

HAMPTON VA

**November Municipal
Elections**

**Work Session
July 14, 2021**



Background

- Section 3.01 of the Hampton City Charter provides that City Council elections shall occur the first Tuesday in May of each even numbered year
 - Council members take office on July 1 of the year of the election

Background

- In 2021, the Virginia General Assembly passed Senate Bill 1157, which supersedes local charter provisions and requires localities with May elections to move them to the November general election date
 - This change applies to all elections after January 1, 2022
 - Council members elected at a May general election and whose terms are set to expire on June 30 will continue in office until their successors have been elected at the November general election and have been qualified to serve (January 1, 2023)

Impact on Current Hampton City Council

- The four City Council members whose terms are set to expire on June 30, 2022 will continue in office until December 31, 2022
 - The election to fill these seats will be held in November 2022
- The Mayor and remaining two City Council members whose terms are set to expire on June 30, 2024 will continue in office until December 31, 2024
 - The election to fill these seats will be held November 2024

Proposed Ordinance

- SB 1157 requires localities to provide, by ordinance, for the transition of elections to November
- The proposed ordinance would amend Chapter 5 of the Hampton City Code to accomplish this change
- Recommend approval of the ordinance at the evening session

Unintended Consequence

- In 2015, the Hampton City Charter was amended to establish a requirement that any councilmember not elected on the same election cycle as the mayor, must resign in order to run for mayor
- The resignation must be tendered 10 days prior filing deadline (currently March of the election year)

Unintended Consequence

- Section 3.01:2 of the Charter provides that the “resignation [is] to be effective on June 30 of the election year.”
- This resignation date was intended to allow for the 2-year remainder term of the vacant City Council seat to be filled during the general election in May, rather than by an interim appointment by City Council members

Unintended Consequence

- Council members resigning to run for Mayor in a November election will still be required to resign by June 30 in accordance with the Charter, resulting in an earlier vacancy in the Council seat
- City Council will be required to make an interim appointment within 60 days of the vacancy, otherwise the Circuit Court judges are required to make such an appointment

Options for Council

1. Leave the Charter language as-is, resulting in the need to make an interim appointment of a Council member if there is a resignation to run for Mayor, or
2. Request the General Assembly amend the Charter by moving the resignation date to align with the November general election
 - Resignation could be effective December 31st rather than June 30th

Charter Change Process

1. City Council must hold an advertised public hearing concerning the proposed Charter amendment
 - This could be prepared for the August 11, 2021 City Council meeting
2. City staff will work with state lobbyists to secure a patron and include the request in the City Council's legislative package

Request for Guidance

- Requesting City Council guidance related to proposed Charter change

Questions?