

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 24.2-612.2 of the Code of Virginia and to amend the Code of Virginia*
3 *by adding in Article 4 of Chapter 5 of Title 24.2 a section numbered 24.2-538.1, relating to primary*
4 *elections; candidates for nomination; withdrawal of candidacy resulting in unopposed primary;*
5 *primary cancellation and nomination procedure.*

6 [H 55]

7 Approved

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

9 **1. That § 24.2-612.2 of the Code of Virginia is amended and reenacted and that the Code of**
10 **Virginia is amended by adding in Article 4 of Chapter 5 of Title 24.2 a section numbered**
11 **24.2-538.1 as follows:**

12 **§ 24.2-538.1. Procedure when pre-election withdrawal of candidacy results in unopposed primary.**

13 *A. If a person who is a candidate for nomination by a political party at a primary election and who*
14 *has qualified to have his name printed on the ballot for such election, submits, on or after the*
15 *forty-fourth day before but prior to the Tuesday immediately preceding the primary election, a signed*
16 *and notarized notice of his intent to withdraw in accordance with § 24.2-612.2, and the result of such*
17 *withdrawal is one remaining candidate who is now unopposed for nomination by the political party,*
18 *such remaining candidate shall be declared the nominee of such political party for the office sought and*
19 *the primary election shall be canceled as set forth in subsection B.*

20 *B. Upon receipt of a candidate's signed and notarized notice of withdrawal made pursuant to*
21 *§ 24.2-612.2, the general registrar shall immediately transmit such notice to the local electoral board*
22 *and the State Board and certify that the remaining candidate, identified by name, is now unopposed for*
23 *nomination by the political party for the office sought. Within one calendar day of receiving such notice*
24 *and certification, the State Board shall declare the remaining candidate to be the nominee of such*
25 *political party for the office sought. As soon as possible thereafter, the local electoral board shall*
26 *petition the circuit court for the cancellation of the primary election.*

27 *C. The State Board shall prescribe the procedures for canceling a primary election pursuant to this*
28 *section, including instructions for locking and securing voting systems, the disposition of marked and*
29 *unmarked absentee ballots, and voter notification.*

30 *D. The provisions of this section shall not apply to primaries for the nomination of candidates for*
31 *the office of President of the United States held pursuant to Article 7 (§ 24.2-544 et seq.).*

32 **§ 24.2-612.2. Notice of withdrawal of candidates.**

33 *A candidate who has qualified to have his name printed on the ballot for an election shall not be*
34 *deemed to have withdrawn from such election until he has submitted a signed ~~written~~ and notarized*
35 *notice declaring his intent to withdraw from such election and that notice has been received by the*
36 *general registrar. Such notice shall be provided to the general registrar of the county or city in which ~~he~~*
37 *the candidate resides. In the case of an election held in more than one county or city, the recipient*
38 *general registrar shall notify the appropriate general registrars of the candidate's withdrawal.*

39 *The Department shall include in its candidate guidance documents the requirements and process for*
40 *candidate withdrawal.*

41 **2. That the provisions of the first enactment of this act shall become effective on January 1, 2025.**

ENROLLED

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