



**STAFF REPORT**  
**ACTION ITEM**

**SUBJECT:** Special Election to Fill Vacancy on Town Council  
&  
Permanent Change in Polling Place for Town Elections

**DATE OF MEETING:** July 13, 2021

**STAFF CONTACTS:** Sally Hankins, Town Attorney

---

**SUMMARY**

At the Council meeting on June 8, 2021, Council directed that the Town Attorney petition the circuit court for a special election to fill the vacancy created by the resignation of Council Member Ted Greenly. The Court granted the Town's request and ordered that a Special Election be conducted on **November 2, 2021**.

Because the Town's scheduled Special Election coincides with the November, 2021 general election for several state offices, registered voters will be voting for both Town and State offices on November 2, 2021. For many residents of the Town, the polling place for Town elections is different from the polling place for State elections. Therefore, the County's Voter Registrar has requested that the Town amend its polling location, so that each Town resident can vote for both Town and State offices at a single location. To accommodate this request, the Town Council must first adopt an ordinance amending Town Code, Section 30-1. The effect of this requested change would be to divide the Town into two voting precincts, with the dividing line being coterminous with the boundary line dividing County precincts 301 and 310, where it exists within the Town limits. A map showing County precincts 301 and 310 in the Town is attached, and shows where this dividing line would be located.

Further, because the state law was recently amended to require that all regular Town elections be held in November of even years, this change in polling location for Town elections is requested to be permanent.

State law requires a very particular process be followed in order to change the boundary of a voting precinct, or to change the location of a polling place. Therefore, if Town Council decides to proceed with this change, it would need to announce at its meeting on July 13, 2021, that a "45-day Public Comment Period" has commenced effective immediately, and that it will continue through August 27, 2021. Additionally, the Town Council would need to

conduct a public hearing at its meeting on July 27, 2021, in order to receive comments on this proposed change. An advertisement of the public hearing will be published in the next two editions of the Loudoun Times Mirror.

The schedule to enact this change would look like this:

July 9	Public Hearing ad is due to the paper
July 13	Council votes to initiate ordinance and to commence the 45-day comment period
July 13 (after Council meeting)	Town Clerk posts notice on Town website / social media that the 45-day public comment period has commenced
July 16 & July 23	Public Hearing advertisement is published
July 27	Town Council Public Hearing
August 27	Last day of 45-day public comment period
August 31	Tentative date for SPECIAL TOWN COUNCIL MEETING to vote on Ordinance. Ordinance effective date is October 1.
Aug 31 (after Council meeting)	"Publish" enacted ordinance and start 30 day waiting period for challenge
Sept 3	Marks 60 days prior to election. <u>No voting</u> by Council on a matter affecting the election may occur from this point forward.
Sept 30	Last day of 30-day waiting period for challenges. Any challenges filed are litigated on urgent basis to beat Nov. election date.
Oct 1	New ordinance is effective

## **MOTION**

"I move that the town council initiate an ordinance (a) changing the time for regular Town Council elections from May of even numbered years, to November of even numbered years as is now required by Virginia law; and (b) permanently changing the polling location for Town elections to be consistent with the polling locations designated by Loudoun County, so that Town residents may vote on November 2, 2021, and every November thereafter, at a single location for both Town Council and all other county, state, and federal offices that may be on the ballot. This proposed change would result in a change for Town residents located within County precinct 310, for whom the Town Council polling place would be moved from

Emerick Elementary School (440 S. Nursery Avenue, Purcellville, Virginia) to Mountain View Elementary School (36803 Allder School Rd, Purcellville, Virginia).

And

I further move that the Town Council conduct a public hearing on this proposed ordinance at its regular meeting on Tuesday, July 27, 2021.

And

I further move that the Town commence a 45-day public comment period effective immediately, to continue through August 27, 2021. During this time, public comment may be submitted to the Town by email, first class mail, or facsimile, and will be considered by the Town Council prior to taking any action.

And

I further move that Town Council schedule a Special Meeting to take action on the proposed ordinance for [SELECT A DATE between August 28, 2021 and September 2, 2021, inclusive]."

#### **ATTACHMENTS**

1. Map of County Precinct 301 (outlined in red)
2. Map of County Precinct 310 (outlined in red)