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## HOUSE BILL NO. 1027

Offered January 13, 2016

Prefiled January 13, 2016

A BILL to amend and reenact §§ 24.2-216, 24.2-507, 24.2-510, and 24.2-682 of the Code of Virginia, relating to special elections; quarterly schedule; exception.

Patron—Sickles

Referred to Committee on Privileges and Elections

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

**1. That §§ 24.2-216, 24.2-507, 24.2-510, and 24.2-682 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.

*An election to fill a vacancy shall be ordered and held in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6, except an election to fill a vacancy that exists after the date of the November general election but before the second Wednesday in January shall not be subject to the provisions of § 24.2-682. A writ of election issued to fill such a vacancy may call for the election to be held on any date, provided that the date falls on a Tuesday and the writ otherwise complies with the provisions of § 24.2-683.*

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.

**§ 24.2-507. Deadlines for filing declarations and petitions of candidacy.**

For any office, declarations of candidacy and the petitions therefor shall be filed according to the following schedule:

1. For a general election in November, by 7:00 p.m. on the second Tuesday in June;
2. For a general election in May, by 7:00 p.m. on the first Tuesday in March;
3. For a special election held at the same time as a November general election, either (i) at least 81 days before the election or (ii) if the special election is being held at the second November election after the vacancy occurred, by 7:00 p.m. on the second Tuesday in June before that November election;
4. For a special election held at the same time as a May general election, by 7:00 p.m. on the first Tuesday in March; or

5. For a special election held at a time other than a general election on the first Tuesday in February or August, (i) at least 60 50 days before the election or (ii) within five days of any writ of election or order calling a special election to be held less than 60 days after the issuance of the writ or order; or

6. For a special election to fill a vacancy in the General Assembly that exists after the date of the November general election but before the second Wednesday in January, within five days of the issuance of the writ of election.

**§ 24.2-510. Deadlines for parties to nominate by methods other than primary.**

For any office, nominations by political parties by methods other than a primary shall be made and completed in the manner prescribed by law according to the following schedule:

1. For a general election in November, by 7:00 p.m. on the second Tuesday in June;
2. For a general election in May, by 7:00 p.m. on the first Tuesday in March;
3. For a special election held at the same time as a November general election, either (i) at least 81 days before the election or (ii) if the special election is held at the second November election after the vacancy occurred, by 7:00 p.m. on the second Tuesday in June before that November election;

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59 4. For a special election held at the same time as a May general election, by 7:00 p.m. on the first  
60 Tuesday in March; or

61 5. For a special election held at a time other than a general election on the first Tuesday in February  
62 or August, (i) at least 60 50 days before the election or (ii) within five days of any writ of election or  
63 order calling a special election to be held less than 60 days after the issuance of the writ or order; or

64 6. For a special election to fill a vacancy in the General Assembly that exists after the date of the  
65 November general election but before the second Wednesday in January, within five days of the issuance  
66 of the writ of election.

67 In the case of all general elections a party shall nominate its candidate for any office by a  
68 nonprimary method only within the 47 days immediately preceding the primary date established for  
69 nominating candidates for the office in question. This limitation shall have no effect, however, on  
70 nominations for special elections or pursuant to § 24.2-539.

71 **§ 24.2-682. Times for special elections.**

72 A. Notwithstanding any charter or special act to the contrary, the following provisions govern the  
73 times for holding special elections. *Special elections shall be held on a quarterly schedule.* Every special  
74 election shall be held on a the Tuesday following the first Monday in the months of February, August,  
75 or November or the first Tuesday in the month of May. ~~No special election shall be held within the 55~~  
76 ~~days prior to a general or primary election. A special election may be held on the same day as a general~~  
77 ~~election. No special election shall be held on the same day as a primary election. A special election may~~  
78 ~~be held on the same day as a general election.~~

79 B. A referendum election shall be ordered at least 81 days prior to the *special election* date for  
80 which the referendum election is called.

81 C. A special election to fill a vacancy in any constitutional office shall be held promptly and in  
82 accordance with the The requirements of subsection A shall not apply to a special election to fill a  
83 vacancy that exists in the membership of the General Assembly after the date of the November general  
84 election but before the second Wednesday in January.