primaries to choose among presidential candidates may be held as provided below in Article 7 (§ 24.2-544 et seq.) of this chapter on the second Tuesday in February. Primaries for the nomination of candidates for offices to be voted on at the general election date in May shall be held on the first Tuesday in March next preceding such election, except that beginning with the year 2004 and in presidential election years thereafter, primaries for the nomination of candidates for offices to be voted on at the general election date in May shall be held as described below in Article 7 of this chapter on the second Tuesday in February.

§ 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 2004 2012 general election, and the November general election in each presidential election year thereafter, shall be held on the second first Tuesday in February March preceding the November general election. Primaries for the nomination of candidates for all offices to be voted on at the May 2004 general election, and the May general election in each presidential election year thereafter, shall be held on the second Tuesday in February preceding the May general election.

B. The provisions of this title shall apply to the conduct of presidential election 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 March primary including a campaign finance disclosure report filing schedule adjusted to reflect the differences between the June date for other primaries and the February March date for the presidential primary, and the March and February primary dates and primaries for the nomination of candidates for offices to be voted on at the general election date in May.

C. Notwithstanding any other provision of law to the contrary, any officer of election who serves at any election held on the second first Tuesday in February March 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 18 years of age on or before the day of the next November general election shall be permitted to register in advance of and also vote in any presidential primary and any other primary 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 presidential primary or another method determined by the party. The state chairman shall notify the State Board of the party's determination at least 90 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 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 qualified voters, including at

least 400 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 and shall be sealed in one or more containers to which is attached a written statement giving the name of the presidential candidate and the number of signatures on the petitions contained in the containers. Such person or group shall also attach 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.

The State Board shall transmit the material so filed to the state chairman of the party of the candidate immediately after the primary filing deadline. The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate. The state chairman of the party shall, by the deadline set by the State Board, furnish to the State Board the names of all candidates who have satisfied the requirements of this section. Whenever only one candidate for a party's nomination for President of the United States has met the requirements to have his name on the ballot, he will be declared the winner and no presidential primary for that party will be held.

C. The names of all candidates in the presidential primary of each political party shall appear on the ballot in an order determined by lot by the State Board.

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

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

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