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SENATE BILL NO. 1193

Offered January 9, 2019

Prefiled January 3, 2019

A BILL to amend and reenact §§ 3.01.1 and 3.04, as amended, of Chapter 116 of the Acts of Assembly of 1948, which provided a charter for the City of Richmond, relating to runoff elections.

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Patrons—Dance and McClellan

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Referred to Committee on Local Government

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Be it enacted by the General Assembly of Virginia:

1. That §§ 3.01.1 and 3.04, as amended, of Chapter 116 of the Acts of Assembly of 1948 are amended and reenacted as follows:

§ 3.01.1 Election of mayor.

On the first Tuesday after the first Monday in November 2004, and every four years thereafter, a general election shall be held to elect the mayor. All persons seeking to have their names appear on the ballot as candidates for mayor must comply with the provisions of Chapter 5 (§ 24.2-500 et seq.) of Title 24.2 of the Code of Virginia and must file with their declaration of candidacy a petition containing a minimum of 500 signatures of qualified voters of the city, to include at least 50 qualified voters from each of the nine election districts. However, these filing requirements shall only apply to the initial, general election and not to any runoff election that may subsequently become necessary.

In the general election, the person receiving the most votes in each of at least five of the nine city council districts shall be elected mayor. Should no one be elected, then the two persons receiving the highest total of votes city wide shall be considered nominated for a runoff election. The runoff election shall be held on the sixth Tuesday after the November general election between the two nominees. The date of any such runoff election shall, as soon as possible, be posted at the courthouse and published at least once in a newspaper of general circulation in the city. In any such runoff election, write-in votes shall not be counted, and the person receiving the most votes in each of at least five of the nine city council districts shall be elected mayor. In the event the two candidates in a runoff election shall each win an equal number of council districts, the candidate receiving the most votes city wide shall be elected mayor. An elected term shall run four years. Anyone eligible to serve on city council may serve as mayor, except no one may be elected mayor for three consecutive full terms, and no one may simultaneously hold the office of mayor and any other elected position.

For purposes of any runoff election, voter registration records shall be closed as provided in Chapter 4 (§ 24.2-400 et seq.) of Title 24.2 of the Code of Virginia for general elections, and applications for absentee ballots shall be made by the applicable deadlines prescribed in Chapter 7 (§ 24.2-700 et seq.) of Title 24.2 of the Code of Virginia for the immediately preceding general election for the office of mayor, regardless of whether such applicant has offered to vote in such general election.

§ 3.04. Vacancies in office of councilman or mayor.

A. Vacancies in the office of councilman, from whatever cause arising, shall be filled in accordance with general law applicable to interim appointments and special elections, provided that, any provision in the general law to the contrary notwithstanding, a special election may be called to fill any such vacancy if the vacancy occurs more than one year prior to the expiration of the full term of the office to be filled.

B. A vacancy in the office of mayor shall be filled by special election conducted according to the rules herein provided for the general election and held within 60 days, but no sooner than 30 days, from the date of the vacancy. Any runoff, should one be necessary, shall be held on the first Tuesday after the fifth day following the date that voting machines used in the special election may be unsealed pursuant to § 24.2-659 of the Code of Virginia or the third Tuesday following the special election, whichever is later. However, if the date by which either the special election or possible runoff election for the office of mayor must be conducted should fall within 60 days prior to a primary election or general election, then the special or runoff election shall be held on the same day as the primary or general election, if allowed by general law, or, if not allowed by general law, then the special election shall be held on the first Tuesday after the fifth day following the date that voting machines used in the primary or general election may be unsealed pursuant to § 24.2-659 of the Code of Virginia. Any runoff that may be necessary shall be held on the first Tuesday after the fifth day following the date that the voting machines used in the special election may be unsealed pursuant to § 24.2-659 of the Code of Virginia or the third Tuesday following the special election, whichever is later. The president of the

59 council shall serve as acting mayor until a successor is elected.
60   *C. For purposes of any runoff election for the office of mayor as may be necessary after a special*
61 *election for the office of mayor, voter registration records shall be closed as provided in Chapter 4*
62 *(§ 24.2-400 et seq.) of Title 24.2 of the Code of Virginia for general elections, and applications for*
63 *absentee ballots shall be made by the applicable deadlines prescribed in Chapter 7 (§ 24.2-700 et seq.)*
64 *of Title 24.2 of the Code of Virginia for the immediately preceding general election for the office of*
65 *mayor, regardless of whether such applicant has offered to vote in such general election.*