COMMONWEALTH OF VIRGINIA
STATE BOARD OF ELECTIONS
804-786-6551 **OR** TOLL-FREE 800-552-9745

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RICHMOND, VIRGINIA 23219-3497
TTY TOLL-FREE WITHIN VIRGINIA 800-260-3466
REV 12/26/02

DIRECT ELECTION OF SCHOOL BOARD MEMBERS

The following information is provided concerning the local referendum authorized by § 22.1-57.2 of the *Code of Virginia*. This provision permits qualified voters of a county or city constituting a separate and entire school division to file a petition for a referendum to require the jurisdiction to select its school board members by direct election rather than by appointment. If approved by a majority of the voters, elections for school board members would be held at the same general election at which members of the governing body of the county or city are elected. [If a county and city, or any combination thereof, constitute a consolidated school division, each county or city shall be entitled to hold its own referendum.]

§ 24.2-684.1 of the *Code of Virginia* prescribes requirements for petitions being circulated for referenda. Follow the procedures in this bulletin and use the petition form attached to it.

A. Prior To Circulating Petitions

1. Prepare the petition form. Use the form attached and insert the question to be placed on the ballot. One of the two questions below, as appropriate, must be used; either:

   "Shall the method of selecting the school board be changed from appointment by the governing body to direct election by the voters?"

   OR

   "Shall the method of selecting the school board be changed from appointment by the school board selection commission to direct election by the voters?"

2. Before circulating any petition pages, one individual who is a registered voter of the county or city in which the referendum will be held must file with the clerk of circuit court of that county or city:

   a. a statement which lists the petitioner's:

      1) name;
      2) residence address;
      3) mailing address, if different from residence address; and
      4) if any, the name of the organization represented by the petitioner in circulating the petition.

   b. a copy of the petition which states one of the two questions set forth above.

3. The clerk of circuit court must certify, **within ten days of the filing of the above documents**, that he has received and accepted the petition copy and statement.

OVER

B. Circulating Petitions

1. Begin circulating **only after** receiving the clerk's certification.

2. Each person who circulates a petition page must:

   a. be either a qualified voter **OR** be eligible to be a qualified voter of the county or city in which the referendum will be held;

   b. see each person sign that petition page; and

   c. complete and sign, before a notary, the affidavit on each petition page he/she circulates.

3. Petitions must be *circulated, completed* and *filed* with the appropriate court **within nine months of the date of the certification by the clerk of circuit court** *OR* by the deadline required for the election, whichever first occurs [see *Item C.1.* below].

4. Each petition must:

   a. contain the signatures of qualified voters of the county or city equal in number to at least 10% of the number of registered voters therein as of January 1 preceding the filing of the petition. [It is recommended that at least 15% be obtained to assure that a sufficient number are qualified.]; and

   b. contain the date signed and **full printed name and residence address** of each voter.

C. Filing Petitions

1. Petitions must be filed with the court at least **90 days prior to the general election**. [residents of the City of Alexandria wishing to use the May 2003 election, no later than February 5, 2003; residents of any county or city wishing to use the November election, *no later than August 6, 2003.*]

   The 90 day deadline assures sufficient time for the general registrar to verify the petitions so that the court may enter its order calling the election by that required deadline of 60 days prior to the election.

2. A suggested format for the court order which should be presented with your petitions to the court for its signature is attached.

D. Other Requirements

1. The referendum must be held at the same time as the next general election. A general election will be held **only** in the City of Alexandria on May 6, 2003 and in all counties and cities on November 4, 2003.

2. The court order is **not** required to be submitted by the chief legal officer of the county or city to the United States Justice Department pursuant to the Federal Voting Rights Act but, if the majority vote affirmatively on the question, the method by which the school board is to be elected must be so submitted.

3. This referendum cannot be held more often than once every four years in the same jurisdiction.

4. The provisions of §§ 22.1-57.3 and 22.1-57.4 of the *Code of Virginia* further require:

   - that if this referendum is approved by a majority of the voters voting, an election would be held for school board members at the same time the governing body of the county or city is elected.

   - that terms of the elected school board members must be the same as those of the members of the local governing body. If members of the local governing body are elected for staggered terms, school board members must be elected on the same basis. Appointed members not subject to the first election for school boards will continue to serve, in the case of counties, until the December 31 or, in the case of cities, the June 30 following the general election at which members are elected to replace them;

   - that school boards must initially be elected on the same basis on which they were appointed, except that a local governing body may require a school board that has been appointed at large to be elected by district;

   - that districts used for school board elections must be the same as districts used for election of the local governing body. However, any county or city that elects all the members of its local governing body at large may establish districts for the election of its school board; and

   - that elections for school board members are non-partisan.

   The Code also permits a referendum to be held to revert from an elected school board to a school board appointed by either the governing body or a school board selection commission. Petition requirements and procedures are the same as for the elected school board referendum. The question on the ballot would be:

   > "Shall the method of selecting the school board be changed from direct election by the voters to appointment by the governing body?"
   >
   > **OR**
   >
   > "Shall the method of selecting the school board be changed from direct election by the voters to appointment by the school board selection commission?"

