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**HOUSE BILL NO. 2046**

Offered January 9, 2013

Prefiled January 9, 2013

*A BILL to amend and reenact § 24.2-216 of the Code of Virginia, relating to filling General Assembly vacancies.*

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Patron—Brink

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Referred to Committee on Privileges and Elections

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

**1. That § 24.2-216 of the Code of Virginia is amended and reenacted as follows:**

**§ 24.2-216. Filling vacancies in the General Assembly.**

When a vacancy occurs in the membership of the General Assembly during the recess of the General Assembly or when a member-elect to the next General Assembly dies, resigns, or becomes legally incapacitated to hold office prior to its meeting, the Governor shall issue a writ of election to fill the vacancy. *If the vacancy occurs not more than 180 days and not less than 50 days before the date of the November general election, the writ shall order the election to fill the vacancy to be held on the November general election date.* If the vacancy occurs during the session of the General Assembly, the Speaker of the House of Delegates or the President pro tempore of the Senate, as the case may be, shall issue the writ unless the respective house by rule or resolution shall provide otherwise. Upon receipt of written notification by a member or member-elect of his resignation as of a stated date, the Governor, Speaker, or President Pro Tempore, as the case may be, may immediately issue the writ to call the election. The member's or member-elect's resignation shall not be revocable after the date stated by him for his resignation or after the forty-fifth day before the date set for the special election.

The writ shall be directed to the secretaries of the electoral boards of the respective counties and cities composing the district for which the election is to be held.

Notwithstanding any provision of law to the contrary, no election to fill a vacancy shall be ordered or held if the general or special election at which it is to be called is scheduled within 75 days of the end of the term of the office to be filled.

INTRODUCED

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