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HOUSE BILL NO. 2147

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections
on February 1, 2013)

(Patron Prior to Substitute—Delegate Anderson)

A BILL to amend and reenact §§ 24.2-522, 24.2-527, and 24.2-545 of the Code of Virginia, relating to filings of primary candidate petitions with party chairman; furnishing of names of candidates by party chairman; certifying minimum number of petition signatures.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-522, 24.2-527, and 24.2-545 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-522. When and to whom filings to be made.

A. Declarations of candidacy, petitions, and receipts indicating the payment of filing fees shall be filed not earlier than noon of the ninety-second day and not later than 5:00 p.m. of the seventy-fifth day before the primary.

B. Except as provided in subsection C, candidates for nomination shall file their declarations, petitions, and receipts with the chairman or chairmen of the several committees of the respective parties.

C. Any candidate for nomination for United States Senator, Governor, Lieutenant Governor, or Attorney General shall file with the State Board (i) his declaration of candidacy, (ii) the petitions for his candidacy, sealed in one or more containers to which is attached a written statement under oath by the candidate giving his name and the number of signatures on the petitions contained in the containers, and (iii) a receipt indicating the payment of his filing fee.

The State Board shall transmit the material so filed to the state chairman of the party of the candidate ~~on~~ within 72 hours and not later than the seventy-fourth day before the primary. The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate.

§ 24.2-527. Chairman or official to furnish State Board and local electoral boards with names of candidates and certify petition signature requirements met.

A. It shall be the duty of the chairman or chairmen of the several committees of the respective parties to furnish the name of any candidate for nomination for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district or of a General Assembly district to the State Board, and to furnish the name of any candidate for any other office to the State Board and to the electoral boards charged with the duty of preparing and printing the primary ballots. *In furnishing the name of any such candidate, the chairman shall certify that a review of the filed candidate petitions found the required minimum number of signatures of qualified voters for that office to have been met.* The chairman shall also certify the order and date and time of filing for purposes of printing the ballots as prescribed in § 24.2-528, provided that the State Board shall determine the order and date and time of filing for candidates for United States Senator, Governor, Lieutenant Governor, and Attorney General for such purposes. Each chairman shall comply with the provisions of this section not less than 70 days before the primary.

B. In no case shall the individual who is a candidate for an office be the person who certifies the names of candidates for a primary for that same office. In such case the party shall designate an alternate official to certify the candidates.

§ 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

60 least 400 qualified voters from each congressional district in the Commonwealth, who attest that they
61 intend to participate in the primary of the same political party as the candidate for whom the petitions
62 are filed. Such petitions shall be filed with the State Board by the primary filing deadline. The petitions
63 shall be on a form prescribed by the State Board and shall be sealed in one or more containers to which
64 is attached a written statement giving the name of the presidential candidate and the number of
65 signatures on the petitions contained in the containers. Such person or group shall also attach a list of
66 the names of persons who would be elected delegates and alternate delegates to the political party's
67 national convention if the person wins the primary and the party has determined that its delegates will
68 be selected pursuant to the primary. The slate of delegates and alternates shall comply with the rules of
69 the national and state party.

70 The State Board shall transmit the material so filed to the state chairman of the party of the
71 candidate immediately after the primary filing deadline. The sealed containers containing the petitions
72 for a candidate may be opened only by the state chairman of the party of the candidate. The state
73 chairman of the party shall, by the deadline set by the State Board, furnish to the State Board the names
74 of all candidates who have satisfied the requirements of this section. *In furnishing the name of each*
75 *such candidate, the state chairman shall certify that a review of the filed candidate petitions found the*
76 *required minimum number of signatures of qualified voters for that office to have been met.* Whenever
77 only one candidate for a party's nomination for President of the United States has met the requirements
78 to have his name on the ballot, he will be declared the winner and no presidential primary for that party
79 will be held.

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

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

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

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