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SENATE BILL NO. 637

Offered March 6, 1996

A BILL to amend and reenact §§ 24.2-542, 24.2-543, and 24.2-614 of the Code of Virginia, relating to nominations and ballots for presidential elections.

Patron—Miller, K.G.

Consent to introduce

Referred to the Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-542, 24.2-543, and 24.2-614 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-542. State Board to be furnished names of electors selected by political parties.

In elections for President and Vice-President of the United States, the state chairman or the secretary of each political party shall furnish to the State Board by noon of the ~~seventy-fourth~~ *sixty-seventh* day before the presidential election the names of the electors selected by the party at its convention held for that purpose, together with the names of the political party and of the candidates for President and Vice-President for whom the electors are expected to vote in the Electoral College. In the event of the death or withdrawal of a candidate of a political party for President or Vice-President, that party may substitute the name of a different candidate before the State Board certifies to the county and city electoral boards the form of the official ballots. The State Board shall also be furnished, if it requests, with satisfactory evidence that any person undertaking to act as an elector on behalf of any political party is, in fact, duly and properly authorized to do so.

§ 24.2-543. How other groups may submit names of electors.

A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have the names of electors selected by them, including one elector residing in each congressional district and two from the Commonwealth at large, printed upon the official ballot to be used in the election of electors for President and Vice-President by filing a petition pursuant to this section. The petition shall be filed with the State Board by noon of the ~~seventy-fourth~~ *sixty-seventh* day before the presidential election. The petition shall be signed by qualified voters equal in number to at least one-half of one percent of the number of voters registered in the Commonwealth as of January 1 of the year of the presidential election and include signatures of at least 200 qualified voters from each congressional district. The petition shall be signed by petitioners on and after January 1 of the year of the presidential election only and contain the residence address of each petitioner. The signature of each petitioner shall be witnessed by a qualified voter who is a resident of the same or a contiguous congressional district as the voter whose signature is witnessed, and whose affidavit to that effect appears on each page of the petition. The petition shall state the names of the electors selected by the petitioners, the party name under which they desire the named electors to be listed on the ballot, and the names of the candidates for President and Vice-President for whom the electors are expected to vote in the Electoral College. In order to utilize a selected party name on the ballot, the petitioners shall have had a state central committee composed of registered voters from each congressional district of the Commonwealth, a party plan and bylaws, and a duly designated chairman and secretary in existence and holding office for at least six months prior to filing the petition. The State Board may require proof that the petitioners meet these requirements before permitting use of a party name on the ballot. The party name shall not be identical with or substantially similar to the name of any political party qualifying under § 24.2-101 and then in existence.

In the event of the death or withdrawal of a candidate for President or Vice-President qualified to appear on the ballot by party name, that party may substitute the name of a different candidate before the State Board certifies to the county and city electoral boards the form of the official ballots.

In the event that a group of qualified voters meets the requirements set forth in this section except that they cannot utilize a party name, the electors selected and the candidates for President and Vice-President shall be identified and designated as "Independent" on the ballot. Substitution of a different candidate for Vice-President may be made by the candidate for President before the State Board certifies to the county and city electoral boards the form of the official ballot.

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

As soon as practicable after the ~~seventy-fourth~~ *sixty-seventh* day before the presidential election, the State Board shall certify to the secretary of each county and city electoral board the form of official

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60 ballot for the presidential election which shall be uniform throughout the Commonwealth. Each electoral
61 board shall have the official ballot printed at least forty-five days preceding the election.

62 The ballot shall contain the name of each political party and the party group name, if any, specified
63 by the persons naming electors by petition pursuant to § 24.2-543. Below the party name in parentheses,
64 the ballot shall contain the words "Electors for, President and, Vice-President" with the
65 blanks filled in with the names of the candidates for President and Vice-President for whom the
66 candidates for electors are expected to vote in the Electoral College. The names of the electors
67 nominated by each political party or group of petitioners shall follow the name of each political party
68 and party designation, and a printed square shall precede the name of each political party or party
69 designation.

70 Groups of petitioners qualifying for a party name under § 24.2-543 shall be treated as a class; the
71 order of the groups shall be determined by lot by the State Board; and the groups shall immediately
72 follow the independent class on the ballot. The order of the candidates within the independent class shall
73 be determined by lot by the State Board.