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HOUSE BILL NO. 1269

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections
on February 22, 1994)

(Patron Prior to Substitute—Delegate Wilkins)

*A BILL to postpone and reschedule certain municipal elections.***Be it enacted by the General Assembly of Virginia:**

1. § 1. The provisions of this act shall be applicable, notwithstanding any other provision of law to the contrary, to any town (i) which has annexed territory subsequent to its preceding election for mayor and council, (ii) which has regularly scheduled elections for mayor and council on May 3, 1994, (iii) which has submitted the annexation plan to the Attorney General of the United States pursuant to § 5 of the federal Voting Rights Act of 1965, as amended, and (iv) which has not received a letter on or before April 8, 1994, from the Attorney General that she interposes no objection to the annexation plan and the conduct of elections for mayor and council pursuant to such plan.

§ 2. In each such town, the election for mayor and council shall be held on the first Tuesday (i) that is more than sixty days after the Attorney General of the United States issues a letter that she interposes no objection to the annexation plan and conduct of such elections pursuant to the plan; (ii) that is not the scheduled date of a June primary election; and (iii) that is not within the sixty days before or the thirty-five days after either a June primary election or a November general election.

§ 3. Independent candidates for such rescheduled election shall qualify in the manner provided by Article 2 (§ 24.2-505 et seq.) of Chapter 5 of Title 24.2 of the Code of Virginia and party nominees shall be nominated and certified at least thirty days before the new election date.

§ 4. All candidates shall file the statements required by Article 1 (§ 24.2-500 et seq.) of Chapter 5 of Title 24.2 of the Code of Virginia at least thirty days before the new election date.

§ 5. The term of the mayor and council members elected under the provisions of this act shall commence on the first day of the second month following the election and shall terminate on the day on which the terms would have expired had the general election been held on its regularly scheduled day.

§ 6. The term of the mayor and council members of any town affected by this act that would otherwise have expired July 1, 1994, shall be extended until the date that the terms of the mayor and council members elected under this act commence.

2. § 1. Notwithstanding any other provision of law to the contrary, elections for members of the school board of any city with a population greater than 108,000 and less than 120,000 that would be held on May 3, 1994, shall be delayed if an election plan for such city school board is not precleared by the Attorney General of the United States pursuant to § 5 of the federal Voting Rights Act of 1965, as amended, on or before April 8, 1994, and shall be held as provided in this act.

§ 2. In each city, such election shall be held on the later of: (a) the date of the November 1994 general election; or (b) the first Tuesday (i) that is more than ninety days after the Attorney General of the United States issues a letter stating that she interposes no objection to an election plan approved and submitted by the city, (ii) that is not the scheduled date of a primary election, and (iii) that is not within the sixty days before or the thirty-five days after either a primary or a general election (other than the general election dates themselves).

§ 3. Candidates for such rescheduled elections shall qualify in the manner provided by Article 2 (§ 24.2-505 et seq.) of Chapter 5 of Title 24.2 of the Code of Virginia.

§ 4. All candidates shall file the statements required by Article 1 (§ 24.2-500 et seq.) of Chapter 5 of Title 24.2 of the Code of Virginia for any such rescheduled election at least thirty days before the new election date.

§ 5. Notwithstanding any provision of law or charter to the contrary, the term of the members of any school board elected under the provisions of this act shall commence on the first day of the second month following the election and shall terminate on the day on which the terms would have expired had the election been held on its regularly scheduled day.

§ 6. Any appointed members of school boards affected by this act whose terms expire or who otherwise vacate their office before they are replaced by elected members shall be replaced by interim appointment made by the city council, and persons so appointed shall hold office until replaced by elected school board members.

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

4. That the provisions of this act shall expire on January 31, 1996.

SENATE SUBSTITUTE

HB1269S1