VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 24.2-200, 24.2-207, 24.2-209, and 24.2-682 of the Code of Virginia, relating to vacancies in elected offices; term of office; special elections.

[S 1066]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-200, 24.2-207, 24.2-209, and 24.2-682 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-200. When terms to begin.

A. The terms of all officers chosen at a November general election shall begin on the January 1 succeeding their election unless otherwise provided in this chapter. Notwithstanding any other provision of law, the terms of all officers elected at a May general election shall begin on the July 1 succeeding their election. They shall continue to discharge the duties of their respective offices until their successors qualify.

B. Notwithstanding the provisions of subsection A, if the office filled at the November or May general election is vacant, then the term of office for the officer chosen at the November or May election shall begin when the officer has qualified and taken the oath of office.

§ 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. *Notwithstanding any provision of law to the contrary, no election to fill a vacancy shall be ordered or held if the general or special election at which it is to be called is scheduled within 75 days of the end of the term of the office to be filled.* The Governor may make a temporary appointment to fill the vacancy until the qualified voters fill the same by election.

§ 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. 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. *Notwithstanding any provision of law to the contrary, no election to fill a vacancy shall be ordered or held if the general or special election at which it is to be called is scheduled within 75 days of the end of the term of the office to be filled.*

§ 24.2-682. Times for special elections.

A. Notwithstanding any charter or special act to the contrary, the following provisions govern the times for holding special elections. Every special election shall be held on a Tuesday. No special election shall be held within the 55 days prior to a general or primary election. No special election shall be held on the same day as a primary election. A special election may be held on the same day as a general election. *No special election to fill a vacancy in an office shall be held on the same day as the general election at which that office is regularly scheduled to be filled.*

B. A referendum election shall be ordered at least 81 days prior to the date for which the referendum election is called.

C. A special election to fill a vacancy in any constitutional office shall be held promptly and in accordance with the requirements of subsection A.