Following any of these referenda, no other of these referenda may be held within the same jurisdiction for four years.

LMT:MGK

STATEMENT OF PETITIONER
FOR
LOCAL REFERENDUM

TO: Clerk of Circuit Court

County/City of _____

Submitted herewith is a copy of a petition to be circulated for a referendum as authorized by law on the question which appears thereon.

As required by § 24.2-684.1 of the *Code of Virginia*, I certify that I am registered and qualified to vote in the jurisdiction and, if applicable, district in which the election will be held. The following information is provided as required:

_____
TYPE OR PRINT YOUR FULL LEGAL NAME

_____
ENTER YOUR RESIDENCE ADDRESS

_____
CITY/TOWN ZIP

_____
ENTER YOUR MAILING ADDRESS IF DIFFERENT FROM RESIDENCE ADDRESS

_____
CITY/TOWN ZIP

_____
ENTER A DAYTIME TELEPHONE NUMBER, INCLUDING AREA CODE

_____
ENTER NAME OF ORGANIZATION YOU REPRESENT, IF ONE

Please certify, within ten days of my filing these documents, that you have received and accepted the petition copy and this statement.

I understand that the petitions must be circulated, completed and filed with you within 9 months of the date of your certificate of receipt and acceptance **or** by the deadline required for the election, whichever first occurs. I further understand that a court order must be entered at least 60 days before the election.

_____
SIGNATURE OF PETITIONER

_____
ENTER DATE

CERTIFICATE OF RECEIPT AND ACCEPTANCE
LOCAL REFERENDUM

TO: _____

_____

_____

I, _____, Clerk of the Circuit Court of _____, certify that:

_____, filed with me as required by § *24.2-684.1* of the Code of Virginia, a copy of a petition for a referendum on the following subject:

_____, the issue for which the petition will be circulated. A statement also was filed setting forth the filer's name and residence address. The statement:

☐ did not indicate that the filer is representing an organization; or

☐ indicated that the filer is representing the following organization:

_____; and

☐ did; or
☐ did not
} set forth a mailing address different from the filer's residence address.

I further certify that I accept these documents and petitions now may be circulated. Petitions must be circulated, completed and filed with the Court within nine months of the date of this certification. The filing deadline for any specific election also must be met if the referendum is to be held at that election.

_____, Clerk

Date: _____

The Clerk of Circuit Court must return to the filer of the petition the original of this document and to the State Board of Elections one copy each of this document, the Statement of Petitioner and the Petition.

TO SAVE TAXPAYER DOLLARS THIS DOCUMENT IS PRINTED FRONT AND BACK. PREPARE ORIGINAL TYPED COPY, ENTER APPROPRIATE INFORMATION AS INDICATED, AND SUBMIT TO THE COURT AS TWO SEPARATE PAGES.

VIRGINIA: IN THE CIRCUIT COURT OF _____

ORDER

It appearing to the Court that a Petition has been filed requesting the Court to order a referendum to be held pursuant to § 22.1-57.2 in (enter *county* or *city name*) on the question of whether the members of the school board of (enter *county* or *city name*) shall be elected directly by the voters;

AND it having been certified to the Court by the General Registrar of the *county* (or *city*, as applicable) that such petition has been signed by registered voters equal to or greater than ten percent of the number registered in the *county* (or *city*, as applicable) on the January 1 preceding its filing and has been filed with the Court not less than ninety days prior to the general election in accordance with § 22.1-57.2 of the *Code of Virginia* of 1950, as amended;

It is, therefore, ADJUDGED, ORDERED and DECREED that at the general election to be held on (enter *election date*), a Tuesday that is at least sixty days following the entry of this order, the election officials of the *county* (or *city*) shall open the polls and take the sense of the qualified voters of (enter *county* or *city name*) on the following question to be printed on the ballot:

ELECTION OF SCHOOL BOARD

"Shall the method of selecting the school board be changed from appointment by the (enter **either** *governing body* or *school board selection commission*, as applicable) to direct election by the voters?"

The Clerk of the Court shall cause notice of the referendum to be published once a week for the three (3) consecutive weeks prior to the election in (enter *name of newspaper*), a newspaper having general circulation in (enter *county* or *city name*), and a copy of the notice shall be posted during the same time on the door of the (enter *county* or *city name*) Courthouse.

The Clerk of this Court shall send a copy of this Order to the State Board of Elections and to the Secretary of the Electoral Board of (enter *county* or *city name*).

The election shall be held and the results shall be certified as provided in § 24.2-684 of the *Code of Virginia*.

ENTERED this _____ day of _____, 20___.

_____
JUDGE

I ask for this:

sign here _____
printed name of signator
(counsel for petitioner or, if none, petitioner)