

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 3.02, as amended, and 3.03:1 of Chapter 717 of the Acts of Assembly of 1980, which provided a charter for the City of Chesapeake, relating to elections; filling vacancies.

[S 935]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.02, as amended, and 3.03:1 of Chapter 717 of the Acts of Assembly of 1980 are amended and reenacted as follows:

§ 3.02. Election of mayor and council members.

(a) On and after July 1, 1985, candidates for the offices of mayor and council member under the provisions of this charter shall be nominated only by petition in the manner prescribed by general law. Elections for the offices of mayor and council member after July 1, 1985, shall be nonpartisan. All terms for mayor and council members shall begin on ~~July~~ January 1 next following the date of their election, *or such other date as general law may require if such general law supersedes the provisions of this charter.*

The mayor and all members of council shall be elected for the terms as provided herein, and each shall serve until a successor shall have qualified.

(b) The mayor shall be elected by the qualified voters of the city beginning with the regular councilmanic election in the year 1988, to serve for a term of four years, and successors shall be elected each four years thereafter.

(c) In addition to the mayor, the council shall consist of eight members, who shall serve for terms of four years. At the regular councilmanic election in 1988, three members shall be elected to council for terms of four years, and at the regular councilmanic election in 1990, five members shall be elected to council for terms of four years.

A candidate may run only for mayor or for one of the council seats being voted upon, and cannot be qualified or appear on the ballot for both positions.

In the event any member of council during his or her term of office shall decide to be a candidate for the office of mayor, he or she may be eligible to do so, but shall tender a resignation as a member of council, such resignation to be effective ~~June 30 of such election year~~ *no later than one calendar day prior to the date the next regular term for the office of mayor will begin.* Such resignation shall state the council member's intention to run for the office of mayor and shall require no formal acceptance by the remaining members of council and shall be final and irrevocable as of the date it is tendered.

The remaining term of any council member or members who resign to run for mayor shall be filled at the next succeeding mayoral election by the candidate or candidates for council receiving the next highest vote to those candidates declared elected to the office of council member pursuant to subsection (c) of this section. Such term shall begin on ~~July~~ January 1 next following the date of the election, *or such other date as general law may require if such general law supersedes the provisions of this charter.*

§ 3.03:1. Filling vacancies.

Whenever a vacancy occurs in the office of a council member, with the exception of vacancies created by resignation to run for the office of mayor, it shall be filled by the majority vote of the remaining members of the city council within thirty days of such vacancy. The appointee shall be a qualified voter of the city and shall hold office until such time that a successor has been elected and qualified to fill the vacancy. The election of a successor shall be held at the next ensuing general election; ~~whether such election be in May or November, whichever is the first to occur~~ *set by general law*; however, if the vacancy occurs within one hundred twenty days of the next ensuing general election, it shall be filled at the second ensuing general election, ~~whether such election be in May or November~~ *as such general election date is set by general law.* The election shall be ordered by the judges of the circuit court at least sixty days prior to the date for which it is called. No election to fill the vacancy shall be ordered if the general election at which it is to be called is scheduled in the year in which the term expires.

When the vacancy is in the office of mayor, the vice-mayor shall assume all of the duties and powers of the mayor until such time that a mayoral successor has been elected and qualified in the manner set forth above for a council member. That portion of any meeting, as defined in the Virginia Freedom of Information Act, during which there is any discussion or deliberation pertaining to an appointment of a council member shall be open to the public.

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