



League of Women Voters of Virginia Statement on a Replacement Presidential Candidate

July 21, 2024

Rules and procedures are already established for a political party's actions in response to the withdrawal of the presumptive party nominee. While this statement concerns the circumstances currently facing the Democratic Party, any political party can choose its nominee in accordance with its own rules. This power is rooted in the First Amendment right of association.

The Democratic Party has no official nominee until the Party chooses that person. Normally that process occurs during the Party's National Convention, which takes place August 19-22. The statewide primaries determine the candidate that binds the Party's pledged delegates from that state but, when the candidate withdraws, the delegates are no longer bound by the pledge.

Under Virginia law, a party must furnish to the State Board of Elections the names of the candidates for president and vice president, as well as its electors, by noon of the seventy-fourth day before the election, which this year is August 23.¹ Virginia law for replacing candidates at the state level is consistent, agreeing that a political party may replace its presumptive nominees in accordance with the Party's rules.²

No state has laws preventing a political party from choosing a candidate other than the presumptive nominee after that person's withdrawal. Furthermore, no state can block the Party's chosen nominee from the ballot, as the U.S. Supreme Court ruled in the case where Colorado attempted to block former President Trump from its primary ballot.³ As no ballots will have been printed before the conclusion of the Democratic Party Convention, the preparation for the election will not be affected.

¹ Va. Code § 24.2-542.

² Va. Code §§ 24.2-537, 24.2-539.

³ *Trump v. Anderson*, Slip Op. 23-719 (2024).

All Virginians can be confident that this current situation falls within existing rules and our election process will proceed freely and fairly.