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## HOUSE BILL NO. 1116

Offered January 8, 2020

Prefiled January 7, 2020

A *BILL to amend and reenact §§ 24.2-511, 24.2-516, 24.2-517, and 24.2-527 of the Code of Virginia, relating to political parties; notification of adoption of primary election; certification of candidates.*

Patron—Hudson

Referred to Committee on Privileges and Elections

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

**1. That §§ 24.2-511, 24.2-516, 24.2-517, and 24.2-527 of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-511. Party chairman or official to certify candidates to the Department of Elections; failure to certify.**

A. The state, district, or other appropriate party chairman, or the chairman's designee, shall certify the name of any candidate who has been nominated by his party by a method other than a primary for any office to be elected by the qualified voters of (i) the Commonwealth at large, (ii) a congressional district or a General Assembly district, or (iii) political subdivisions jointly electing a shared constitutional officer, along with the date of the nomination of the candidate, to the State Board Department not later than five days after the last day for nominations to be made. Such certification shall be on a form and in a format prescribed by the Department. The State Board Department shall notify the general registrars of the names of the candidates to appear on the ballot for such offices.

B. The party chairman of the district or political subdivision in which any other office is to be filled shall certify the name of any candidate for that office who has been nominated by his party by a method other than a primary to the State Board and to the general registrars of the cities and counties in which the name of the candidate will appear on the ballot not later than five days after the last day for nominations to be made. Should the party chairman fail to make such certification, the State Board shall declare that the candidate is the nominee of the particular party and direct that his name be treated as if certified by the party chairman.

C. In the case of a nomination for any office to be filled by a special election, the state party chairman, or the chairman's designee, shall certify the name of any candidate (i) by the deadline to nominate the candidate or (ii) not later than five days after the deadline if it is a special election held at the second November election after the vacancy occurred.

C. If the state party chairman, or the chairman's designee, fails to certify to the Department the name of a candidate nominated for an office by the deadline prescribed in subsection A or B, the Department shall declare that there is no candidate nominated by the party for that office.

D. No further notice declaration of candidacy or petition shall be required of a candidate once the state party chairman, or the chairman's designee, has certified his name to the State Board Department.

E. In no case shall the individual who is a candidate for an office be the person who certifies the name of the party candidate for that same office. In such case the party shall designate an alternate official to certify its candidate.

**§ 24.2-516. Party to furnish names of chairmen and notify Department of Elections of adoption of direct primary.**

A. Each political party within the Commonwealth shall furnish to the State Board Department the names and addresses of its state, county, and city party chairmen in January of each year, and during the remainder of the year it shall notify the Board Department of any changes in such names and addresses.

B. At least 135 days prior to the regular date for a primary, the Board Department shall inquire of each state chairman and each county and city chairman whether a direct primary has been adopted for any office. The Board Department shall advise each chairman that notification to the Board Department of the adoption of a direct primary is required and must be filed with the Board Department not more than 125 days and not less than 105 days before the date set for the primaries.

C. Each state party chairman, or the chairman's designee, shall file timely written notice with the Board Department whether or not a primary has been adopted and identify each office for which a primary has been adopted. The requirement to notify the Board Department of the adoption of a any direct primary shall be satisfied when the Board Department receives by the deadline (i) written notice from the appropriate state party chairman or (ii) a copy of the written notice from an incumbent officeholder to his party chairman of the incumbent's selection, pursuant to § 24.2-509, of the primary as

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59 the method of nomination or the chairman's designee.

60 D. The Department shall not order the holding of a primary election pursuant to § 24.2-517 without  
61 a timely filed notice as required by this section.

62 **§ 24.2-517. Department of Elections to order election.**

63 The ~~State Board~~ Department shall order the holding of a primary election in any county, city, or  
64 other district of the Commonwealth in which it is notified pursuant to § 24.2-516 that a primary is  
65 intended to be held. The notice ordering the primary shall be sent to the secretary of the electoral board.  
66 Within five days of the issuance of the order by the ~~State Board~~ Department, each secretary shall post a  
67 copy of the notice on the official website of the county or city, post copies of the notice at not less than  
68 10 public places in the county or city, or have notice of the election published at least once in a  
69 newspaper of general circulation in the county or city.

70 **§ 24.2-527. Chairman or official to furnish Department of Elections with names of candidates**  
71 **and certify petition signature requirements met.**

72 A. It shall be the duty of the ~~state party chairman or chairmen of the several committees, or the~~  
73 ~~chairman's designee~~, of the respective parties to furnish the name of any candidate for nomination for  
74 any office to be elected by the qualified voters of the Commonwealth at large or of a congressional  
75 district or of a General Assembly district to the State Board, and to furnish the name of any candidate  
76 for any other office to the State Board and to the general registrars charged with the duty of preparing  
77 and printing the primary ballots to the Department, on a form prescribed by the Department. In  
78 furnishing the name of any such candidate, the chairman, ~~or the chairman's designee~~, shall certify that a  
79 review of the filed candidate petitions found the required minimum number of signatures of qualified  
80 voters for that office to have been met. The chairman, ~~or the chairman's designee~~, shall also certify the  
81 order and date and time of filing for purposes of printing the ballots as prescribed in § 24.2-529,  
82 provided that the State Board shall determine the order and date and time of filing for candidates for  
83 United States Senator, Governor, Lieutenant Governor, and Attorney General for such purposes. Each  
84 ~~state party chairman, or the chairman's designee~~, shall comply with the provisions of this section not  
85 less than 70 days before the primary.

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