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HOUSE BILL NO. 1208

House Amendments in [] - February 6, 2024

A *BILL to amend and reenact §§ 3.02 and 3.04, as severally amended, of Chapter 640 of the Acts of Assembly of 2011, which provided a charter for the City of Portsmouth, relating to city council; nomination of candidates; vacancies; emergency.*

Patron Prior to Engrossment—Delegate Hayes

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.02 and 3.04, as severally amended, of Chapter 640 of the Acts of Assembly of 2011 are amended and reenacted as follows:

§ 3.02. Nomination of candidates.

a. Candidates for the offices of Mayor and members of the City Council under the provisions of this Charter shall be nominated by petition. Any qualified voter of the city may be nominated as provided herein. Subject to the provisions herein, there shall be printed on the ballots to be used in any municipal election for the election of Mayor and City Council members the names of all candidates who have been nominated by petition and no others. A nominating petition shall conform substantially to the following requirements:

(1) Such petition shall state the name and place of residence of each person whose name is presented for a place upon the ballot, and shall request such person or persons to become a candidate or candidates for the office of Mayor or City Council.

(2) Such petition shall be signed by at least one hundred and twenty-five (125) qualified electors of the city and shall contain the residence address of each elector and an affidavit of any other qualified voter who witnessed said signatures.

(3) Each elector signing a petition may subscribe to one nomination for each of the places to be filled at the ensuing election, and no more.

(4) Such petition shall not be signed by any elector prior to January 1 of the year of such election, and such petition shall be filed with the general registrar of the city not later than [the time] fixed for the closing of the polls on the second [7:00 p.m. on the third Tuesday in June of the year of the election specified in § 24.2-507 of the Code of Virginia] .

b. Any person whose name has been submitted for candidacy by petition as herein provided, shall file his or her acceptance of such candidacy with the general registrar of the city not later than [the time] fixed for the closing of the polls on the second [7:00 p.m. on the third Tuesday in June of the year of the election specified in § 24.2-507 of the Code of Virginia] , otherwise that name shall not appear on the ballot. The filing of such acceptance shall be deemed equivalent to the filing of notice of candidacy under the general election laws of the State, and no other notice of candidacy need be given by the person filing the same.

c. No person may be a candidate for the office of Mayor and office of City Council member in the same election.

d. Candidates for the offices of Mayor and City Council member shall appoint one campaign treasurer and file the name and address of said campaign treasurer with the Portsmouth Electoral Board not later than the second [third Tuesday of June of the year of the election time specified in § 24.2-507 of the Code of Virginia] . Any candidate who fails to appoint and report the appointment of a treasurer shall be deemed to have appointed him/herself treasurer. All candidates for such offices shall comply with the applicable provisions of Chapter 9 9.3 (§ 24.2-945 et seq.) of Title 24.2 of the Code of Virginia.

§ 3.04. City Council vacancies.

If, for any reason, there is an insufficient number of certified elected candidates for the office of City Council after any municipal election, or if a City Council vacancy otherwise occurs, such vacancies shall be filled for the unexpired portion of the term by majority vote of the remaining members of the City Council, or, if the Council shall fail to fill a vacancy in its membership within ~~sixty~~ forty-five days of the occurrence of the vacancy, by appointment by a majority of the judges of the Circuit Court of the City.

If any person duly elected to the City Council shall fail to take the oath of office prior to the first day of January following such election, he or she shall be deemed to have declined the office, and the seat shall be deemed vacant. If any person appointed to the City Council to fill an unexpired term shall fail to take the oath of office within thirty days of such appointment, he or she shall be deemed to have

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59 declined the office, and the seat shall be deemed vacant.

60 2. That an emergency exists and this act is in force from its passage.