

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 24.2-226 of the Code of Virginia, relating to special elections; filling*  
3 *vacancies in certain local offices.*

4 [H 1660]

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 the next general election *in November, or in May if the*  
18 *vacant office is regularly scheduled by law to be filled at that time*, unless the vacancy occurs within 90  
19 days of the next *such* general election in which event it shall be held promptly but no later than the  
20 second *such* general election. Upon receipt of written notification by an officer or officer-elect of his  
21 resignation as of a stated date, the governing body or school board, as the case may be, may  
22 immediately petition the circuit court to issue a writ of election, and the court may immediately issue  
23 the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the  
24 date stated by him for his resignation or after the forty-fifth day before the date set for the special  
25 election. The person so elected shall hold the office for the remaining portion of the regular term of the  
26 office for which the vacancy is being filled.

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

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

ENROLLED

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