



Legislation Details (With Text)

File #: 21-0183 **Version:** 1 **Name:** City Code Amendment - City Council and School Board Elections Transition to November

Type: Ordinance-Coded **Status:** Passed

File created: 7/1/2021 **In control:** City Council Legislative Session

On agenda: 7/14/2021 **Final action:** 7/14/2021

Title: Ordinance to Amend and Re-Enact Chapter 12 of the City Code of the City Of Hampton, Virginia Entitled, "Elections" By Amending Article IV and Adding a New Article V Pertaining to Elections of Mayor, Members of the City Council, and Members of the School Board in November As Required by the Code of Virginia

Sponsors:

Indexes:

Code sections:

Attachments: 1. Redline Ordinance, 2. Senate Bill 1157 - Acts of Assembly

Date	Ver.	Action By	Action	Result
7/14/2021	1	City Council Legislative Session	approved	Pass

Ordinance to Amend and Re-Enact Chapter 12 of the City Code of the City Of Hampton, Virginia Entitled, "Elections" By Amending Article IV and Adding a New Article V Pertaining to Elections of Mayor, Members of the City Council, and Members of the School Board in November As Required by the Code of Virginia

Background Statement:

Chapter 3 of the Hampton City Charter provides that elections for mayor and members of city council shall occur in May of each even-numbered year. This year, however, the Virginia General Assembly passed Senate Bill 1157 (2021), which amended section 15.2-1400 of the Code of Virginia and required localities to move municipal elections for city council and school board from May to November, beginning with elections held after January 1, 2022. The law further required localities to enact this change by ordinance. Accordingly, upon adoption of this ordinance, beginning with any election held after January 1, 2022, elections for mayor, members of the city council, and members of the school board shall be held at the time of the November general election for terms to commence January 1. The mayor, members of the city council, and members of the school board who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

Recommendations:

Staff Recommendation:
Approve the ordinance.

WHEREAS, as a result of the passage of Senate Bill 1157 (2021) by the General Assembly, as of July 1, 2021, the City Council is required by Section 15.2-1400 of the Code of Virginia to provide, by ordinance, for the transition of elections for the positions of mayor, members of the city council, and members of the school board to the November general election date from the May general election date;

WHEREAS, upon adoption of this ordinance, beginning with any election held after January 1, 2022, elections for mayor, members of the city council, and members of the school board shall be held at the time of the November general election for terms to commence January 1; and

WHEREAS, further, that the mayor, members of the city council, and members of the school board who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hampton, Virginia that Chapter 12 of the City Code of the City of Hampton, Virginia, be amended and re-enacted as follows:

Chapter 12 - ELECTIONS

.....

ARTICLE IV. - SCHOOL BOARD

.....

Sec. 12-92. - Election and terms of members of the school board.

There shall be a general election of the school board every two (2) years, held on the first Tuesday of May, with candidates receiving the highest number of votes for the seats being declared elected and with [the] terms of school board members elected at such elections beginning July 1, following their election and continuing for four (4) years.

Notwithstanding the foregoing, for any election held after January 1, 2022, elections for members of the school board shall be held at the time of the November general election for terms to commence on January 1. No term of a member of the school board shall be shortened in implementing this change to the November election date. Members who were elected at a May general election and whose terms are set to expire as of June 30 shall continue in office until their successors' terms commence on the January 1 following their election at the November general election.

The school board shall be a continuing body and no measure pending before it shall abate or be discontinued by reason of the expiration of the term of office or the removal of the members of the body or any of them.

.....

ARTICLE V. - ELECTIONS FOR MAYOR AND MEMBERS OF CITY COUNCIL

Sec. 12-96. - November General Election.

Notwithstanding Sections 3.01 et. seq of the Charter, and pursuant to section 15.2-1400 of the Code of Virginia, as amended, for any election held after January 1, 2022, elections for mayor and members of city council shall be held at the time of the November general election for terms to commence the following January 1. The first meeting of a newly elected council, as set forth in Section 3.06 of the Charter, shall take place on the date of the first regularly scheduled meeting of the city council in the month of January following the November general election. Except as provided in this section, all other applicable provisions of the Charter pertaining to elections shall remain in effect. No term of a mayor or a member of council shall be shortened in implementing this change to the November election date. The mayor and members of the city council who were elected at a May general election and whose terms are set to expire as of June 30 shall continue in office until their successors' terms commence on the January 1 following their election at the November general election.

State Law reference- Code of Virginia, § 15.2-1400 et seq.

Cross reference- City Charter, § 3.01 et seq.

.....