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SENATE BILL NO. 1287

Offered January 21, 1999

A BILL to amend and reenact § 24.2-515 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 5 of Title 24.2 an article numbered 7, consisting of sections numbered 24.2-544 and 24.2-545, relating to primary elections in presidential election years.

Patron—Watkins

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-515 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding in Chapter 5 of Title 24.2 an article numbered 7, consisting of sections numbered 24.2-544 and 24.2-545, as follows:

§ 24.2-515. Time primaries to be held.

Primaries Except as provided in Article 7 (§ 24.2-544 et seq.) of this chapter for the year 2000 and presidential election years thereafter, primaries for the nomination of candidates for offices to be voted on at the general election date in November shall be held on the second Tuesday in June next preceding such election. Primaries Except as provided in Article 7 for the year 2000 and presidential election years thereafter, primaries for the nomination of candidates for offices to be voted on at the general election date in May shall be held on the first Tuesday in March next preceding such election.

Article 7.

Presidential Year Primaries.

§ 24.2-544. Time primaries to be held.

A. Primaries for the nomination of candidates for all offices to be voted on at the November 2000 general election, and the November general election in each presidential election year thereafter, shall be held on the last Tuesday in February preceding the November general election. Primaries for the nomination of candidates for all offices to be voted on at the May 2000 general election, and the May general election in each presidential election year thereafter, shall be held on the last Tuesday in February preceding the May general election.

B. The provisions of this title applicable to primary elections shall apply to the conduct of presidential year primaries including the time limits applicable to notices and candidate filing deadlines and the closing of registration records before the primary. The State Board shall provide a schedule for the notices and filing deadlines by the August 1 prior to the February primary including a campaign finance disclosure report filing schedule adjusted to reflect the difference between the June and February, and the March and February, primary dates.

C. Nominations by political parties by methods other than the February primary shall be made and completed in the manner prescribed by law by 7:00 p.m. on the last Tuesday in February.

§ 24.2-545. Presidential primary.

A. The duly constituted authorities of the state political party shall have the right to determine the method by which the state party will select its delegates to the national convention to choose the party's nominees for President and Vice President of the United States including a presidential primary or another method determined by the party. The state chairman shall notify the State Board of the party's determination at least ninety days before the primary date. If the party has determined that it will hold a presidential primary to select its delegates to its national convention, each registered voter of the Commonwealth shall be given an opportunity to participate in the presidential primary of the political party, as defined in § 24.2-101, subject to requirements determined by the political party for participation in its presidential primary. The requirements may include the signing of a pledge by the voter to support the party's candidate when offering to vote in the primary. The requirements applicable to a party's primary shall be determined at least ninety days prior to the primary date and certified to, and approved by, the State Board.

B. Any person seeking the nomination of the national political party for the office of President of the United States, or any group organized in this Commonwealth on behalf of, and with the consent of such person, may file with the State Board petitions signed by at least 10,000 qualified voters, including at least 400 qualified voters from each congressional district in the Commonwealth, who attest that they intend to participate in the primary of the same political party as the candidate for whom the petitions are filed. Such petitions shall be filed with the State Board by the primary filing deadline. The petitions shall be on a form prescribed by the State Board. Such person or group shall file with the petitions a list of the names of persons who would be elected delegates and alternate delegates to the political

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60 party's national convention if the person wins the primary and the party has determined that its
61 delegates will be selected pursuant to the primary. The slate of delegates and alternates shall comply
62 with the rules of the national and state party.

63 C. The names of all candidates in the presidential primary of each political party shall appear on
64 the ballot in alphabetical order.

65 D. The State Board shall certify the results of the presidential primary to the state chairman. The
66 slate of delegates and alternates of the candidate receiving the most votes in the primary shall be
67 deemed elected by the state party.