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HOUSE BILL NO. 1971

Offered January 14, 2015

Prefiled January 13, 2015

A *BILL to amend and reenact §§ 24.2-216 and 24.2-683 of the Code of Virginia, relating to vacancies in the General Assembly; timing of a special election.*

Patron—Preston

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 24.2-216 and 24.2-683 of the Code of Virginia are 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 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.

Notwithstanding any provision of law to the contrary, no election to fill a vacancy shall be ordered or held within the 14 days immediately following the issuance of the writ of election.

§ 24.2-683. Writ for special election to fill a vacancy.

Whenever the Governor, Speaker of the House, President pro tempore of the Senate, or either house of the General Assembly orders a special election, he, or the person designated to act for the house, shall issue a writ of election designating the office to be filled at the election and the time to hold the election. He shall transmit the writ to the secretary of the electoral board of each county or city in which the election is to be held. Each secretary shall post a copy of the writ on the official website for the county or city or at not less than 10 public places or have notice of the election published once in a newspaper of general circulation in his jurisdiction at least 10 days before the election, *or at least 14 days before the election if the election is to fill a vacancy in the General Assembly.* If the special election is held in more than one county or city, the secretaries may act jointly to have the notice published once before the election in the affected jurisdictions.

Whenever a special election is ordered to fill a vacancy otherwise than under the preceding paragraph, the officer ordering the election shall issue his writ of election at the time the vacancy occurs, designating the office to be filled at the election and the time and place to hold the election. He shall direct and transmit the writ to the secretary of the electoral board of each county or city in which the election is to be held. The secretary, or secretaries if the election will be held in more than one county or city, shall proceed to cause public notice to be given of the election in the same manner as is required in the preceding paragraph.

A copy of any order calling a special election to fill a vacancy shall be sent immediately to the State Board.

INTRODUCED

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