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1 **SENATE BILL NO. 1260**
2 Offered January 11, 2013
3 *A BILL to amend and reenact § 24.2-509 of the Code of Virginia, relating to party to determine method*
4 *of nominating its candidates for office; exceptions.*
5 ——————

Patrons—Wagner; Delegate: Krupicka
6 ——————
7 Referred to Committee on Privileges and Elections
8 ——————
9 **Be it enacted by the General Assembly of Virginia:**
10 **1. That § 24.2-509 of the Code of Virginia is amended and reenacted as follows:**
11 **§ 24.2-509. Party to determine method of nominating its candidates for office; exceptions.**
12 A. ~~The~~ *Subject to the provisions of subsection C, the* duly constituted authorities of the state political
13 party shall have the right to determine the method by which a party nomination for a member of the
14 United States Senate or for any statewide office shall be made. ~~The~~ *Subject to the provisions of*
15 *subsection C, the* duly constituted authorities of the political party for the district, county, city, or town
16 in which any other office is to be filled shall have the right to determine the method by which a party
17 nomination for that office shall be made.
18 B. Notwithstanding subsection A*, but subject to the provisions of subsection C*, the following
19 provisions shall apply to the determination of the method of making party nominations. A party shall
20 nominate its candidate for election for a General Assembly district where there is only one incumbent of
21 that party for the district by the method designated by that incumbent, or absent any designation by him
22 by the method of nomination determined by the party. A party shall nominate its candidates for election
23 for a General Assembly district where there is more than one incumbent of that party for the district by
24 a primary unless all the incumbents consent to a different method of nomination. A party, whose
25 candidate at the immediately preceding election for a particular office other than the General Assembly
26 (i) was nominated by a primary or filed for a primary but was not opposed and (ii) was elected at the
27 general election, shall nominate a candidate for the next election for that office by a primary unless all
28 incumbents of that 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 political party, through its duly constituted authorities, shall determine that its candidates for*
35 *statewide or General Assembly district office shall be nominated by a method that will have the*
36 *practical effect of excluding participation in the nominating process by otherwise eligible active duty*
37 *military personnel, including military reservists and Virginia National Guard personnel, or by*
38 *individuals unable to attend meetings because of injuries suffered in military service, regardless of the*
39 *duty station or location of such personnel or individuals.*