

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 221

An Act to amend and reenact § 24.2-673 of the Code of Virginia, relating to certificates of election; persons elected by write-in votes; exception for certain localities.

[H 2443]

Approved March 22, 2023

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-673 of the Code of Virginia is amended and reenacted as follows:

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

A. Except as provided in subsection B or 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 an election for a local office in a locality with a population of no more than 4,000 persons, if the person having the highest number of votes for the office is elected by write-in votes and is not qualified to hold such office or declines to assume such office, the person having the second highest number of votes shall be deemed to have been elected to such office and shall receive the certificate of election. In the event that the person having the second highest number of votes is not qualified to hold such office or declines to assume such office, the person having the next highest number of votes shall be deemed to have been elected to such office and shall receive the certificate of election. In the event that the person having the next highest number of votes is not qualified to hold such office or declines to assume such office, a vacancy shall be declared and filled by special election.