

23102708D

SENATE BILL NO. 947

Offered January 11, 2023

Prefiled January 6, 2023

A BILL to amend and reenact § 24.2-509, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to elections; candidates for office; political party nomination by non-primary method; filing fee.

 Patron—Suetterlein

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-509, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 24.2-509. (Effective until January 1, 2024) Party to determine method of nominating its candidates for office; exceptions; filing fee.

A. The duly constituted authorities of the state political party shall have the right to determine the method by which a party nomination for a member of the United States Senate or for any statewide office shall be made. The duly constituted authorities of the political party for the district, county, city, or town in which any other office is to be filled shall have the right to determine the method by which a party nomination for that office shall be made.

B. Notwithstanding subsection A, the following provisions shall apply to the determination of the method of making party nominations. A party shall nominate its candidate for election for a General Assembly district where there is only one incumbent of that party for the district by the method designated by that incumbent, or absent any designation by him by the method of nomination determined by the party. A party shall nominate its candidates for election for a General Assembly district where there is more than one incumbent of that party for the district by a primary unless all the incumbents consent to a different method of nomination. A party, whose candidate at the immediately preceding election for a particular office other than the General Assembly (i) was nominated by a primary or filed for a primary but was not opposed and (ii) was elected at the general election, shall nominate a candidate for the next election for that office by a primary unless all incumbents of that party for that office consent to a different method.

When, under any of the foregoing provisions, no incumbents offer as candidates for reelection to the same office, the method of nomination shall be determined by the political party.

For the purposes of this subsection, any officeholder who offers for reelection to the same office shall be deemed an incumbent notwithstanding that the district which he represents differs in part from that for which he offers for election.

C. A political party that chooses a method of nomination that is not a primary may require candidates for nomination to pay a filing fee that shall not exceed four percent of the minimum annual salary for the office sought by a candidate in effect in the year in which such candidate files.

In the case of an office for which compensation is paid in whole or in part by fees, the filing fee paid by the candidate shall not exceed four percent of the average fees collected by the office for which he is candidate over the last four years.

If there is no salary or fee attached to the office, the filing fee shall not exceed five dollars.

§ 24.2-509. (Effective January 1, 2024) Party to determine method of nominating its candidates for office; exceptions; filing fee.

A. The duly constituted authorities of the state political party shall have the right to determine the method by which a party nomination for a member of the United States Senate or for any statewide office shall be made. The duly constituted authorities of the political party for the district, county, city, or town in which any other office is to be filled shall have the right to determine the method by which a party nomination for that office shall be made. A method of nomination shall not be selected if such method will have the practical effect of excluding participation in the nominating process by qualified voters who are otherwise eligible to participate in the nominating process under that political party's rules but are unable to attend meetings because they are (i) a member of a uniformed service, as defined in § 24.2-452, on active duty; (ii) temporarily residing outside of the United States; (iii) a student attending a school or institution of higher education; (iv) a person with a disability; or (v) a person who has a communicable disease of public health threat as defined in § 32.1-48.06 or who may have come in contact with a person with such disease. However, such restriction shall not apply when selecting a candidate for a special election or nominating a candidate pursuant to § 24.2-539, or in the event that

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59 no candidate files the required paperwork by the deadline prescribed in § 24.2-522.

60 B. Notwithstanding subsection A, the following provisions shall apply to the determination of the
61 method of making party nominations. A party shall nominate its candidate for election for a General
62 Assembly district where there is only one incumbent of that party for the district by the method
63 designated by that incumbent, or absent any designation by him by the method of nomination
64 determined by the party. A party shall nominate its candidates for election for a General Assembly
65 district where there is more than one incumbent of that party for the district by a primary unless all the
66 incumbents consent to a different method of nomination. A party, whose candidate at the immediately
67 preceding election for a particular office other than the General Assembly (i) was nominated by a
68 primary or filed for a primary but was not opposed and (ii) was elected at the general election, shall
69 nominate a candidate for the next election for that office by a primary unless all incumbents of that
70 party for that office consent to a different method.

71 When, under any of the foregoing provisions, no incumbents offer as candidates for reelection to the
72 same office, the method of nomination shall be determined by the political party.

73 For the purposes of this subsection, any officeholder who offers for reelection to the same office
74 shall be deemed an incumbent notwithstanding that the district which he represents differs in part from
75 that for which he offers for election.

76 C. *A political party that chooses a method of nomination that is not a primary may require*
77 *candidates for nomination to pay a filing fee that shall not exceed four percent of the minimum annual*
78 *salary for the office sought by a candidate in effect in the year in which such candidate files.*

79 *In the case of an office for which compensation is paid in whole or in part by fees, the filing fee*
80 *paid by the candidate shall not exceed four percent of the average fees collected by the office for which*
81 *he is candidate over the last four years.*

82 *If there is no salary or fee attached to the office, the filing fee shall not exceed five dollars.*