

20109458D

**HOUSE BILL NO. 1116**  
**FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
 (Proposed by Senator Surovell  
 on March 3, 2020)

(Patron Prior to Substitute—Delegate Hudson)

*A BILL to amend and reenact §§ 24.2-509, 24.2-511, 24.2-516, 24.2-517, and 24.2-527 of the Code of Virginia, relating to political parties; notification of adoption of primary election; certification of candidates.*

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

**1. That §§ 24.2-509, 24.2-511, 24.2-516, 24.2-517, and 24.2-527 of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-509. Party to determine method of nominating its candidates for office; exceptions.**

A. The duly constituted authorities of the state political party shall have the right to determine the method by which a party nomination for a member of the United States Senate or for any statewide office shall be made. The duly constituted authorities of the political party for the district, county, city, or town in which any other office is to be filled shall have the right to determine the method by which a party nomination for that office shall be made.

B. Notwithstanding subsection A, the following provisions shall apply to the determination of the method of making party nominations: A party shall nominate its candidate *candidates* for election for a to the General Assembly district where there is only one incumbent of that party for the district by the method designated by that incumbent, or absent any designation by him by the method of nomination determined by the party. A party shall nominate its candidates for election for a General Assembly district where there is more than one incumbent of that party for the district by a primary unless all the incumbents consent to a different method of nomination. A party, whose candidate at the immediately preceding election for a particular office other than the General Assembly (i) was nominated by a primary or filed for a primary but was not opposed and (ii) was elected at the general election, shall nominate a candidate for the next election for that office by a primary unless all incumbents of that party for that office consent to a different method *the party chooses a single alternative method of nomination for all such candidates.*

When, under any of the foregoing provisions, no incumbents offer as candidates for reelection to the same office, the method of nomination shall be determined by the political party.

For the purposes of this subsection, any officeholder who offers for reelection to the same office shall be deemed an incumbent notwithstanding that the district which he represents differs in part from that for which he offers for election.

**§ 24.2-511. Party chairman or official to certify candidates to the Department of Elections; failure to certify.**

A. The state, district, or other appropriate party chairman, *or the chairman's designee*, shall certify the name of any candidate who has been nominated by his party by a method other than a primary for any office to be elected by the qualified voters of (i) the Commonwealth at large, (ii) a congressional district or a General Assembly district, or (iii) political subdivisions jointly electing a shared constitutional officer, along with the date of the nomination of the candidate, to the State Board Department not later than five days after the last day for nominations to be made. *Such certification shall be on a form and in a format prescribed by the Department.* The State Board Department shall notify the general registrars of the names of the candidates to appear on the ballot for such offices.

B. The party chairman of the district or political subdivision in which any other office is to be filled shall certify the name of any candidate for that office who has been nominated by his party by a method other than a primary to the State Board and to the general registrars of the cities and counties in which the name of the candidate will appear on the ballot not later than five days after the last day for nominations to be made. Should the party chairman fail to make such certification, the State Board shall declare that the candidate is the nominee of the particular party and direct that his name be treated as if certified by the party chairman.

C. In the case of a nomination for any office to be filled by a special election, the state party chairman, *or the chairman's designee*, shall certify the name of any candidate (i) by the deadline to nominate the candidate or (ii) not later than five days after the deadline if it is a special election held at the second November election after the vacancy occurred.

C. If the state party chairman, *or the chairman's designee*, fails to certify to the Department the name of a candidate nominated for an office by the deadline prescribed in subsection A or B, the Department shall declare that there is no candidate nominated by the party for that office.

D. No further notice declaration of candidacy or petition shall be required of a candidate once the

60 *state party chairman, or the chairman's designee, has certified his name to the State Board Department.*

61 E. In no case shall the individual who is a candidate for an office be the person who certifies the  
62 name of the party candidate for that same office. In such case the party shall designate an alternate  
63 official to certify its candidate.

64 **§ 24.2-516. Parties to furnish names of chairmen and notify Department of Elections of**  
65 **adoption of direct primary.**

66 A. Each political party within the Commonwealth shall furnish to the ~~State Board Department~~ the  
67 ~~names name and addresses address~~ of its state, county, and city party ~~chairmen~~ chairman in January of  
68 each year, and during the remainder of the year it shall notify the ~~Board Department~~ of any changes in  
69 such ~~names name and addresses address~~.

