

HOUSE BILL NO. 416

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns

on January 19, 2024)

(Patrons Prior to Substitute--Delegates Convirs-Fowler and Askew [HB 410])

A BILL to amend and reenact § 3.01, as amended, § 3.01:1, and §§ 3.02:1 and 3.02:2, as amended, of Chapter 147 of the Acts of Assembly of 1962, which provided a charter for the City of Virginia Beach, and to repeal § 3.02:3 of Chapters 127 and 762 of the Acts of Assembly of 2020, relating to city council; voting districts.

Be it enacted by the General Assembly of Virginia:

1. That § 3.01, as amended, § 3.01:1, and §§ 3.02:1 and 3.02:2, as amended, of Chapter 147 of the Acts of Assembly of 1962 are amended and reenacted as follows:

§ 3.01. Division of city into districts.

A. The city shall be divided into ~~seven~~ residence ten single-member election districts of approximately equal population which shall be numbered one through ~~seven~~ ten. The council shall consist of eleven members, ~~including the mayor;~~ elected at large and one member to be elected by ~~the city at large from the residents of each of the seven districts and three members and the mayor to be elected by and from the city at large and from each of the ten single-member election districts.~~

B. The boundaries ~~and names~~ of such districts shall be established by ordinance ~~on or before March 1, 1996,~~ and thereafter the boundaries shall be adjusted periodically as may be necessary to ensure that the populations of the districts remain approximately equal.

C. ~~The city council shall, no later than January 1, 1996, petition the circuit court to order an advisory referendum to be held on the question of whether the council member elected from each district shall be elected by the qualified voters of that district rather than at large. The wording of the question shall be determined by majority vote of the city council and shall be included in the petition. Upon the~~

26 ~~filing of the petition, the circuit court shall order that an advisory referendum be held on the question in~~
27 ~~the city at the municipal elections to be held in May 1996.~~

28 § 3.01:1. Implementation of districts.

29 A. ~~At the May 1996~~ November 2024 general election, ~~three~~ the members representing district 1,
30 district 3, district 5, district 7, and the mayor shall be elected by the city at large from the residents of the
31 ~~Blackwater, Princess Anne, and Virginia Beach boroughs as such boroughs existed on January 1, 1995.~~
32 The terms of the members so elected shall commence January 1, 2025, and expire on July 1, 1998
33 December 31, 2028. ~~The terms of the mayor and council member elected by and from the city at large in~~
34 ~~May of 1996 shall expire on July 1, 2000.~~

35 B. ~~At the November 2026~~ general election in May of 1998, the members representing district 2,
36 district 4, district 6, district 8, district 9, and district 10 shall be elected at large from districts numbered
37 ~~one through three shall be elected for terms of two years and the members elected at large from districts~~
38 ~~numbered four through seven shall be elected for terms of four years. The terms of the two council~~
39 ~~members elected by and from the city at large in May of 1998 shall expire on July 1, 2002~~ members so
40 elected shall commence January 1, 2027, and expire on December 31, 2030. ~~Thereafter, all~~

41 C. All members shall be elected for terms of four years.

42 § 3.02:1. Election of council members.

43 ~~Pursuant to an ordinance adopted by city council on June 27, 2006, city~~ City council regular
44 elections shall take place during the general election in November 2008, and during the November general
45 election in even years thereafter, for council members whose terms expire at the end of December of that
46 year. Council members, including the mayor, whose terms expire as of June 30, 2008, or June 30, 2010,
47 shall continue in office until their successors have been elected at the November election and take office
48 on January 1. The term of office for each council member shall commence on January 1 next following
49 the date of election and shall continue until his successor has been duly elected and qualified at November
50 general elections. Each candidate shall state, at the time of filing, whether he is running ~~at large,~~ from the
51 district of his residence or for mayor. Candidates for council shall be nominated only by petition in the
52 manner prescribed by general law.

53 § 3.02:2. Election of mayor.

54 The mayor shall be elected at the general election in November 2008, and each fourth year
55 thereafter, to serve for a term of four years. Candidates for mayor shall run ~~for one of the at-large seats at~~
56 large. A candidate running for mayor shall not run for any other seat.

57 In the event any ~~councilman~~ council member, including the mayor, shall decide during his term of
58 office to be a candidate for mayor, he shall tender his resignation as a ~~councilman~~ council member not
59 less than ten days prior to the date for the filing of petitions as required by general law. Such resignation
60 shall be effective on December 31, shall constitute the ~~councilman's~~ council member's intention to run for
61 mayor, shall require no formal acceptance by the remaining ~~councilmen~~ council members and shall be
62 final and irrevocable when tendered.

63 In the event the mayor shall decide during his term of office to be a candidate for one of the single-
64 member election districts, he shall tender his resignation as mayor not less than ten days prior to the date
65 for the filing of petitions as required by general law. Such resignation shall be effective on December 31,
66 shall constitute the mayor's intention to run for one of the single-member election districts, shall require
67 no formal acceptance by the remaining council members and shall be final and irrevocable when tendered.

68 The unexpired portion of the term of any council member who has resigned to run for mayor or
69 mayor who has resigned to run for one of the single-member election districts shall be filled at the same
70 general election.

71 **2. That § 3.02:3 of Chapters 127 and 762 of the Acts of Assembly of 2020 is repealed.**

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