

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 141

An Act to amend and reenact §§ 3.01, as amended, and 3.04.1 of Chapter 116 of the Acts of Assembly of 1948, which provided a charter for the City of Richmond, relating to residency of council members.

[H 1064]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.01, as amended, and 3.04.1 of Chapter 116 of the Acts of Assembly of 1948 are amended and reenacted as follows:

§ 3.01. Election of councilmen; nomination of candidates.

A. At the time of the November general election in 2004, and every second year thereafter, there shall be held a general city election at which shall be elected by the qualified voters of the city one member of council from each of the nine election districts in the city, the voters residing in each such district to elect one member for said district for terms of two years from the first day of January following their election. However, beginning with the elections to be held in 2008, and subject to approval by referendum as called for by this act, council members shall be elected for a term of four years.

B. No primary election shall be held for the nomination of candidates for the office of councilman, and candidates shall be nominated only by petition.

C. Each council member elected in accordance with this section shall reside in the election district from which such member was elected throughout the member's term on the council.

§ 3.04.1. Removal of council member or mayor and forfeiture of office.

A. In addition to being subject to the procedure set forth in § 24.2-233 of the Code of Virginia, any member of the council may be removed by the council, ~~but only~~ for malfeasance in office or neglect of duty. ~~He/she~~ *or for a failure to comply with the residency requirement set forth in § 3.01. The member* shall be entitled to notice and hearing. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council an appeal shall lie to the Circuit Court of the City of Richmond, Division I.

B. The mayor may be removed following the procedure set forth in § 24.2-233 of the Code of Virginia applicable to constitutional officers; provided, however, that the petition must be signed by a number of registered voters in each council district equal to at least 10 percent of the total number of votes cast in the last general election for mayor in each respective council district.

C. The mayor or any member of council who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude, or any felony, or any misdemeanor involving possession of marijuana or any controlled substances, shall forfeit his/her office.