70 B. At least 135 days prior to the regular date for a primary, the ~~Board Department~~ shall inquire of  
71 each state chairman and each county and city chairman (i) whether a direct primary has been adopted  
72 for nominating candidates to any office other than of the General Assembly and (ii) whether a  
73 nomination method other than a direct primary has been adopted for candidates for an office of the  
74 General Assembly. The ~~Board Department~~ shall advise each chairman that notification to the ~~Board~~  
75 Department of the adoption of a direct primary or nomination method other than a direct primary is  
76 required and must be filed with the ~~Board Department~~ not more than 125 days and not less than 105  
77 days before the date set for the primaries.

78 C. Each *state party chairman, or the chairman's designee*, shall file timely ~~written~~ notice with the  
79 ~~Board Department~~ (i) for any office other than of the General Assembly, whether or not a primary has  
80 been adopted and identify each office for which a primary has been adopted and (ii) for the General  
81 Assembly, whether a nomination method other than a direct primary has been adopted and identify each  
82 district for which a nomination method other than a direct primary has been adopted. The requirement  
83 to notify the ~~Board Department~~ of the adoption of a any direct primary or nomination method other  
84 than direct primary shall be satisfied when the ~~Board Department~~ receives by the deadline (i) ~~written~~  
85 notice from the appropriate state party chairman or (ii) a copy of the written notice from an incumbent  
86 officeholder to his party chairman of the incumbent's selection, pursuant to § 24.2-509, of the primary as  
87 the method of nomination or the chairman's designee.

88 D. The Department shall not order the holding of a primary election pursuant to § 24.2-517 for any  
89 office other than of the General Assembly without a timely filed notice as required by this section.

90 **§ 24.2-517. Department of Elections to order election.**

91 The ~~State Board Department~~ shall order the holding of a primary election in any (i) county, city, or  
92 other district of the Commonwealth in which it is notified pursuant to § 24.2-516 that a primary is  
93 intended to be held and (ii) General Assembly district, unless the party has notified the Department of a  
94 change in the nomination method for General Assembly candidates pursuant to § 24.2-516. The notice  
95 ordering the primary shall be sent to the secretary of the electoral board. Within five days of the  
96 issuance of the order by the ~~State Board Department~~, each secretary shall post a copy of the notice on  
97 the official website of the county or city, post copies of the notice at not less than 10 public places in  
98 the county or city, or have notice of the election published at least once in a newspaper of general  
99 circulation in the county or city.

100 **§ 24.2-527. Chairman or designee to furnish Department of Elections with names of candidates**  
101 **and certify petition signature requirements met.**

102 A. It shall be the duty of the *state party chairman or chairmen of the several committees, or the*  
103 *chairman's designee*, of the respective parties to furnish the name of any candidate for nomination for  
104 any office to be elected by the qualified voters of the Commonwealth at large or of a congressional  
105 district or of a General Assembly district to the State Board, and to furnish the name of any candidate  
106 for any other office to the State Board and to the general registrars charged with the duty of preparing  
107 and printing the primary ballots to the Department, on a form prescribed by the Department. In  
108 furnishing the name of any such candidate, the chairman, *or the chairman's designee*, shall certify that a  
109 review of the filed candidate petitions found the required minimum number of signatures of qualified  
110 voters for that office to have been met. The chairman, *or the chairman's designee*, shall also certify the  
111 order and date and time of filing for purposes of printing the ballots as prescribed in § 24.2-529,  
112 provided that the State Board shall determine the order and date and time of filing for candidates for  
113 United States Senator, Governor, Lieutenant Governor, and Attorney General for such purposes. Each  
114 *state party chairman, or the chairman's designee*, shall comply with the provisions of this section not  
115 less than 70 days before the primary.

116 B. In no case shall the individual who is a candidate for an office be the person who certifies the  
117 names of candidates for a primary for that same office. In such case, the party shall designate an  
118 alternate official to certify the candidates.