

## 15. DISCUSSION REGARDING BIENNIEL ELECTIONS

As discussed last month, there are two ways for a county to transition to biennial elections (staggered terms):

1. The Board of Supervisors may establish the practice by adopting an ordinance (after public notice and a public hearing) providing for the county board to be elected biennially for staggered terms; or
2. The registered voters of the county may file a petition with the circuit court requesting that a referendum be held on the question — the petition must be signed by at least 10% of the registered voters (as of January 1).

Following adoption of such an ordinance, or approval of such a referendum, the terms of the supervisors elected at the next general election are established as follows:

- Four of the newly elected supervisors will serve a full 4-year term;
- Three of the newly elected supervisors will serve a 2-year term;
- Unless 3 members voluntarily agree to 2-year terms, the county electoral board assigns the individual terms by lot (literally, drawing names out of a hat) at its meeting on the day following the election, immediately after the election results have been certified.
- Thereafter, all terms are for 4 years.
- Alternately, the Board of Supervisors may ordain that the electoral board conduct its drawing at a meeting held at least 30 days prior to the deadline for candidate filings (May 2015).

As with most issues, there are pros and cons:

### PRO'S

- Provides greater stability and continuity in county government
- Prevents *total* board replacement at any 1 time

### CON'S

- Shorter, one-time terms for 3 districts might feel unfair to some voters
- Potential voter confusion in transition year

### **ACTION REQUIRED:**

**If the Board has interest in proceeding under option 1 above (by local ordinance), a motion is required directing the County Attorney to prepare the ordinance for first reading next month.**

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§ 24.2-219. Alternative for biennial county supervisor elections and staggered terms.

A. The governing body of any county may by ordinance provide that the county board of supervisors be elected biennially for staggered four-year terms.

In lieu of an ordinance by the board of supervisors, the registered voters of the county may file a petition with the circuit court of the county requesting that a referendum be held on the question of whether the county board of supervisors should be elected biennially for staggered four-year terms. The petition shall be signed by registered voters equal in number to at least ten percent of the number registered in the county on the January 1 preceding its filing.

The court pursuant to §§ [57.15-09.5](#) and [57.15-09.7](#) shall order the election officials on a day fixed in the order to conduct a referendum on the question. The clerk of the court shall publish notice of the referendum in a newspaper having general circulation in the county once a week for four consecutive weeks and shall post a copy of the notice at the door of the courthouse of the county. The question on the ballot shall be:

"Shall the members of the county board of supervisors be elected biennially for staggered four-year terms?"

Yes

No"

The referendum shall be held and the results certified as provided in § [57.15-09.7](#).

B. If a majority of the voters voting in the referendum voted for biennial election of the members of the board of supervisors for staggered four-year terms, or if the governing body has so provided by ordinance, then the terms of supervisors elected at the next general election for supervisors shall be as follows:

1. If the number of supervisors elected in the county is an even number, half of the successful candidates shall be elected for terms of four years and half of the successful candidates shall be elected for terms of two years; or

2. If the number of supervisors in the county is an odd number, the smallest number of candidates which creates a majority of the elected supervisors shall be elected for terms of four years and all other successful candidates shall be elected for terms of two years.

Unless the number of members who volunteer to take two-year terms exactly equals the number of two-year terms to be assigned, the electoral board of the county shall assign the individual terms of members by lot at its meeting on the day following the election and immediately upon certification of the results. However, the electoral board may assign individual terms of members by election district in a drawing at a meeting held prior to the last day for a person to qualify as a candidate, if the governing body of the county so directs by ordinance or resolution adopted at least thirty days prior to the last day for qualification and members are elected by district. In all elections thereafter all successful candidates shall be elected for terms of four years.

In any county where the chairman of the board is elected from the county at large pursuant to § [48.15-083.6](#) or § [48.15-0.35](#), the provisions of this section shall not affect that office. The chairman of the board shall be elected for a term of four years in 1995 and every four years thereafter.

C. If the representation on the board of supervisors among the election districts is reapportioned, or the number of districts is diminished or the boundaries of the districts are changed, elections shall be held in each new district at the general election next preceding the expiration of the term of the office of the member of the board representing the predecessor district of each new district. If the number of districts is increased, the electoral board shall assign a two-year or four-year term for each new district so as to maintain as equal as practicable the number of members to be elected at each biennial election.

(Code 1950, § 24-157; 1968, c. 639; 1970, c. 462, § 24.1-88; 1971, Ex. Sess., c. 265; 1973, c. 30; 1976, c. 616; 1981, c. 12; 1982, c. 650; 1993, c. 641; 2011, c. [788](#).)

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