

# Issue Analysis Form



**Date:** October 26, 2021  
Ordinance Ordaining Section  
30-2 Stating Officers of  
Election Shall be Retained by  
the County as Independent  
Contractors

**Item:**

**Lead Department(s):** County Attorney

**Contact Person(s):** Dan Whitten

## Description and Current Status

The County Code currently does not specify whether Officers of Election are County employees or independent contractors. The Virginia Code gives authority to localities to classify Officers of Election as independent contractors.

The proposed Ordinance (Section 30-2 of the County Code) will specify that Officers of Election shall be retained by the County as Independent Contractors pursuant to the Code of Virginia Section 24.2-122; status of members of electoral boards, registrars, and officers of election.

A draft ordinance is attached for consideration; a motion approving authority to advertise the ordinance for a public hearing on November 23, 2021, is requested.

This Ordinance shall be effective immediately.

Sample Motion: I move that the Board approve advertisement of an Ordinance ordaining Section 30-2 stating Officer of Election shall be retained by the County as Independent Contractors.

## Government Path

- |   |   |  |
|---|---|--|
| <b>Does this require IDA action?</b>                  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Does this require BZA action?</b>                  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Does This require Planning Commission Action?</b>  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Does this require Board of Supervisors action?</b> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>Does this require a public hearing?</b>            | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>If so, before what date?</b>                       | <input type="checkbox"/> Yes            | <input type="checkbox"/> No            |

Board of Supervisors  
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia, this 26<sup>th</sup> day of October, 2021:

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Present:

Floyd M. Brown, Jr., Chairman  
Marlene J. Waymack, Vice Chair  
Alan R. Carmichael  
Donald Hunter  
T. J. Webb

Vote:

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On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, which carried unanimously, the following Resolution was adopted:

**RESOLUTION; AUTHORITY TO ADVERTISE AN ORDINANCE TO AMEND  
“THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA,”  
AS AMENDED, BY ORDAINING §30-2 TO STATE THAT  
OFFICERS OF ELECTION SHALL BE RETAINED BY THE COUNTY  
AS INDEPENDENT CONTRACTORS**

**NOW, THEREFORE, BE IT RESOLVED**, that the Board Of Supervisors of the County of Prince George this 26<sup>th</sup> day of October, 2021, does hereby authorize the advertisement of a public hearing on November 23, 2021, for an Ordinance to Amend “The Code of the County of Prince George, Virginia,” as amended, by ordaining §30-2 to state that Officers of Election shall be retained by the County as Independent Contractors.

A Copy Teste:

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Percy C. Ashcraft  
County Administrator

ORDINANCE TO AMEND “THE CODE OF THE COUNTY OF  
PRINCE GEORGE, VIRGINIA”, 2005, AS AMENDED, BY  
ORDAINING § 30-2 TO STATE THAT OFFICERS OF ELECTION SHALL BE RETAINED  
BY THE COUNTY AS INDEPENDENT CONTRACTORS

BE IT ORDAINED by the Board of Supervisors of Prince George County:

*(1) That The Code of the County of Prince George, Virginia, 2005, as amended, is amended  
by ordaining § 30-2, as follows:*

CHAPTER 30 ELECTIONS

ARTICLE I. IN GENERAL

**Sec. 30-2. – Status of officers of election.**

**Officers of election are retained by the County as independent contractors.**

**State Law reference – Code of Virginia, 24.2-122; status of members of electoral boards,  
registrars, and officers of election**

*(2) That the Ordinance shall be effective immediately.*