

INTRODUCED: November 13, 2018

A RESOLUTION No. 2018-R100

To request the Richmond delegation to the General Assembly of Virginia to introduce and support the enactment of legislation to amend sections 3.01.1 and 3.04 of the Charter of the City of Richmond to conform its provisions concerning deadlines for voter registration and absentee balloting for runoff elections to the provisions of Chapters 4 and 7 of Title 24.2 of the Code of Virginia (1950), as amended.

Patron – President Hilbert

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 10 2018 AT 6 P.M.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That, in accordance with section 15.2-202 of the Code of Virginia (1950), as amended, the Richmond delegation to the General Assembly of Virginia is hereby requested to introduce and support the enactment of legislation to amend the Charter of the City of Richmond as set forth in the document entitled “Requests of the City of Richmond for City Charter Amendments during the 2019 Session of the General Assembly of Virginia,” a copy of which is attached to and made a part of this resolution.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 17 2018 REJECTED: _____ STRICKEN: _____

REQUESTS OF THE CITY OF RICHMOND FOR CITY CHARTER AMENDMENTS
DURING THE 2019 SESSION OF THE GENERAL ASSEMBLY OF VIRGINIA

Amended Sections:

§ 3.01.1. - Election of mayor.

On the first Tuesday after the first Monday in November 2004, and every four years thereafter, a general election shall be held to elect the mayor. All persons seeking to have their names appear on the ballot as candidates for mayor must comply with the provisions of Chapter 5 (§ 24.2-500 et seq.) of Title 24.2 of the Code of Virginia and must file with their declaration of candidacy a petition containing a minimum of 500 signatures of qualified voters of the city, to include at least 50 qualified voters from each of the nine election districts. However, these filing requirements shall only apply to the initial, general election and not to any runoff election that may subsequently become necessary.

In the general election, the person receiving the most votes in each of at least five of the nine city council districts shall be elected mayor. Should no one be elected, then the two persons receiving the highest total of votes city wide shall be considered nominated for a runoff election. The runoff election shall be held on the sixth Tuesday after the November general election between the two nominees. The date of any such runoff election shall, as soon as possible, be posted at the courthouse and published at least once in a newspaper of general circulation in the city. In any such runoff election, write-in votes shall not be counted, and the person receiving the most votes in each of at least five of the nine city council districts shall be elected mayor. In the event the two candidates in a runoff election shall each win an equal number of council districts, the candidate receiving the most votes city wide shall be elected mayor. An elected term shall run four years. Anyone eligible to serve on city council may serve as mayor, except no one may be elected mayor for three consecutive full terms, and no one may simultaneously hold the office of mayor and any other elected position.

For purposes of any runoff election, voter registration records shall be closed as provided in Chapter 4 (§ 24.2-400 et seq.) of Title 24.2 of the Code of Virginia for the general elections and applications for absentee ballots shall be made by the applicable deadlines prescribed in Chapter 7 (§ 24.2-700 et seq.) of Title 24.2 of the Code of Virginia for the immediately preceding general election for the office of mayor, regardless of whether such applicant has offered to vote in such general election.

EXPLANATION: The changes to section 3.01.1 set forth the dates on which voter registration records shall be closed and the deadlines by which applications for absentee ballots shall be made for purposes of any runoff election for the office of mayor.

§ 3.04. - Vacancies in office of councilman or mayor.

A. Vacancies in the office of councilman, from whatever cause arising, shall be filled in accordance with general law applicable to interim appointments and special elections, provided that, any provision in the general law to the contrary notwithstanding, a special election may be

called to fill any such vacancy if the vacancy occurs more than one year prior to the expiration of the full term of the office to be filled.

B. A vacancy in the office of mayor shall be filled by special election conducted according to the rules herein provided for the general election and held within 60 days, but no sooner than 30 days, from the date of the vacancy. Any runoff, should one be necessary, shall be held on the first Tuesday after the fifth day following the date that voting machines used in the special election may be unsealed pursuant to § 24.2-659 of the Code of Virginia [Code of Virginia, § 24.2-659] or the third Tuesday following the special election, whichever is later. However, if the date by which either the special election or possible runoff election for the office of mayor must be conducted should fall within 60 days prior to a primary election or general election, then the special or runoff election shall be held on the same day as the primary or general election, if allowed by general law, or, if not allowed by general law, then the special election shall be held on the first Tuesday after the fifth day following the date that voting machines used in the primary or general election may be unsealed pursuant to § 24.2-659 of the Code of Virginia. Any runoff that may be necessary shall be held on the first Tuesday after the fifth day following the date that the voting machines used in the special election may be unsealed pursuant to § 24.2-659 of the Code of Virginia or the third Tuesday following the special election, whichever is later. The president of the council shall serve as acting mayor until a successor is elected.

