

**13. SCHOOL BOARD ELECTION ORDINANCE – REQUEST TO
AUTHORIZE A PUBLIC HEARING**

As you are aware, on November 8, 2022 the citizens of Southampton County approved a referendum changing the method by which school board members are selected. School board members have been appointed by a school board selection committee. Moving forward school board members shall be elected directly by the voters.

Richard Railey, County Attorney has drafted an ordinance for your consideration that provides for the direct election of school board members by the voters of Southampton County in future elections.

Attachment:

Draft Ordinance
State Code Section 22.1-57.3

MOTION REQUIRED: If you are so inclined, a motion is required to authorize conducting a public hearing on this ordinance at your March 28, 2023 meeting.

BE IT ORDAINED, by the Board of Supervisors of Southampton County, Virginia, that the Southampton County Code be, and hereby is, amended as follows:

Chapter 19. School Board Elections:

Article 1. School Board Selection Commission Abolished. Repeal of previously adopted provision(s) as to Southampton County School Board Selection Commission.

Section 1. All provisions heretofore adopted by the Southampton County Board of Supervisors pertaining to the creation and function of the School Board Selection Commission are hereby repealed. The Southampton County School Board Selection Commission is abolished, and School Board members shall be hereafter selected by a popular vote of the duly qualified Southampton County voters.

Section 2. The School Board districts heretofore created and in full force and effect are hereby abolished and any ordinance creating such School Board districts shall be, and hereby is, repealed.

Section 3. The School Board shall consist of nine (9) members all to be elected at large.

As a matter of information, the present members of the Southampton County School Board and their respected terms of office are as follows:

- A. Denise Bunn, representing the present Newsoms District, with a term of July 1, 2021, to June 30, 2025;
- B. Lynn Bradley, representing Franklin District, with a term of July 1, 2019, to June 30, 2023;
- C. Dr. Deborah Goodwyn, representing Boykins District, with a term of July 1, 2022, to June 30, 2026;
- D. Orris Lane, at large, with a term of July 1, 2022, to June 30, 2026;
- E. Florence W. Reynolds, representing Berlin-Ivor District, with a term of July 1, 2019, to June 30, 2023;
- F. Donna B. Rountree, representing Drewryville District, with a term of July 1, 2020, to June 30, 2024;
- G. Christopher A. Smith, Sr., representing Jerusalem District, with a term of July 1, 2022, to June 30, 2026;

- H. Gregory Scott, at large, with a term of July 1, 2021, to June 30, 2025;
and
- I. The Capron District's seat is currently vacant.

Section 4. The appointed members of the Southampton County School Board in office at the time of the referendum approving the change shall continue in office for the balance of each members respective term except that each term shall expire on December 31 immediately subsequent to the June 30 expiration date of the appointed term.

Section 5. The nine (9) members of the Southampton County School Board shall be elected as follows:

- A. November 2023 General Election; three (3) members to be elected at large;
- B. November 2024 General Election; two (2) members to be elected at large;
- C. November 2025 General Election; two (2) members to be elected at large;
- D. November 2026 General Election; two (2) members to be elected at large.

Section 6. Each of the nine (9) members of the Southampton County School Board will be elected for a four (4) year term with the elections to be staggered as set out herein.

Section 7. In the event of a vacancy, among the elected members, whether by reason of death, disability, disqualification, or resignation, the seat will receive a replacement member at the next ensuing general election unless the vacancy occurs within sixty (60) days of the general election and in that event the election to fill the vacant seat shall be held at the next general election.

This ordinance to be effective on the date of passage at 12:00 midnight.

For State Law Authority please see §22.1-57.3 of the 1950 Code of Virginia, as amended.

Code of Virginia
 Title 22.1. Education
 Chapter 5. School Boards; Selection, Qualification and Salaries of Members

§ 22.1-57.3. Election of school board members; election of tie breaker.

A. If a majority of the qualified voters voting in such referendum vote in favor of changing the method of selecting school board members to direct election by the voters, then the members of the school board shall be elected by popular vote. Elections of school board members in a county, city, or town shall be held to coincide with the elections for members of the governing body of the county, city, or town at the regular general election in November or the regular general election in May, as the case may be.

B. The initial elected board shall consist of the same number of members as the appointed school board it replaces, and the members shall be elected from the established county or municipal election districts, at large, or a combination thereof, on the same basis as the school board previously was appointed. If the appointed school board being replaced has not been appointed either on an at-large basis or on the basis of the established county or municipal election districts, or a combination thereof, the members shall be elected at large unless the governing body of the county, city, or town provides for the election of school board members on the basis of the established county or municipal election districts. If the appointed school board being replaced has been appointed at large, the governing body of the county, city, or town may establish school election districts for the election of school board members. The governing body may provide for a locality-wide district, one or more districts comprised of a part of the locality, or any combination thereof, and for the apportionment of one or more school board members to any district.

