

MEMORANDUM

TO: THE HONORABLE MAYOR AND
MEMBERS OF CITY COUNCIL

FROM: IGNACIO B. PESSOA
CITY ATTORNEY

DATE: MAY 8, 2007

SUBJECT: SPECIAL ELECTION PROCESS FOR FILLING COUNCIL VACANCY

As you are by now aware, Vice Mayor Andrew Macdonald has submitted his resignation from the Council, effective today. Vice Mayor Macdonald brought a unique and valuable perspective to public discourse in Alexandria, and he will be missed. The City Charter requires that the vacancy caused by his resignation be filled, for the unexpired portion of his term, by special election. The process for calling the special election is as follows:

1. Member submits letter of resignation to Council, specifying effective date of resignation.
2. Within 15 days after the effective date of the resignation, Council must adopt a resolution certifying the vacancy, and the resolution must be filed with the Alexandria Circuit Court. Charter §10.02, Va. Code § 24.2-226A.
3. The Court will issue a writ of election, directing the Alexandria Electoral Board to conduct a special election to fill the unexpired term. The election must be held on a Tuesday, not less than 40 or more than 60 days after the resolution is filed with the Court. But the election cannot be held within 60 days prior to a general or primary election, nor on the same day as a primary election. Charter § 10.02, Va. Code §§ 24.2-226A, 24.2-682A. There are no primary or general elections in the relevant time period.
4. Candidates must file their statement of qualification and/or declaration of candidacy with the Alexandria Registrar of Voters 30 days prior to the date of election. Charter § 10.02, Va. Code § 24.2-507. Candidates may qualify as a political party nominee, if selected by the party at least 30 days prior to the election, and the State and Local Electoral Boards are notified of the party's selection within 5 days. Va. Code §§, 24.2-510, 24.2-511B. Independent candidates may qualify by also filing a petition containing 125 valid signatures. Va. Code § 24.2-506.
5. The secretary of the Electoral Board shall post a copy of the writ on the City's web site, or in 10 public places, or shall publish notice of the election once in the newspaper, at least 10 days before the election. Va. Code § 24.2-683.
6. A copy of the writ shall be sent to the State Board of Elections. Va. Code § 24.2-683.

Given the time constraints applicable to selecting candidates, organizing a campaign, and conducting the election, the realistically available dates for the election appear to be either **Tuesday, July 10, or Tuesday, July 17**. It is incumbent on the City and the Electoral Board to propose a suitable date to the Circuit Court.

Accordingly, I suggest that City Council docket the resolution certifying the vacancy to the Circuit Court and proposing one of the above election dates for consideration at the May 22, 2007 legislative meeting. At that time, Council should also consider the selection of a vice-mayor, as required by Section 3.05 of the City Charter.

Tom Parkins, the Alexandria Registrar of Voters, and I will be pleased to answer any questions tonight.

Cc: The Honorable Donald M Haddock
Chief Judge, Alexandria Circuit Court

James K. Hartmann
City Manager

Michele Evans
Deputy City Manager

Tom Parkins
Registrar of Voters

RESOLUTION NO. _____

WHEREAS, on Tuesday, May 8, 2007, the Honorable Andrew H. Macdonald, Vice Mayor, submitted his resignation, effective immediately, as a member of the City Council of the City of Alexandria, Virginia, thereby creating a vacancy on the said Council; and

WHEREAS, Section 10.02 of the Alexandria City Charter provides that any such vacancy which occurs 180 days or more prior to the next ensuing regular Council election “shall be filled by a special popular election for the unexpired term;” and

WHEREAS, Section 10.02 of the Alexandria City Charter further provides that the Council certify by resolution the existence of such vacancy to the Circuit Court of the City of Alexandria, Virginia, and that the Court order the special election to be held not less than 40 nor more than 60 days after the resolution is filed with the Court; and

WHEREAS, Section 24.2-682(A) of the Code of Virginia requires, *inter alia*, that any such special election be held on a Tuesday; and

WHEREAS, the Alexandria Electoral Board and the Alexandria Registrar of Voters have recommended that such special be held on Tuesday, July 17, 2007; in order to give the officers of election and all interested persons reasonable time to prepare for the election; and

WHEREAS, the Council concurs that such election should be held on Tuesday, July 17, 2007,

NOW, THEREFORE BE IT RESOLVED, that the City Council does hereby certify to the Circuit Court of the City of Alexandria, Virginia, that a vacancy exists on the said Council, which is required by law to be filled by special popular election for the unexpired portion of the term; and

BE IT FURTHER RESOLVED, that the City Council does hereby request that the Circuit Court order and direct that such election be held on Tuesday, July 17, 2007; and

BE IT FURTHER RESOLVED, that the City Council does hereby direct the City Clerk to attest, and the City Attorney to file this resolution with the Circuit Court, in the manner provided by law.

ADOPTED: May 22, 2007

WILLIAM D. EUILLE, MAYOR

ATTEST:

Jacqueline M. Henderson, CMC, City Clerk

RESOLUTION NO. 2229

WHEREAS, on Tuesday, May 8, 2007, the Honorable Andrew H. Macdonald, Vice Mayor, submitted his resignation, effective immediately, as a member of the City Council of the City of Alexandria, Virginia, thereby creating a vacancy on the said Council; and

WHEREAS, Section 10.02 of the Alexandria City Charter provides that any such vacancy which occurs 180 days or more prior to the next ensuing regular Council election "shall be filled by a special popular election for the unexpired term;" and

WHEREAS, Section 10.02 of the Alexandria City Charter further provides that the Council certify by resolution the existence of such vacancy to the Circuit Court of the City of Alexandria, Virginia, and that the Court order the special election to be held not less than 40 nor more than 60 days after the resolution is filed with the Court; and

WHEREAS, Section 24.2-682(A) of the Code of Virginia requires, *inter alia*, that any such special election be held on a Tuesday; and

WHEREAS, the Alexandria Electoral Board and the Alexandria Registrar of Voters have recommended that such special election be held on Tuesday, July 17, 2007; in order to give the officers of election and all interested persons reasonable time to prepare for the election; and

WHEREAS, the Council concurs that such election should be held on Tuesday, July 17, 2007; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby certify to the Circuit Court of the City of Alexandria, Virginia, that a vacancy exists on the said Council, which is required by law to be filled by special popular election for the unexpired portion of the term; and

BE IT FURTHER RESOLVED, that the City Council does hereby request that the Circuit Court order and direct that such election be held on Tuesday, July 17, 2007; and

BE IT FURTHER RESOLVED, that the City Council does hereby direct the City Clerk to attest, and the City Attorney to file this resolution with the Circuit Court, in the manner provided by law.

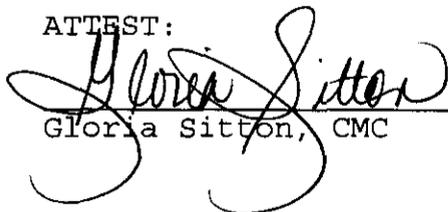
ADOPTED: May 22, 2007



WILLIAM D. EULLE

MAYOR

ATTEST:



Gloria Sitton, CMC

Deputy City Clerk