C. For purposes of any runoff election for the office of mayor as may be necessary after a special election for the office of mayor, voter registration records shall be closed as provided in Chapter 4 (§ 24.2-400 et seq.) of Title 24.2 of the Code of Virginia for general elections and applications for absentee ballots shall be made by the applicable deadlines prescribed in Chapter 7 (§ 24.2-700 et seq.) of Title 24.2 of the Code of Virginia for the immediately preceding general election for the office of mayor, regardless of whether such applicant has offered to vote in such general election.

EXPLANATION: The changes to section 3.04 set forth the dates on which voter registration records shall be closed and the deadlines by which applications for absentee ballots shall be made for purposes of any runoff election for the office of mayor after a special elction.



Lou Brown Ali
Council Chief of Staff

Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

Council Ordinance/Resolution Request

TO Allen L. Jackson, Richmond City Attorney

THROUGH Lou Brown-Ali, Council Chief of Staff

FROM Joyce L. Davis, Council Policy Analyst
Office of the Council Chief of Staff

COPY Chris Hilbert, 3rd District Council member
Haskell Brown, Deputy City Attorney
Meghan Brown, Deputy Council Chief of Staff
Lisa Townes, 3rd District Liaison

DATE November 1, 2018

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TITLE: RESOLUTION TO EXPRESS COUNCIL'S SUPPORT OF LEGISLATION TO THE 2019 VIRGINIA GENERAL ASSEMBLY AGENDA TO AMEND CODE OF VIRGINIA, TITLE 24.2 FOR PROCEDURES FOR RUN-OFF ELECTIONS

This is a request for the drafting of an ☐ Ordinance ☒ Resolution

REQUESTING COUNCILMEMBER/PATRON

President Chris Hilbert

SUGGESTED STANDING COMMITTEE

Governmental Operations

ORDINANCE/RESOLUTION SUMMARY

Resolution to express Council's support of legislation to the 2019 Virginia General Assembly agenda to amend Code of Virginia, Title 24.2 and the Richmond City Charter to specify voter registration or absentee balloting deadlines and procedures for run-off elections.

BACKGROUND

This Resolution is to express the support of City Council to change the Code of Virginia, Title 24.2 and the Richmond Charter to specify voter registration or absentee balloting deadlines and procedures for a run-off election. The request is to change the Richmond Charter to specify procedures or reference the deadlines as set forth in Title 24.2 as they relate to General Elections.

This Resolution is requested to reflect Council's support of this item to the Richmond City Council 2019 General Assembly Legislative Agenda and recommend it to the General Assembly for legislative action at its next session.

RECEIVED

NOV -1 2018

OFFICE OF CITY ATTORNEY

FISCAL IMPACT STATEMENT

Fiscal Impact Yes ☐ No ☒

Budget Amendment Required Yes ☐ No ☒

Estimated Cost or Revenue Impact \$

Attachment/s Yes ☐ No ☒

Richmond City Council Ordinance/Resolution Request Form/updated 12.22.08/sr

2019 City of Richmond Legislative Proposals for the Virginia General Assembly

A. Financing for Public Housing Replacement - The City asks that the General Assembly establish a State Commission led by the Virginia Housing Commission, which includes representatives of the Virginia Housing Development Authority, the Virginia Department of Housing and Community Development, local redevelopment and housing authorities, and local governments with large concentrations of public housing, to identify financing methods that could be developed or employed to assist localities in replacing concentrated public housing units.

B. Mandatory Affordable Dwelling Unit Program - The City requests that §15.2-2304 of the Code of Virginia, which allows certain localities to adopt a mandatory affordable dwelling unit program, be amended to include the City of Richmond.

C. Natural Gas Utility - The City requests the General Assembly to define service territories of municipal natural gas utilities in Virginia and to clarify that natural gas service may be provided only by the municipal natural gas company in those areas. The State Corporation Commission does not define and decide where the municipal natural gas utilities in Virginia can serve natural gas customers. This is needed to ensure that municipal government gas utilities are able to grow and retain the necessary number of customers that municipal natural gas utility services require.

D. Reporting of Stolen Firearms - The City requests that the General Assembly require firearms owners to report the theft or loss of a firearm to local law enforcement or state police within 24 hours after discovery of the loss or theft.

E. Local Government Lobbying - The City requests that §15.2-1408 of the Code of Virginia, which allows certain localities to adopt ordinances restricting local elected officials and local employees from lobbying for one year after their terms have ended, be amended to include the City of Richmond.

F. Charter Change: Voter Registration or Absentee Balloting Deadlines for Run-Off Elections - The City requests that the General Assembly amend the Richmond City Charter to specify that the deadlines for voter registration or absentee balloting deadlines for run-off elections shall conform with the statewide provisions for such deadlines as provided in Title 24.1 of the Code of Virginia.

G. Public Education Funding – The City requests the General Assembly to fulfill its constitutional obligation and adequately fund the true costs of public education in the Commonwealth of Virginia for the successful future of students of schools administered by the School Board of the City of Richmond and students throughout the Commonwealth of Virginia.