

2008 SESSION

HOUSE SUBSTITUTE

082049612

HOUSE BILL NO. 1536

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on February 8, 2008)

(Patron Prior to Substitute—Delegate Marshall, D.W.)

A BILL to amend and reenact § 24.2-685 of the Code of Virginia, relating to election for abolition of constitutional officers.

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-685 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-685. Special elections; request for abolition of constitutional offices.

A. The provisions of this section shall be applicable to the holding of any referendum, elsewhere authorized by law, on the abolition of any constitutional office conducted prior to a request for a special act of the General Assembly to abolish such office.

B. Notwithstanding any other provision of general law or any special act, no referendum subject to the provisions of this section shall be held unless:

1. Petitions are filed with the circuit court of the county or city requesting that a referendum be held to authorize a request for a special act on the abolition of the named office;

2. The petitions are signed by qualified voters of the county or city equal in number to twenty percent of the total vote cast in the county or city for presidential electors in the last preceding presidential election; and

3. The petitions are filed with the court within ninety days of the first signature on the petitions, and the petitions show the date each signature was affixed.

C. Upon filing of a valid petition, the court shall order the election and state the question to be placed on the ballot in its order. The court shall order the referendum to be held at the next general election for members of the governing body of the county or city held at least sixty days after the date of the order. *However, upon petition of the local governing body, the court shall order the referendum to be held at the next election for Presidential electors held at least sixty days after the date of the order.*

D. After a referendum is conducted pursuant to this section with respect to the abolition of a particular office, no other referendum with respect to the abolition of the same office shall be held in the same county or city pursuant to this section for a period of eight years.

E. No special act authorizing the abolition of any such office shall be considered by the General Assembly without court certification that a referendum has been conducted pursuant to this section and that a majority of the qualified voters voting thereon have approved the request for a special act.

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