

LD3562176

HOUSE BILL NO. 1436

Offered January 11, 1995

Prefiled December 21, 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

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; run-off 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 the General Assembly, 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. The run-off election shall be a continuation of the general election for the particular office concerned, and only the voters who were qualified to vote in the general election for candidates for that particular office shall be entitled to vote in the run-off election. Only those votes cast for the two candidates qualified as the candidates for the run-off election shall be counted in the run-off election, which shall be conducted otherwise in accordance with the provisions of this title applicable to elections generally.*

C. *The provisions of subsection B of this section shall expire on January 1, 2000.*

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

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 shall be applicable to the run-off election.*

INTRODUCED

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