ORDINANCE 2021-07-0001: ADOPT ORDINANCE ADDING TOWN CODE SECTION 2-1, MUNICIPAL ELECTIONS, TO TRANSITION TOWN ELECTIONS TO THE NOVEMBER GENERAL ELECTION DATE TO CONFORM WITH NEW STATE ELECTION LAWS



MOTION:

SECOND:

Whereas, Virginia Senate Bill No. 1157 (SB 1157) was “[a] bill to amend and reenact §15.2-1400 of the Code of Virginia, relating to time of certain local elections” which “[s]hifts all municipal elections for city and town council and school board from May to November, beginning with elections held after January 1, 2022” and offered for consideration by the Senate of Virginia during the Virginia General Assembly 2021 Regular Session; and

WHEREAS, SB 1157 was passed during the Virginia General Assembly 2021 Special Session 1, which included affirmative votes by the Senate of Virginia on January 21, 2021 and the Virginia House of Delegates House on February 15, 2021, and approved by the Governor of Virginia on March 12, 2021; and

WHEREAS, the second provision of SB 1157 states “that [a]ny city or town currently providing for the election of its mayor, governing body, or school board at a May election shall, by ordinance, provide for the transition of such elections to the November general election date. No term of a mayor, a member of council, or a member of a school board shall be shortened in implementing the change to the November election date. Mayors and members of a council or school board who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve”; and

WHEREAS, amendments to §15.2-1400 of the Code of Virginia as defined in the first provision of SB 1157 went into effect in the Commonwealth of Virginia on July 1, 2021; and

Whereas, §15.2-1400(E) of the Code of Virginia states that “[n]otwithstanding the provisions of §24.2-222 and §24.2-222.1, any city or town charter, or any other provision of law, general or special, beginning with any election held after January 1, 2022, elections for mayor, members of a local governing body, or members of an elected school board shall be held at the time of the November general election for terms to commence January 1”; and

WHEREAS, the new provisions defined in §15.2-1400(E) require that the Town general election date on which the election of members of the Town Council and Mayor transition from the first Tuesday in May to the November general election date; and

WHEREAS, Lovettsville’s Town Charter Section §3.2(B) – Council defines an even-numbered year for the election of members of the Town Council since it states that “[t]hree council members shall be elected in the municipal elections held in 1984, and in municipal elections held every four years thereafter. Three council members shall be elected in the municipal elections held in 1986, and in municipal elections held every four years thereafter. The council members so elected shall qualify and take office on July 1, following their election, and shall continue to serve until their successors are duly elected, qualify and assume office”; and

WHEREAS, Lovettsville’s Town Charter Section §3.3(B) – Mayor (Election) defines an even-numbered year for the election of Mayor since it states that “[i]n each even-numbered year, on the date specified by general law for municipal elections, a mayor for the Town shall be elected for a term of two years. The person so elected shall so qualify and take office on July 1, following election. Mayors shall continue to serve until their successors are duly elected, qualify and assume office”; and

WHEREAS, to conform with the new law and existing Charter provisions, elections for the Town of Lovettsville shall be moved from a May general election to the November general election date beginning with any election held after January 1, 2022 with terms to commence January 1 of the following odd-number year; and

WHEREAS, the new provisions defined in §15.2-1400(E) supersede the date on which members of the Town Council assume office (as defined in §3.2 of the Town Charter) and the Mayor (as defined in §3.3 of the Town Charter) from July 1 to January 1 following the general election date on which the individual is elected and qualified to serve; and

WHEREAS, subsequent Town Council and mayoral elections will be held every even-numbered year on the November general election date to conform with state law as prescribed in §15.2-1400 and Lovettsville’s Town Charter.

NOW, THEREFORE, BE IT ORDAINED, that the Lovettsville Town Council does hereby adopt the following section 2-1 to the Town Code, Municipal Elections, pursuant to §15.2-1400(E) of the Code of Virginia, and §3.2(B) and §3.3(B) of Lovettsville’s Town Charter whereby (1) the elections for Town Council and Mayor shall transition from the first Tuesday in May to the date of the general election on even-numbered years beginning with elections held after January 1, 2022, (2) the date on which elected and qualified members of the Town Council and Mayor shall assume office shall transition from July 1 to January 1 in odd-numbered years beginning on January 1, 2023, and (3) that the Town Manager shall, in consultation with legal counsel, conform the Code of the Town of Lovettsville to implement this ordinance and notify the General Registrar of Loudoun County of compliance with the second provision of SB 1157 through the adoption of this ordinance, as appropriate.

VOTE:

AYES:

NAYS:

ABSTENTIONS:

ABSENT FOR VOTE:

APPROVED:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Nathaniel O. Fontaine, Mayor

CERTIFIED:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Candi Choi, Town Clerk

**Section 2-1. Municipal Elections.**

1. Pursuant to §15.2-1400(E) of the Code of Virginia, and §3.2(B) and §3.3(B) of Lovettsville’s Town Charter, the Town Council and Mayor shall be elected as specified herein.
   1. Council members shall be elected to four-year terms as provided hereafter, with three council members elected at each regular election.
   2. The Mayor shall be elected to a two-year term at each regular election.
   3. Elections for Town Council and Mayor shall be held on the November general election date of even-numbered years beginning with elections held after January 1, 2022.
   4. Members of the Town Council and Mayor shall assume office on January 1 of the odd-numbered year following the November general election date on which the individual is duly elected and qualified to serve.
2. The provisions of this ordinance shall be effective immediately upon adoption and shall be applied prospectively.

[*Pursuant to §15.2-1400(E), the date on which members of the Town Council and Mayor shall assume office (January 1) supersedes the date of the same as currently defined in §3.2(B) and §3.3(B) of the Town Charter (July 1).*]

(Ord. No. 2021-07-0001, 7-29-2021)