

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 24.2-226 of the Code of Virginia, relating to elected constitutional and*
3 *local offices; special election to fill vacancy.*

4 [H 1024]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 24.2-226 of the Code of Virginia is amended and reenacted as follows:**8 **§ 24.2-226. Election to fill vacancy.**

9 A. A vacancy in any elected local office, whether occurring when for any reason an officer-elect
10 does not take office or occurring after an officer begins his term, shall be filled as provided by
11 § 24.2-228 or for constitutional officers as provided in § 24.2-228.1, or unless provided otherwise by
12 statute or charter requiring special elections within the time limits provided in this title. The governing
13 body or, in the case of an elected school board, the school board of the county, city, or town in which
14 the vacancy occurs shall, within 15 days of the occurrence of the vacancy, petition the circuit court to
15 issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6.
16 Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the
17 election promptly; ~~which shall be no later than~~ and shall order the special election to be held on the
18 date of the next general election in November; or in May if the vacant office is regularly scheduled by
19 law to be filled at that time in May. However, if the governing body or the school board requests in its
20 petition a different date for the election, the court shall order the special election be held on that date,
21 so long as the date requested precedes the date of such next general election and complies with the
22 provisions of § 24.2-682; ~~unless~~ If the vacancy occurs within 90 days of the next such general election
23 and the governing body or the school board has not requested in its petition a different date for the
24 election, the special election shall be held on the date of in which event it shall be held promptly but no
25 later than the second such general election. Upon receipt of written notification by an officer or
26 officer-elect of his resignation as of a stated date, the governing body or school board, as the case may
27 be, may immediately petition the circuit court to issue a writ of election, and the court may immediately
28 issue the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after
29 the date stated by him for his resignation or after the forty-fifth day before the date set for the special
30 election. The person so elected shall hold the office for the remaining portion of the regular term of the
31 office for which the vacancy is being filled.

32 B. Notwithstanding any provision of law or charter to the contrary, no election to fill a vacancy shall
33 be ordered or held if the general election at which it is to be called is scheduled within 60 days of the
34 end of the term of the office to be filled.

35 C. Notwithstanding any provision of law or charter to the contrary, when an interim appointment to a
36 vacancy in any governing body or elected school board has been made by the remaining members
37 thereof, no election to fill the vacancy shall be ordered or held if the general election at which it is to
38 be called is scheduled in the year in which the term expires.

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