

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

**RE: IN THE MATTER OF SPECIAL
ELECTION TO FILL VACANCY
IN OFFICE OF CITY COUNCIL MEMBER**

Case No. _____

PETITION FOR ENTRY OF ORDER OF WRIT OF SPECIAL ELECTION

COMES NOW the Petitioner, the Council for the City of Hampton, Virginia, by counsel, and represents to the Court as follows:

1. James (“Jimmy”) A. Gray, Jr., was duly elected on November 8, 2022 to serve a third term on the City Council of the City of Hampton, Virginia (the “City Council”), with a four-year term beginning on January 1, 2023 and continuing until December 31, 2026.
2. Pursuant to the Charter of the City of Hampton, Section 3.01:2, on May 29, 2024, Mr. Gray tendered his written resignation as a councilmember indicating his intention to be a candidate for mayor in the November 5, 2024. Mr. Gray’s resignation has an effective date of December 31, 2024, which will then result in a vacancy in the office of City Council member.
3. Section 24.2-226 of the Code of Virginia provides, “Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the governing body... may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election.” (§

24.2-226 *et seq.*). This code section further provides that, “Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election promptly and shall order the special election to be held on the date of the next general election in November or in May if the vacant office is regularly scheduled by law to be filled in May. However, if the governing body... requests in its petition a different date for the election, the court shall order the special election be held on that date, so long as the date requested precedes the date of such next general election and complies with the provisions of § 24.2-682.” (Id.).

4. Elections for the office of City Council members are required by Section 15.2-1400 of the Code of Virginia to be held in November beginning on January 1, 2022. The next general election will occur on November 5, 2024.
5. Holding the special election to fill the above-described vacancy in the office of City Council member on the same date as the next general election on November 5, 2024 will save the taxpayers the cost and expense required to conduct a special election on an earlier date.

WHEREFORE, the Petitioner respectfully requests this Court issue a Writ of Special Election ordering that a special election be held on November 5, 2024 to fill the vacancy for the office of City Council member. The Petitioner further requests that this Court order the Secretary of the Electoral Board for the City of Hampton to give notice of the special election in accordance with Section 24.2-681 *et seq.* of the Code of Virginia and to direct the Clerk of the Circuit Court to transmit a certified copy of the Writ of Special Election to Matthew Scott, Secretary of the Electoral Board of the City of

Hampton, at 101 Kings Way, Hampton, Virginia 23669 and the Secretary of the State
Board of Elections.

Respectfully submitted,

By: _____
Counsel for Petitioner

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