12101235D

1 **HOUSE BILL NO. 36**
2 Offered January 11, 2012
3 Prefiled December 13, 2011
4 *A BILL to amend and reenact §§ 24.2-509 and 24.2-518 of the Code of Virginia, relating to political*
5 *party nominations; primary elections; payment of costs.*
6 ————————
   Patron—Cole
7 ————————
8 Referred to Committee on Privileges and Elections
9 ————————
10 **Be it enacted by the General Assembly of Virginia:**
11 **1. That §§ 24.2-509 and 24.2-518 of the Code of Virginia are amended and reenacted as follows:**
12 § 24.2-509. Party to determine method of nominating its candidates for office; exceptions.
13 A. The duly constituted authorities of the state political party shall have the right to determine the
14 method by which a party nomination for a member of the United States Senate or for any statewide
15 office shall be made. The duly constituted authorities of the political party for the district, county, city,
16 or town in which any other office is to be filled shall have the right to determine the method by which
17 a party nomination for that office shall be made.
18 B. Notwithstanding subsection A, the following provisions shall apply to the determination of the
19 method of making party nominations. A party shall nominate its candidate for election for a General
20 Assembly district where there is only one incumbent of that party for the district by the method
21 designated by that incumbent, or absent any designation by him by the method of nomination
22 determined by the party. A party shall nominate its candidates for election for a General Assembly
23 district where there is more than one incumbent of that party for the district by a primary unless all the
24 incumbents consent to a different method of nomination. A party, whose candidate at the immediately
25 preceding election for a particular office other than the General Assembly (i) was nominated by a
26 primary or filed for a primary but was not opposed and (ii) was elected at the general election, shall
27 nominate a candidate for the next election for that office by a primary unless all incumbents of that
28 party for that office consent to a different method.
29 When, under any of the foregoing provisions, no incumbents offer as candidates for reelection to the
30 same office, the method of nomination shall be determined by the political party.
31 For the purposes of this subsection, any officeholder who offers for reelection to the same office
32 shall be deemed an incumbent notwithstanding that the district which he represents differs in part from
33 that for which he offers for election.
34 *C. No primary shall be held unless the duly constituted authorities of the political party nominating*
35 *its candidate in the primary agree to pay the costs of the primary and post bond to cover the costs of*
36 *the primary in an amount determined by the State Board. The State Board shall set the amount of the*
37 *bond at least 90 days before the date set for the primary, and the bond shall be posted at least 60 days*
38 *before the primary.*
39 § 24.2-518. Political parties to pay primary expenses; certain uses of machinery by party.
40 ~~The treasurer of the county or city in which the elections are held shall pay the costs of primary~~
41 ~~elections.~~*The duly constituted authorities of the political party nominating its candidate in the primary*
42 *shall pay the costs of the primary election.*
43 A political party may hold an election to select the members of its party committee at the same time
44 and in the same places as a primary election without fee or charge for making use of the electoral
45 machinery *for that purpose*, provided that a primary to nominate the party's candidate for an office is in
46 fact conducted on that primary date. Such elections for party committee members may be conducted by
47 paper ballots or by voting machines in the discretion of the local electoral board.
48 The proper political party committee shall pay the costs of using the election machinery at any other
49 time for the purpose of conducting other nominating procedures adopted pursuant to the rules of that
50 party, if such use is authorized by the officials having custody of the machinery.
51 **2. That the provisions of this act shall become effective on January 1, 2013.**