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## HOUSE BILL NO. 1346

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee on Privileges and Elections  
on February 12, 2013)

(Patron Prior to Substitute—Delegate Cole)

*A BILL to amend and reenact §§ 24.2-543 and 24.2-545 of the Code of Virginia, relating to presidential electors; candidate petitions, required signatures, substitute electors.*

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

**1. That §§ 24.2-543 and 24.2-545 of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-543. How other groups may submit names of electors; oaths of electors.**

A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have the names of electors selected by them, including one elector residing in each congressional district and two from the Commonwealth at large, printed upon the official ballot to be used in the election of electors for President and Vice President by filing a petition pursuant to this section. The petition shall be filed with the State Board by noon of the seventy-fourth day before the presidential election. The petition shall be signed by at least ~~10,000~~ 5,000 qualified voters and include signatures of at least ~~400~~ 200 qualified voters from each congressional district. The petition shall be signed by petitioners on and after January 1 of the year of the presidential election only and contain the residence address of each petitioner. The signature of each petitioner shall be witnessed either by a person who is a constitutionally qualified candidate for President of the United States, who may witness his own petition, or by a person who is a resident of the Commonwealth and who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition. The petition shall state the names of the electors selected by the petitioners, the party name under which they desire the named electors to be listed on the ballot, and the names of the candidates for President and Vice President for whom the electors are required to vote in the Electoral College. The persons filing the petition shall file with it a copy of a subscribed and notarized oath by each elector stating that he will, if elected, cast his ballot for the candidates for President and Vice President named in the petition, or as the party may direct in the event of death, withdrawal or disqualification of the party nominee. In order to utilize a selected party name on the ballot, the petitioners shall have had a state central committee composed of registered voters from each congressional district of the Commonwealth, a party plan and bylaws, and a duly designated chairman and secretary in existence and holding office for at least six months prior to filing the petition. The State Board may require proof that the petitioners meet these requirements before permitting use of a party name on the ballot. The party name shall not be identical with or substantially similar to the name of any political party qualifying under § 24.2-101 and then in existence.

In the event of the death or withdrawal of a candidate for President or Vice President qualified to appear on the ballot by party name, that party may substitute the name of a different candidate before the State Board certifies to the county and city electoral boards the form of the official ballots.

In the event that a group of qualified voters meets the requirements set forth in this section except that they cannot utilize a party name, the electors selected and the candidates for President and Vice President shall be identified and designated as "Independent" on the ballot. Substitution of a different candidate for Vice President may be made by the candidate for President before the State Board certifies to the county and city electoral boards the form of the official ballot.

*In the event of the death or disqualification of any person listed as an elector for candidates for President and Vice President on a petition filed pursuant to this section, the party or candidate for President, as applicable, may substitute the name of a different elector. Such substitution shall not invalidate any petition of qualified voters circulated with the name of the deceased or disqualified elector provided that notice of the substitution is filed with the State Board by noon of the seventy-fourth day before the presidential election. Notice of the substitution and the name of any substitute elector shall be submitted on a form prepared by the State Board.*

**§ 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

60 requirements may include, but shall not be limited to, the signing of a pledge by the voter of his  
61 intention to support the party's candidate when offering to vote in the primary. The requirements  
62 applicable to a party's primary shall be determined at least 90 days prior to the primary date and  
63 certified to, and approved by, the State Board.

64 B. Any person seeking the nomination of the national political party for the office of President of the  
65 United States, or any group organized in ~~this~~ *the* Commonwealth on behalf of, and with the consent of  
66 such person, may file with the State Board petitions signed by at least ~~10,000~~ *5,000* qualified voters,  
67 including at least ~~400~~ *200* qualified voters from each congressional district in the Commonwealth, who  
68 attest that they intend to participate in the primary of the same political party as the candidate for whom  
69 the petitions are filed. Such petitions shall be filed with the State Board by the primary filing deadline.  
70 The petitions shall be on a form prescribed by the State Board and shall be sealed in one or more  
71 containers to which is attached a written statement giving the name of the presidential candidate and the  
72 number of signatures on the petitions contained in the containers. Such person or group shall also attach  
73 a list of the names of persons who would be elected delegates and alternate delegates to the political  
74 party's national convention if the person wins the primary and the party has determined that its delegates  
75 will be selected pursuant to the primary. The slate of delegates and alternates shall comply with the  
76 rules of the national and state party.

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

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

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

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

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