

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-502 of the Code of Virginia, relating to the county executive form*
3 *of government; boards of supervisors; powers, elections, terms, and vacancies.*

4 [H 2050]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 15.2-502 of the Code of Virginia is amended and reenacted as follows:**

8 § 15.2-502. Powers vested in board of county supervisors; election and terms of members; vacancies.

9 A. The powers of the county as a body politic and corporate shall be vested in a board of county
10 supervisors (the board), to consist of not less than three nor more than nine members to be elected by
11 the voters of the county at large, or solely by the voters of the respective magisterial or election district
12 of which each member is a qualified voter. There shall be on the board for each magisterial or election
13 district one member, and no more, who shall be a qualified voter of the district.

14 The supervisors first elected shall hold office until January 1 following the next regular election
15 provided by general law for the election of supervisors. At such election their successors shall be elected
16 for terms of four years each.

17 B. When any vacancy occurs in the board, the vacancy shall be filled in accordance with § 24.2-228,
18 except that the board shall have the option in its petition to the court to request that the election to fill
19 the vacancy be held prior to the next or second ensuing general election, as the case may be. In that
20 event, such election shall be held within sixty days of the issuance of the writ, or, if such election
21 would fall within the sixty days prior to a general or primary election, on the general election day or
22 within sixty days following the primary election.

23 C. Notwithstanding the provisions of subsection B, the provisions of this subsection shall apply to
24 any county with the county executive form of government that is contiguous to a county with the urban
25 county executive form of government. Notwithstanding the provisions of §§ 24.2-226 and 24.2-228,
26 when any vacancy occurs in the membership of the board, the judge of the circuit court of the county
27 shall issue a writ for a special election to fill the vacancy for the remainder of the unexpired term. The
28 judge shall issue the writ within fifteen days of the occurrence of the vacancy. He shall order the
29 election to be held not fewer than forty-five days and not more than sixty days after the issuance of the
30 writ. However, if the election would fall within sixty days before a general election, the judge shall
31 order the election to be held on the general election day; and, if the election would fall within sixty
32 days before a primary election, the judge shall order the election to be held not fewer than thirty days
33 and not more than sixty days after the primary. *If the vacancy occurs prior to a general election and*
34 *there is insufficient time to order the election to be held at the general election, the judge shall order*
35 *the election to be held not fewer than 45 days and not more than 60 after the general election.* The
36 local electoral board shall determine and announce within three business days after the date of the writ
37 the candidate filing deadline for the special election. The remaining members of the board shall not
38 make a temporary appointment to fill the vacancy. However, if the vacancy occurs within the 180 days
39 before the expiration of the term of office, there shall be no special election, and the remaining members
40 of the board shall fill the vacancy by appointment pursuant to § 24.2-228 within thirty days of the
41 occurrence of the vacancy and after holding a public hearing on the appointment. The appointment shall
42 be for the duration of the unexpired term.

ENROLLED

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