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SENATE BILL NO. 1066

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections
on February 13, 2015)

(Patron Prior to Substitute—Senator Obenshain)

A BILL to amend and reenact §§ 24.2-206 through 24.2-209 of the Code of Virginia, relating to members of the United States Congress; filling vacancies.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-206 through 24.2-209 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-206. Election and term of United States Senators.

The qualified voters of the Commonwealth shall elect its members of the United States Senate at the general election held in November next preceding the expiration of each member's respective term of office, for terms of six years to begin on the January 3 following their election, *except as provided in § 24.2-207.*

§ 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. *However, if the vacancy occurs within the 55 days prior to the general election at which the office is regularly scheduled to be filled, no writ of election shall be issued. The person having received the highest number of votes at the general election shall be deemed also to have been elected to the unexpired term of office, and the results shall be certified and transmitted to the clerk of the United States Senate as such.* The Governor may make a temporary appointment to fill the vacancy until the qualified voters fill the same by election.

§ 24.2-208. Election and term of members of House of Representatives.

The qualified voters of each congressional district shall elect one member of the United States House of Representatives at the general election in November 1994, and every second year thereafter, for the term of two years to begin on the January 3 following his election, *except as provided in § 24.2-209.*

§ 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. *However, if the vacancy occurs within the 55 days prior to the general election at which the office is regularly scheduled to be filled, no writ of election shall be issued. The person having received the highest number of votes at the general election shall be deemed also to have been elected to the unexpired term of office, and the results shall be certified and transmitted to the clerk of the House of Representatives as such.*

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.