

LD2140176

HOUSE BILL NO. 740

Offered January 25, 1994

A BILL to amend and reenact §§ 24.2-673 and 24.2-674 of the Code of Virginia, relating to the determination of the winner of an election; run-off elections.

Patron—Cranwell (By Request)

Referred to Committee on Privileges and Elections**Be it enacted by the General Assembly of Virginia:****1. That §§ 24.2-673 and 24.2-674 of the Code of Virginia are amended and reenacted as follows:**

§ 24.2-673. Candidates having highest number of votes to receive certificate of election.

A. Except in the case of a recount pursuant to the provisions of Chapter 8 (§ 24.2-800 et seq.) of this title, in all elections for the choice of any officer, unless it is otherwise expressly provided, the person having the highest number of votes for any office shall be deemed to have been elected to such office and shall receive the certificate of election.

B. In elections for any office other than Governor, Lieutenant Governor, Attorney General, member of Congress, or President or Vice-President of the United States, the person having the highest number of votes for the office shall be deemed to have been elected to the office provided that he has received a majority of the votes cast for the office. If no candidate has received a majority of the votes cast, there shall be a run-off election for the office on the fifth Tuesday after the date that the first election was held. The two candidates receiving the highest and next highest number of votes for the office at the first election shall be the only candidates at the run-off election, which shall be conducted in accordance with the provisions of this title applicable to elections generally.

§ 24.2-674. Determination by lot in case of tie.

A. If two or more persons have an equal number of votes for any county, city, town, or district office, and a higher number than any other person, the electoral board shall proceed publicly to determine by lot which of the candidates shall be declared elected.

If any two or more persons have an equal number of votes and a higher number than any other person for member of the General Assembly or of the Congress of the United States, or elector of President and Vice-President of the United States, the State Board of Elections shall proceed publicly to determine by lot which of them shall be declared elected. Reasonable notice shall be given to such candidates of the time when such elections shall be so determined; and if they, or either of them, shall fail to appear in accordance with such notice, the Board shall proceed so as to determine the election in their absence.

Any person who loses the determination by lot may petition for a recount pursuant to Article 1 (§ 24.2-800 et seq.) of Chapter 8 of this title.

B. The provisions of subsection A shall not be applicable to any election which is followed by a run-off election conducted pursuant to subsection B of § 24.2-673, but may be applicable to the run-off election.

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