

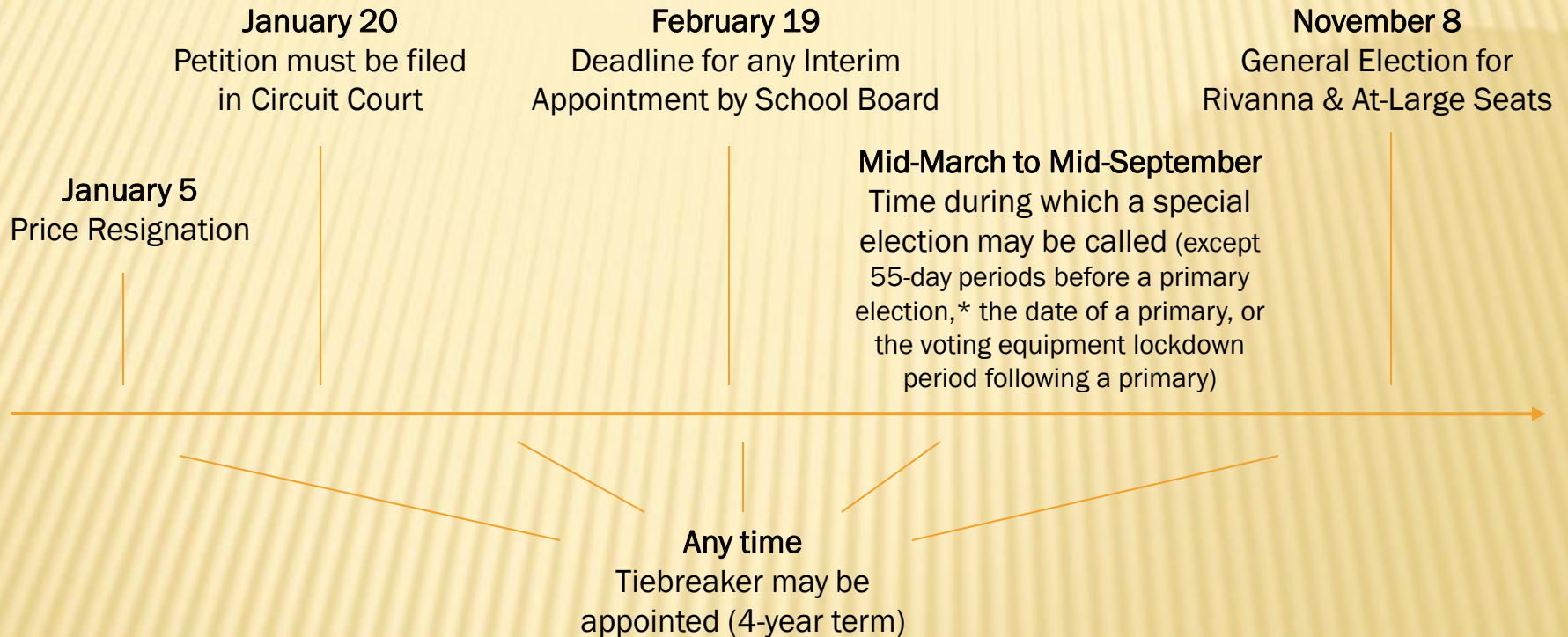
Background Legal Information Regarding

SPECIAL ELECTION, INTERIM APPOINTMENT, & TIE BREAKER CODE REQUIREMENTS

OVERVIEW

- ✖ Timelines for Special Election & Interim Appointments
- ✖ Summary of the Court's Authority
- ✖ Estimated Costs of Special Elections
- ✖ Scenarios:
 - + Requesting a Special Election
 - + Not requesting a Special Election
- ✖ Tie Breaker Requirements
- ✖ Other Factors for the Board's Consideration

TIMELINE OF CODE REQUIREMENTS



* PRIMARY INFORMATION: At present, no primary has been scheduled. If a primary is held for either the Sheriff or Commonwealth's Attorney offices, it will be in June. If one is held for state congressional offices, it will be in August or September, due to redistricting.

THE COURT'S AUTHORITY

- ✖ Upon receiving the Board's mandatory petition:
 - + May order a special election for Price's seat.
 - + May decline to order a special election.
- ✖ In addition to the above, may appoint an interim Board member if the Board fails to appoint one within 45 days of the member's vacancy (Va. Code §24.2-228).

ESTIMATED COSTS OF SPECIAL ELECTIONS

- ✖ For a special election on Price's seat in the Rivanna District → approximately **\$15,000** to **\$18,000** according to the Albemarle County Registrar.

IF THE BOARD'S PETITION REQUESTS...

- ✗ A special election for Price's seat

THEN THE COURT MAY...

- 1) Grant the petition and call a special election for Price's seat.
- 2) In addition to the above, if the Board has not appointed an interim member, appoint an interim member or decline to do so.

IF THE BOARD REQUESTS A SPECIAL ELECTION

IF THE BOARD'S PETITION REQUESTS...

✗ That no special election be called

THEN THE COURT MAY...

- 1) Grant the petition and order that no special election be called.
- 2) Order a special election for Price's seat despite the Board's petition.
- 3) In addition to the above, if the Board has not appointed an interim member, appoint an interim member or decline to do so.

IF THE BOARD DOES NOT REQUEST A SPECIAL ELECTION

TIE BREAKER REQUIREMENTS

- ✗ The Board's Authority (Va. Code §22.1-57.3):
 - + May, but need not, appoint a tie breaker who must be a “qualified voter” and a County resident.
 - ✗ The tie breaker's term of office is 4 years.
 - + May abolish the tie breaker office once created, but may not remove a specific tie breaker during office.
 - ✗ The Board may petition the Circuit Court to remove a tie breaker for serious neglect, misuse, incompetence, or certain criminal convictions (Va. Code §24.2-234).

WHEN A TIE BREAKER IS USED (VIRGINIA CODE §22.1-75)

- ✘ If a tie vote occurs when one or more current Board members is absent from a meeting, the tie breaker is NOT used.
 - + The matter is continued until the next meeting for another vote.
- ✘ If a tie vote occurs when all current Board members are present, the tie breaker IS used.

PROCESS FOR TIE BREAKER VOTE (VIRGINIA CODE §22.1-75)

- ✖ After a tie vote, the clerk shall immediately notify the tie breaker and “request” his presence “if practicable” to attend the meeting.
 - + If not practicable to attend that meeting, the Board may adjourn to another day.
- ✖ Once the tie breaker attends the meeting, he is “entitled to be fully advised on the matter upon which he is to vote,” and may order the clerk to adjourn the meeting to another day (up to 30 days out).
 - + After one adjournment, the tie breaker may have additional continuances of up to 30 days each until ready to vote.

OTHER FACTORS FOR BOARD CONSIDERATION

- ✘ Time required to select and appoint an interim member.
- ✘ Cost to County taxpayers if a special election is called.
- ✘ Full electoral process afforded by a special election.
- ✘ Non-electoral process afforded by a board appointment of an interim member and/or tie breaker.
- ✘ Quality and quantity of applicants for a board-appointed seat versus a special election seat.
- ✘ Period of time during which no interim member would serve if the Board does not appoint a member.
- ✘ Period of time during which an elected or appointed member would serve before a permanent member is elected.