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HOUSE BILL NO. 2768

Offered January 17, 2025

A BILL to amend and reenact §§ 15.2-702 and 15.2-705 of the Code of Virginia, relating to county manager plan of government; powers.

Patrons—Hope and McClure

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-702 and 15.2-705 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-702. County board; membership, terms, chairman, etc.

A. Under the county manager plan all of the legislative powers of the county, however conferred or possessed by it, shall be vested in a board of five members to be known as the county board ("the board"); however, the board may alter the size of the board in accordance with § 15.2-1400 after complying with the provisions of subsection B. The members of the board shall be elected in the manner hereinafter provided for terms of four years. ~~The~~ Unless the chairman is elected at large pursuant to subsection C, the board shall elect one of its members as chairman, who shall preside over its meetings. The chairman shall be elected by the board annually and any vacancy in the office shall be filled by the board for the unexpired term. The chairman has the same powers and duties as other members of the board with a vote but no veto and is the official head of the county. With the exception of those officers whose election is provided for by popular vote in Article VII, Section 4 of the Constitution of Virginia, board members shall be the only elective county officials. The board shall be a body corporate and as such has the right to sue and be sued in the same manner as is now provided by law for boards of supervisors.

B. The board may by resolution petition the circuit court of the county for a referendum on the question of whether the board shall have the authority under § 15.2-1400 to establish a board of not fewer than three nor more than 11 members. Alternatively, a like referendum may be requested by a petition to the circuit court signed by registered voters equal in number to at least 10 percent of the registered voters of the county as of January 1 of the year in which the petition is filed. Upon the filing of either petition, which shall be filed not less than 90 days before a November general election, the circuit court shall order the election officials at the next November general election held in the county to open the polls and take the sense of the voters on the question set forth in this subsection. The clerk of the court shall publish notice of the referendum to be published once a week for four consecutive weeks prior to the referendum in a newspaper having general circulation in the county and shall post a copy of such notice during the same time at the door of the courthouse of the county. The ballot shall be printed as follows:

"Shall the county board have the authority under § 15.2-1400 of the Code of Virginia to establish a board of not fewer than three nor more than 11 members?

- [ ] Yes
[ ] No"

The election shall be held and the results certified as provided in § 24.2-684.

If a majority of the qualified voters voting in such referendum vote in favor of the question, the board shall have authority under § 15.2-1400 to establish a board of not fewer than three nor more than 11 members.

C. The board may by resolution petition the circuit court of the county for a referendum on the question of whether there should be a board chairman elected at large. Alternatively, a like referendum may be requested by a petition to the circuit court signed by registered voters equal in number to at least 10 percent of the registered voters of the county as of January 1 of the year in which the petition is filed. Upon the filing of either petition, which shall be filed not less than 90 days before a November general election, the circuit court shall order the election officials at the next November general election held in the county to open the polls and take the sense of the voters on the question set forth in this subsection. The clerk of the court shall publish notice of the referendum to be published once a week for four consecutive weeks prior to the referendum in a newspaper having general circulation in the county and shall post a copy of such notice during the same time at the door of the courthouse of the county. The ballot shall be printed as follows:

"Shall the chairman of the county board, to be known as the board chairman, be elected by the voters of the county at large?

- [ ] Yes
[ ] No"

The election shall be held and the results certified as provided in § 24.2-684.

If a majority of the qualified voters voting in such referendum vote in favor of the election of a board

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59 *chairman from the county at large, beginning at the next general election for the board, the board chairman*  
 60 *shall be elected for a term of the same length as that of other members of the board. The board thereafter*  
 61 *shall consist of four members elected at large and a board chairman elected by voters of the county at large.*  
 62 *No person may be a candidate for board chairman at the same time he is a candidate for board member.*

63 **§ 15.2-705. Election of members of board; filling vacancies.**

64 A. In any county operating as of December 1, 1993, under the county manager plan provided for in this  
 65 chapter, the members of the board shall be elected and vacancies on the board shall be filled as provided in  
 66 this section. The members of the board shall be elected from the county at large; *however, the board shall*  
 67 *have authority to alter the manner of board elections to include candidates running at-large, from single*  
 68 *districts, or a combination of at-large and single districts in accordance with § 24.2-304.1 after complying*  
 69 *with the provisions of subsection D.*

70 B. Two board members shall be elected at the November 1995 election to succeed the members whose  
 71 terms are expiring, and one member each shall be elected at the 1994, 1996, and 1997 November elections to  
 72 succeed the members whose terms respectively are expiring. Thereafter at each regular November election  
 73 one or more board members shall be elected to succeed the members whose terms expire on or before January  
 74 1 next succeeding such election. The members so elected shall be elected for terms of four years each, shall  
 75 take office on January 1 next succeeding their election, and shall hold office until their successors are elected  
 76 and qualify. The board may provide, by ordinance, for the nomination or election of candidates by instant  
 77 runoff voting pursuant to § 15.2-705.1.

78 C. Notwithstanding the provisions of § 24.2-226, when any vacancy occurs in the membership of the  
 79 board, the judge of the circuit court of the county shall call a special election for the remainder of the  
 80 unexpired term to be held not less than 60 days and not more than 80 days thereafter, and the local electoral  
 81 board shall determine and announce within three business days after such call the candidate filing deadline  
 82 for that special election. However, if any vacancy occurs within 180 days before the expiration of a term of  
 83 office, the vacancy shall be filled by appointment by a majority vote of the remaining members of the board  
 84 within 30 days of the occurrence of the vacancy after holding a public hearing on the appointment. The  
 85 appointment shall be for the duration of the unexpired term.

86 D. *The board may by resolution petition the circuit court of the county for a referendum on the question of*  
 87 *whether the board shall have authority to alter the manner of board elections to include candidates running*  
 88 *at-large, from single districts, or a combination of at-large and single districts in accordance with §*  
 89 *24.2-304.1. Alternatively, a like referendum may be requested by a petition to the circuit court signed by*  
 90 *registered voters equal in number to at least 10 percent of the registered voters of the county as of January 1*  
 91 *of the year in which the petition is filed. Upon the filing of either petition, which shall be filed not less than 90*  
 92 *days before a November general election, the circuit court shall order the election officials at the next*  
 93 *November general election held in the county to open the polls and take the sense of the voters on the*  
 94 *question set forth in this subsection. The clerk of the court shall publish notice of the referendum to be*  
 95 *published once a week for four consecutive weeks prior to the referendum in a newspaper having general*  
 96 *circulation in the county and shall post a copy of such notice during the same time at the door of the*  
 97 *courthouse of the county. The ballot shall be printed as follows:*

98 *"Shall the county board have authority to alter the manner of board elections to include candidates*  
 99 *running at-large, from single districts, or a combination of at-large and single districts in accordance with §*  
 100 *24.2-304.1 of the Code of Virginia?*

101 *[ ] Yes*

102 *[ ] No"*

103 *The election shall be held and the results certified as provided in § 24.2-684.*

104 *If a majority of the qualified voters voting in such referendum vote in favor of the question, the board*  
 105 *shall have authority under § 24.2-304.1 to alter the manner of board elections to include candidates running*  
 106 *at-large, from single districts, or a combination of at-large and single districts.*