VIRGINIA: IN THE CIRCUIT COURT OF NELSON COUNTY

THE BOARD OF SUPERVISORS NELSON COUNTY, VIRGINIA Petitioner,	))))))	Case # CL16000061-00

WRIT OF SPECIAL ELECTION

CAME THIS DAY PETITIONER, the Board of Supervisors of Nelson County, Virginia, pursuant to Virginia Code §22.4-228.1, and requested, due to the resignation of the Commonwealth's Attorney of Nelson County, Virginia, effective March 1, 2016, that a Special Election be ordered for November 8, 2016 to fill the remaining three (3) plus years of the current Commonwealth's Attorney term.

UPON CONSIDERATION WHEREOF, the Court finds that:

1. The current Commonwealth's Attorney, Anthony D. Martin, submitted his written resignation to the Nelson County Circuit Court and the Nelson County Board of Supervisors on January 26, 2016 to be effective March 1, 2016.

2. The office of the Commonwealth's Attorney, a constitutional office, would next be subject to a General Election on Tuesday, November 5, 2019.

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 Commonwealth Attorney falling vacant and the General Election on November 5, 2019 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 Commonwealth's Attorney, 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 Commonwealth's Attorney, which is responsible for the prosecution of crimes committed in Nelson County, Virginia.

7. An interval of approximately two hundred and seventy-three (273) 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 February 9, 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 Commonwealth's Attorney'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 three (3) plus years of the current term of the Nelson County Commonwealth Attorney, 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, the Registrar for Nelson County, the State Board of Elections and to Counsel for Petitioner, and to remove this matter from the active docket.

ENTERED this 10TH day of FEBRUARY, 2016.

The Honorable Michael T. Garrett
Nelson County Circuit Court Judge

I ASK FOR THIS:

ENDORSEMENT WAIVED - RULE 1:13
Phillip D. Payne, IV, Esquire
County Attorney for Nelson County

A Copy, Teste:
NELSON COUNTY CIRCUIT COURT
Judy S. Smythers, Clerk
By: _____
Deputy Clerk