The terms of the members of the elected school board for any county, city, or town shall be the same as the terms of the members of the governing body for the county, city, or town. In any locality in which both the school board and the governing body are elected from election districts, as opposed to being elected wholly on an at-large basis, the elections of the school board member and governing body member from each specific district shall be held simultaneously except as otherwise provided in §§ 22.1-57.3:1, 22.1-57.3:1.1, and 22.1-57.3:1.2.

At the first election for members of the school board, so many members shall be elected as there are members to be elected at the regular election for the governing body. At each subsequent regular election for members of the governing body, the same number of members of the school board shall be elected as the number of members to be elected at the regular election to the governing body. However, if the number of members on the school board differs from the number of members of the governing body, the number of members elected to the school board at the first and subsequent general election shall be either more or less than the number of governing body members, as appropriate, to the end that the number of members on the initial elected school board is the same as the number of members on the appointed board being replaced.

Except as provided in §§ 22.1-57.3:1, 22.1-57.3:1.1, and 22.1-57.3:1.2, the terms of the members of the school board shall be staggered only if the terms of the members of the governing body are staggered. If there are more, or fewer, members on the school board than on the governing body, the number of members to be elected to the school board at the first and subsequent election for school board members shall be the number required to establish the staggered term structure so that (i) a majority of the members of the school board is elected at the same time as a majority of the members of the governing body; (ii) if one-half of the governing body is being elected and the school board has an even number of members, one-half of the members of the school board is elected; (iii) if one-half of the governing body is being elected and the school board has an odd number of members, the majority by one member of the school board is elected at the first election and the remainder of the school board is elected at the second election; or (iv) if a majority of the members of the governing body is being elected and the school board has an even number of members, one-half of the members of the school board is elected.

If the school board is elected at large and the terms of the members of the school board are staggered, the school board members to be replaced at the first election shall include all appointed school board members whose appointive terms are scheduled to expire on December 31 or on June 30, as the case may be, next following the first election of county, city or town school board members. If the number of school board members whose appointive terms are so scheduled to expire is zero or less than the number of school board members to be elected at the first election, the appointed school board members to be replaced at the first election shall also include those whose appointive terms are scheduled to expire next subsequent to the date on which the terms of office of the first elected school board members will commence. If the appointive terms of more than one school board member are scheduled to expire simultaneously, but less than all of such members are to be replaced at the first election, then the identity of such school board member or members to be replaced at the first election shall be determined by a drawing held by the county or city electoral board at least ten days prior to the last day for a person to qualify as a candidate for school board member.

In any case in which school board members are elected from election districts, as opposed to being elected from the county, city, or town at large, the election districts for the school board shall be coterminous with the election districts for the county, city, or town governing body, except as may be specifically provided for the election of school board members in a county, city, or town in which the governing body is elected at large.

C. The terms of office for the school board members shall commence on January 1 or July 1, as the case may be, following their election. On December 31 or June 30, as the case may be, following the first election of county, city or town school board members, the terms of office of the members of the school board in office through appointment shall expire and the school board selection commission, if there is one, shall be abolished. If the entire school board is not elected at the first election of school board members, only the terms of the appointed members being replaced shall so expire and the terms of the appointed members being replaced at a subsequent election shall continue or be extended to expire on December 31 or June 30, as appropriate, of the year of the election of the school board members replacing them.

D. Except as otherwise provided herein, a vacancy in the office of any elected school board member shall be filled pursuant to §§ 24.2-226 and 24.2-228. In any county that has adopted the urban county executive form of government and that has adopted an elected school board, any vacancy on the elected school board shall be filled in accordance with the procedures set forth in § 15.2-802, mutatis mutandis. Notwithstanding any provision of law or charter to the contrary, if no candidates file for election to a school board office and no person who is qualified to hold the office is elected by write-in votes, a vacancy shall be deemed to exist in the office as of January 1 or July 1, as the case may be, following the general election. For the purposes of this subsection and Article 6 (§ 24.2-225 et seq.) of Chapter 2 of Title 24.2, local school boards comprised of elected and appointed members shall be deemed elected school boards.

E. In order to have their names placed on the ballot, all candidates shall be nominated only by petition as provided by general law pursuant to § 24.2-506.

F. For the purposes of this section, the election and term of the mayor or chairman of the board of supervisors shall be deemed to be an election and term of a member of the governing body of the municipality or county, respectively, whether or not the mayor or chairman is deemed to be a member of the governing body for any other purpose.

G. No employee of a school board shall be eligible to serve on the board with whom he is employed.

H. Any elected school board may have a position of tie breaker for the purpose of casting the deciding vote in cases of tie votes of the school board as provided in § 22.1-75. The position of tie breaker, if any, shall be held by a qualified voter who is a resident of the county, city, or town and who shall be elected in the same manner and for the same length of term as members of the school board and at a general election at which members of the school board are elected. A vacancy in the position of tie breaker shall be filled pursuant to §§ 24.2-226 and 24.2-228.

1992, c. 594; 1993, c. 878; 1994, c. 723; 1996, c. 873; 2000, c. 1045; 2006, c. 29; 2007, c. 100; 2010, c. 95; 2011, c. 776; 2014, c. 772.