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## HOUSE BILL NO. 1133

Offered January 12, 2012

A BILL to amend and reenact §§ 24.2-521 and 24.2-545 of the Code of Virginia, relating to requirements for primaries.

Patron—Cole

Referred to Committee on Privileges and Elections

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

**1. That §§ 24.2-521 and 24.2-545 of the Code of Virginia are amended and reenacted as follows:**

§ 24.2-521. Political party to determine rules for participation in primary.

A candidate for nomination by primary for any office shall be required to file with his declaration of candidacy a petition for his name to be printed on the official primary ballot, on a form prescribed by the State Board, signed by the number of qualified voters specified below after January 1 of the year in which the election is held or before or after said date in the case of a March primary, and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself a qualified voter, or qualified to register to vote, for the office for which he is circulating the petition and whose affidavit to that effect appears on each page of the petition.

Each voter signing the petition may provide on the petition the last four digits of his social security number, if any; however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on the petition.

The minimum number of signatures of qualified voters required for primary candidate petitions shall be as follows:

1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General, 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional district in the Commonwealth;

2. For a candidate for the United States House of Representatives, 1,000 signatures;

3. For a candidate for the Senate of Virginia, 250 signatures;

4. For a candidate for the House of Delegates or for a constitutional office, 125 signatures;

5. For a candidate for membership on the governing body of any county or city, 125 signatures; or if from an election district not at large containing 1,000 or fewer registered voters, 50 signatures;

6. For a candidate for membership on the governing body of any town which has more than 1,500 registered voters, 125 signatures; or if from a ward or other district not at large, 25 signatures;

7. For membership on the governing body of any town which has 1,500 or fewer registered voters, no petition shall be required; and

8. For any other candidate, 50 signatures comply with the rules and regulations of his party. The party may, but is not required to, provide for the filing of petitions to qualify for the primary ballot. However, if the party does adopt a petition requirement, the number of signatures required to qualify for the primary ballot shall not be greater than the number of signatures required for an independent candidate for the office to qualify pursuant to the provisions of § 24.2-506.

§ 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 90 days before the primary date. If the party has determined that it will hold a presidential primary, 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, but shall not be limited to, the signing of a pledge by the voter of his intention 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 90 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

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59 are filed. Such petitions shall be filed with the State Board by the primary filing deadline. The petitions  
60 shall be on a form prescribed by the State Board and shall be sealed in one or more containers to which  
61 is attached a written statement giving the name of the presidential candidate and the number of  
62 signatures on the petitions contained in the containers. Such person or group shall also attach a list of  
63 the names of persons who would be elected delegates and alternate delegates to the political party's  
64 national convention if the person wins the primary and the party has determined that its delegates will  
65 be selected pursuant to the primary. The slate of delegates and alternates shall comply with the rules of  
66 the national and state party.

67 The State Board shall transmit the material so filed to the state chairman of the party of the  
68 candidate immediately after the primary filing deadline. The sealed containers containing the petitions  
69 for a candidate may be opened only by the state chairman of the party of the candidate.

70 *The party may, but is not required to, provide for the filing of petitions to qualify for the primary*  
71 *ballot. However, if the party does adopt a petition requirement, the number of signatures required to*  
72 *qualify for the primary ballot shall not be greater than the number of signatures required for other*  
73 *groups to qualify pursuant to the provisions of § 24.2-543.*

74 The state chairman of the party shall, by the deadline set by the State Board, furnish to the State  
75 Board the names of all candidates who have satisfied the requirements *of the party and* of this section.  
76 Whenever only one candidate for a party's nomination for President of the United States has met the  
77 requirements to have his name on the ballot, he will be declared the winner and no presidential primary  
78 for that party will be held.

79 C. The names of all candidates in the presidential primary of each political party shall appear on the  
80 ballot in an order determined by lot by the State Board.

81 D. The State Board shall certify the results of the presidential primary to the state chairman. If the  
82 party has determined that its delegates and alternates will be selected pursuant to the primary, the slate  
83 of delegates and alternates of the candidate receiving the most votes in the primary shall be deemed  
84 elected by the state party unless the party has determined another method for allocation of delegates and  
85 alternates. If the party has determined to use another method for selecting delegates and alternates, those  
86 delegates and alternates shall be bound to vote on the first ballot at the national convention for the  
87 candidate receiving the most votes in the primary unless that candidate releases those delegates and  
88 alternates from such vote.

89 E. The election, or binding of votes, of delegates to a political party's national convention for the  
90 nomination of that party's candidates for President and Vice President of the United States through the  
91 presidential primary process shall be considered to be equivalent to a primary for the nomination of a  
92 party's candidate.

93 F. The cost of the presidential primary shall be paid by the Commonwealth pursuant to the  
94 provisions of the appropriation act.