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**HOUSE BILL NO. 1296****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee on Privileges and Elections  
on February 17, 2015)

(Patron Prior to Substitute—Delegate Cole)

A *BILL to amend and reenact §§ 24.2-200, 24.2-201, 24.2-207, 24.2-209, 24.2-226, and 24.2-682 of the Code of Virginia, relating to vacancies in elected offices; term of office; special elections.*

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

**1. That §§ 24.2-200, 24.2-201, 24.2-207, 24.2-209, 24.2-226, and 24.2-682 of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-200. When terms to begin.**

A. The terms of all officers chosen at a November general election shall begin on the January 1 succeeding their election unless otherwise provided in this chapter. Notwithstanding any other provision of law, the terms of all officers elected at a May general election shall begin on the July 1 succeeding their election. They shall continue to discharge the duties of their respective offices until their successors qualify.

B. *Notwithstanding the provisions of subsection A, if the office filled at the November or May general election is vacant or is currently held by an officer who was elected at a special election to fill a vacancy in that office, then the term of office for the officer chosen at the November or May election shall begin when the officer has qualified and taken the oath of office.*

**§ 24.2-201. When term of officer elected to fill vacancy commences and expires.**

The term of office of any person chosen at a special election to fill a vacancy in any public office shall commence as soon as he shall qualify and give bond, if bond is required, and shall continue ~~for the unexpired term of such office~~ until such time as the candidate elected at the general election for that office has qualified and has taken the oath of office. Any person so elected to fill a vacancy in a public office shall qualify and give bond, if bond is required, no later than thirty days following the date on which the special election was held.

**§ 24.2-207. Filling vacancies in Senate.**

When any vacancy occurs in the representation of the Commonwealth of Virginia in the United States Senate, the Governor shall issue a writ of election to fill the vacancy ~~for the remainder of the unexpired term~~. The election shall be held on the next succeeding November general election date or, if the vacancy occurs within 120 days prior to that date, on the second succeeding November general election date. *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.* The Governor may make a temporary appointment to fill the vacancy until the qualified voters fill the same by election.

**§ 24.2-209. Filling vacancies in House of Representatives.**

When any vacancy occurs in the representation of the Commonwealth of Virginia in the House of Representatives, or when a representative-elect dies or resigns, the Governor shall issue a writ of election to fill the vacancy. Upon receipt of written notification by a representative or representative-elect of his resignation as of a stated date, the Governor may immediately issue a writ to call the election. The representative's or representative-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. *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.*

**§ 24.2-226. Election to fill vacancy.**

A. A vacancy in any elected local office, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled as provided by § 24.2-228 or for constitutional officers as provided in § 24.2-228.1, or unless provided otherwise by statute or charter requiring special elections within the time limits provided in this title. The governing body or, in the case of an elected school board, the school board of the county, city, or town in which the vacancy occurs shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election promptly and shall order the special election to be held on the date of the next general election in November or in May if the vacant office is regularly scheduled by law to be filled in May. However, if the governing body or the school board requests in its petition a different date for the election, the court shall order the special election be held on that date, so long as the date requested precedes the

60 date of such next general election and complies with the provisions of § 24.2-682. If the vacancy occurs  
61 within 90 days of the next such general election and the governing body or the school board has not  
62 requested in its petition a different date for the election, the special election shall be held on the date of  
63 the second such general election. Upon receipt of written notification by an officer or officer-elect of his  
64 resignation as of a stated date, the governing body or school board, as the case may be, may  
65 immediately petition the circuit court to issue a writ of election, and the court may immediately issue  
66 the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the  
67 date stated by him for his resignation or after the forty-fifth day before the date set for the special  
68 election. ~~The person so elected shall hold the office for the remaining portion of the regular term of the~~  
69 ~~office for which the vacancy is being filled.~~

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

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

77 **§ 24.2-682. Times for special elections.**

78 A. Notwithstanding any charter or special act to the contrary, the following provisions govern the  
79 times for holding special elections. Every special election shall be held on a Tuesday. No special  
80 election shall be held within the 55 days prior to a general or primary election. No special election shall  
81 be held on the same day as a primary election. A special election may be held on the same day as a  
82 general election. *No special election to fill a vacancy in an office shall be held on the same day as the*  
83 *general election at which that office is regularly scheduled to be filled.*

84 B. A referendum election shall be ordered at least 81 days prior to the date for which the referendum  
85 election is called.

86 C. A special election to fill a vacancy in any constitutional office shall be held promptly and in  
87 accordance with the requirements of subsection A.