

VIRGINIA: IN THE CIRCUIT COURT OF NELSON COUNTY

THE BOARD OF SUPERVISORS
NELSON COUNTY, VIRGINIA,

Petitioner,

WRIT OF SPECIAL ELECTION

CAME THIS DAY PETITIONER, the Board of Supervisors of Nelson County, Virginia, pursuant to Virginia Code §24.2-228.1, and requested, due to the resignation of Judy S. Smythers, the Circuit Court Clerk of Nelson County, Virginia, effective August 1, 2016, that a Special Election be ordered for November 8, 2016 to fill the remaining seven (7) plus years of the current term of the Nelson Circuit Court Clerk.

UPON CONSIDERATION WHEREOF, the Court finds that:

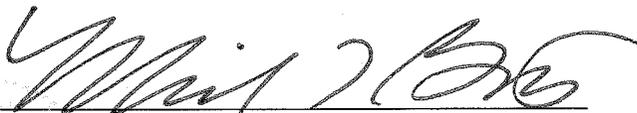
1. The current Clerk of the Nelson Circuit Court, Judy S. Smythers, submitted her written resignation to the Nelson County Circuit Court and the Nelson County Board of Supervisors on June 14, 2016 to be effective August 1, 2016.
2. The office of the Clerk of the Circuit Court, a constitutional office, would next be subject to a General Election on Tuesday, November 5, 2023.
3. Virginia Code §24.2-682 expressly states that Special Elections to fill vacancies in constitutional offices shall be held "promptly".
4. The excessively long interval between the office of the Circuit Court Clerk falling vacant and the General Election on November 5, 2023 would violate the spirit of promptness related to Special Elections expressed in Virginia Code §24.2-682.
5. The citizens of Nelson County, Virginia, should enjoy the earliest opportunity to elect a new Circuit Court Clerk, while at the same time giving any political parties an opportunity to nominate candidates and to afford any interested candidates sufficient time to qualify for the ballot and to campaign for the office.
6. A Special Election held on a short interval would ensure continuity in the office of the Circuit Court Clerk, which is responsible for the recordation and preservation of records, as well as, an extensive list of duties and responsibilities for the benefit of the citizens of Nelson County, Virginia.
7. An interval of approximately one hundred eighteen (118) days between the entry of this Court's Writ of Special Election and the special election is more than sufficient time for the Registrar and Electoral Board to prepare to conduct a special election.

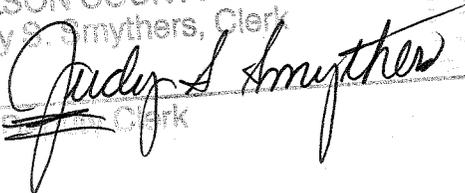
8. At its regular meeting conducted on June 14, 2016, the Board of Supervisors unanimously voted to request a Special Election on Tuesday, November 8, 2016.
9. A Special Election on Tuesday, November 8, 2016, is (a) not within sixty (60) days of the end of the current Clerk of the Circuit Court's term of office, (b) not within fifty-five (55) days of a Primary or General Election, and (c) not concurrent with a Primary Election, but is concurrent with a General Election. Therefore, the Tuesday, November 8, 2016, Special Election date fully complies with all the timing requirements contained in Virginia Code §§24.2-228.1 and 24.2-682.

NOW THEREFORE, the Court deeming it proper to do so, pursuant to Virginia Code §24.2-683, this Court does hereby issue this Writ of Special Election, and directs the Electoral Board of Nelson County, Virginia to conduct a Special Election to fill the remaining seven (7) plus years of the current term of the Clerk of the Circuit Court of Nelson County, on Tuesday, November 8, 2016, in the manner and at the places as would be utilized for the general election to be conducted on that date. This Court **ORDERS** the Electoral Board and Registrar to observe the directives set forth in Virginia Code §§24.2-681 *et seq.* when conducting this Special Election. This Court further **ORDERS** that the Secretary of the Electoral Board of Nelson County shall cause notice of the election to be published once in a newspaper of general circulation in this jurisdiction at least ten (10) days before the Special Election.

The Clerk is directed to transmit a copy of this Writ to the Secretary of the Electoral Board of Nelson County, Virginia, the Registrar of Nelson County, the State Board of Elections, Counsel for Petitioner, and to the County Administrator for Nelson County and to remove this matter from the active docket.

ENTERED this the 13th day of July, 2016.


The Honorable Michael T. Garrett,
Nelson County Circuit Court Judge

A Copy, To:
NELSON COUNTY CIRCUIT COURT
Judy S. Smythers, Clerk
By: 
Clerk