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SENATE BILL NO. 131

Offered January 10, 2024

Prefiled January 5, 2024

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

Patrons—Ruff and Mulchi

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

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

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

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

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

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

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

§ 24.2-612.2. Notice of withdrawal of candidates.

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

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

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

3. That the Department of Elections shall convene a work group to advise and collaborate with the State Board of Elections in developing the procedures for canceling a primary election, in accordance with the provisions of subsection C of § 24.2-538.1 of the Code of Virginia, as created by this act. The work group shall be composed of representatives of the Voter Registrars Association of Virginia and the Virginia Electoral Board Association, and shall begin its work no later than July 1, 2024. The work group shall complete its work and the State Board shall prescribe such procedures no later than December 1, 2024.

INTRODUCED

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