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HOUSE BILL NO. 1425

Offered January 11, 2017

Prefiled November 3, 2016

A BILL to amend and reenact §§ 24.2-202, 24.2-203, 24.2-542, 24.2-542.1, and 24.2-673 of the Code of Virginia, relating to electors for President and Vice President; allocation of electoral votes by congressional district.

Patrons—Cole, Campbell, Fariss, Landes and Orrock

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-202, 24.2-203, 24.2-542, 24.2-542.1, and 24.2-673 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-202. Electors for President and Vice President.

The qualified voters of the Commonwealth shall choose the Commonwealth's electors for President and Vice President of the United States at the general election in November 1996 2020, and every fourth year thereafter. Each voter shall vote for a number of electors which equals the whole number of senators and representatives to which the Commonwealth at that time is entitled in the Congress of the United States two electors for the Commonwealth at large and one elector for the congressional district in which he is qualified to vote.

§ 24.2-203. Convening of electors; filling vacancies; how electors required to vote.

The electors shall convene at the capitol building in the capital city of the Commonwealth at 12:00 noon on the first Monday after the second Wednesday in December following their election. Those electors present shall immediately fill, by ballot and by a plurality of votes, any vacancy due to death, failure or inability to attend, refusal to act, or other cause. When all electors are present, or the vacancies have been filled, they shall proceed to perform the duties required of such electors by the Constitution and laws of the United States.

Electors selected by the state convention of any political party as defined in § 24.2-101 shall be required to vote for the nominees of the national convention to which the state convention elects delegates. Electors named in any petition of qualified voters as provided in § 24.2-543 shall be required to vote for the persons named for President and for Vice President in the petition.

The two electors for the Commonwealth at large shall vote for the candidates for President and Vice President who received the highest number of votes statewide. The elector for each congressional district shall vote for the candidates for President and Vice President who received the highest number of votes in that congressional district.

§ 24.2-542. State Board to be furnished names of electors selected by political parties; oaths of electors.

In elections for President and Vice President of the United States, the appropriate chairman or secretary of each political party shall furnish to the State Board by noon of the seventy-fourth day before the presidential election (i) the names of the electors selected by the party at its convention held for that purpose, together with the names of the political party and of the candidates for President and Vice President for whom the electors are required to vote in the Electoral College and (ii) 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 nominated by the party that selected the elector, or as the party may direct in the event of death, withdrawal, or disqualification of the party nominee. Two electors for the Commonwealth at large and one elector for each congressional district shall be selected. In the event of the death or withdrawal of a candidate of a political party for President or Vice President, 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. The State Board shall also be furnished, if it requests, with satisfactory evidence that any person undertaking to act as an elector on behalf of any political party is, in fact, duly and properly authorized to do so.

§ 24.2-542.1. State Board to be furnished names of electors selected by political parties; certain national conventions.

Notwithstanding the provisions of § 24.2-542, (i) the state political party chairman of a political party whose national convention has been scheduled to be held after the seventy-fourth day before the presidential election, shall file by noon on the seventy-fourth day before the presidential election, with the certification of its at-large and congressional district electors, a certification of the persons expected to be nominated for President and Vice President at its national convention; (ii) the State Board of

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59 Elections shall certify candidates to the local electoral boards and ballot preparation shall proceed based
60 on the state party chairman's certifications; and (iii) the persons nominated by the party at its national
61 convention shall be certified to the State Board no later than 5:00 p.m. on the sixtieth day before the
62 presidential election.

63 **§ 24.2-673. Candidates having highest number of votes to receive certificate of election.**

64 Except in the case of *a presidential election pursuant to §§ 24.2-202 and 24.2-203 or a recount*
65 *pursuant to the provisions of Chapter 8 (§ 24.2-800 et seq.) of this title*, in all elections for the choice of
66 any officer, unless it is otherwise expressly provided, the person having the highest number of votes for
67 any office shall be deemed to have been elected to such office and shall receive the certificate of
68 election.