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SENATE BILL NO. 1543

Offered January 20, 2017

A BILL to amend and reenact §§ 24.2-545 and 24.2-614 of the Code of Virginia, relating to presidential candidates; federal tax and state income tax returns required.

Patron—McPike

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 24.2-545 and 24.2-614 of the Code of Virginia are amended and reenacted as follows:**
§ 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 the Commonwealth on behalf of, and with the consent of such person, may file with the State Board petitions signed by at least 5,000 qualified voters, including at least 200 qualified voters from each congressional district in the Commonwealth, who attest that they intend to participate in the primary of the same political party as the candidate for whom the petitions are filed. Such petitions shall be filed with the State Board by the primary filing deadline. The petitions shall be on a form prescribed by the State Board and shall be sealed in one or more containers to which is attached a written statement giving the name of the presidential candidate and the number of signatures on the petitions contained in the containers. Such person or group shall also attach a list of the names of persons who would be elected delegates and alternate delegates to the political party's national convention if the person wins the primary and the party has determined that its delegates will be selected pursuant to the primary. The slate of delegates and alternates shall comply with the rules of the national and state party. *Such person seeking the nomination shall also submit by the primary filing deadline that person's federal tax returns and income tax returns filed in any state from each year of the five-year period immediately preceding the general election.*

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

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

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

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

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

65 **§ 24.2-614. Preparation and form of presidential election ballots.**

66 As soon as practicable after the seventy-fourth day before the presidential election, the State Board
67 shall certify to the general registrar of each county and city the form of official ballot for the
68 presidential election which shall be uniform throughout the Commonwealth. Each general registrar shall
69 have the official ballot printed at least 45 days preceding the election.

70 The ballot shall contain the name of each political party and the party group name, if any, specified
71 by the persons naming electors by petition pursuant to § 24.2-543. Below the party name in parentheses,
72 the ballot shall contain the words "Electors for _____, President and _____,
73 Vice President" with the blanks filled in with the names of the candidates for President and Vice
74 President for whom the candidates for electors are expected to vote in the Electoral College. A printed
75 square shall precede the name of each political party or party designation.

76 Groups of petitioners qualifying for a party name under § 24.2-543 shall be treated as a class; the
77 order of the groups shall be determined by lot by the State Board; and the groups shall immediately
78 precede the independent class on the ballot. The names of the candidates within the independent class
79 shall be listed alphabetically.

80 *The official ballot shall not contain the name of any candidate who did not submit the federal tax*
81 *returns and income tax returns filed in any state required by § 24.2-545.*

82 *A candidate nominated by a method other than a primary held pursuant to § 24.2-545 shall be*
83 *required to submit to the State Board by the seventy-fifth day before the presidential election that*
84 *candidate's federal tax returns and income tax returns filed in any state from each year of the five-year*
85 *period immediately preceding the general election, and the official ballot shall not contain the name of*
86 *any candidate who fails to do so.*