

GENERAL ASSEMBLY OF VIRGINIA -- 1998 SESSION

ENROLLED

HOUSE RESOLUTION NO. 10

Establishing certain procedures to resolve the contested 1997 election for the Ninetieth House of Delegates District.

Agreed to by the House of Delegates, February 4, 1998

WHEREAS, Article IV, Section 7 of the Constitution of Virginia provides in part: "Each house shall judge of the election, qualification, and returns of its members..."; and

WHEREAS, § 24.2-803 of the Code of Virginia states the procedures for a contest of an election to the House of Delegates and sets out the schedule for initiating the contest and establishing the record for deciding the contest; and

WHEREAS, the State Board of Elections has reported in the official results and abstracts for the 1997 November election for the Ninetieth House of Delegates District that William P. Robinson, Jr., won the election and received 7,649 votes (84.7 percent of the total vote) and that Luther C. Edmonds received 527 write-in votes of a total of 1,386 write-in votes (15.3 percent of the total vote) cast for all write-in candidates in that election; and

WHEREAS, Mr. Edmonds, contestant, a write-in candidate for the Ninetieth House of Delegates District at the November 4, 1997, general election, filed a notice of intent to contest the election with the Clerk of the House of Delegates by November 24, 1997, and Mr. Robinson, contestee, filed his answer with the Clerk by December 1, 1997, in accordance with § 24.2-803; and

WHEREAS, § 24.2-803 provides that "the notice, answer, petition, reply, depositions, and affidavits...shall constitute the record in the contest"; and

WHEREAS, the contestant has filed his petition and supporting depositions, and the contestee has filed his written reply and supporting depositions, all within the time allotted pursuant to § 24.2-803, and the Clerk has referred all of said papers to the Committee on Privileges and Elections as required by § 24.2-803; and

WHEREAS, § 24.2-803 provides further that the Committee on Privileges and Elections "shall hear the contest and conduct such investigation as has been directed by resolution of its house"; and

WHEREAS, it appears that the contestant and the contestee have filed documents in accordance with § 24.2-803 and that the record in the contest proceeding has been properly established; now, therefore, be it

RESOLVED by the House of Delegates, That the Committee on Privileges and Elections shall continue and complete its review of the record established in the contest of the November 1997 election for the Ninetieth House of Delegates District and shall report its findings and recommendations to the House for its action.

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