

SENATE BILL NO. 1524

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Local Government

on January 30, 2023)

(Patron Prior to Substitute--Senator Rouse)

A BILL to amend and reenact § 3.03, as amended, of Chapter 147 of the Acts of Assembly of 1962, which provided a charter for the City of Virginia Beach, relating to filling vacancies in office of council member and mayor.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 3.03, as amended, of Chapter 147 of the Acts of Assembly of 1962 is amended and reenacted as follows:**

§ 3.03. Filling vacancies in office of council member and mayor.

~~Vacancies~~ Notwithstanding any provision to the contrary in § 24.2-226 of the Code of Virginia, all vacancies in the office of councilmen council member, from whatever cause arising, except where such vacancy occurs due to a resignation to run for the office of mayor, shall be filled within by special election to occur on the first Tuesday after 60 days of the occurrence of the vacancy. However, if a vacancy occurs within 120 days of the date of the next general election, the qualified voters will fill the vacancy by special election on the date of the general election. If the special election would occur within 55 days of a primary election, the special election to fill the vacancy shall be the Tuesday immediately following the primary election. The person so elected shall hold office for the unexpired portion of the term by a majority vote of the remaining members of the council, provided that so long as. If any councilmen of the council members are elected by and from districts, the vacancy shall be filled by a qualified voter residing in the same district.

If a vacancy shall occur in the office of mayor, the ~~council shall choose by majority vote of the remaining members thereof one of its members to be mayor until his successor is elected and qualified in~~

26 ~~accordance with general law~~ unexpired portion of the term shall be filled by the same process described  
27 above.

28 Section 24.2-228 of the Code of Virginia regarding interim appointments shall not be applicable  
29 to a vacancy in the office of council member or mayor.

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