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

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05/08/2007 03:53 PM	cc	Donald Haddock/Alex@Alex, Jackie Henderson/Alex@Alex, Jim Hartmann/Alex@Alex, Michele Evans/Alex@Alex, Mark Jinks/Alex@Alex, Steve Mason/Alex@Alex
	bcc	
	Subject	Special Election to Fill Council Vacancy

Attached, please find a memorandum discussing the process for filling the vacancy on Council occasioned by the resignation of Vice Mayor Andrew Macdonald. Tom Parkins, the Alexandria Registrar of Voters, and I will be available at the meeting tonight to answer any questions.

On another matter, the executive session docketed for to night will be postponed.

Special Election Memo.doc