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September 9, 2025

VIA OVERNIGHT DELIVERY

The Honorable Diane H. Mumford
Clerk of the Circuit Court of Lancaster County
8265 Mary Ball Road
Lancaster, VA 22503

**Re: Petition for Writ of Special Election to fill Vacancy in the Town Council of the
Town of Irvington, Virginia**

Dear Ms. Mumford:

Our firm represents the Town Council of the Town of Irvington, Virginia. The purpose of this letter is to let you know that we have been directed as the Town Attorney to petition the Court for a Writ of Special Election to fill a vacancy seat of the Town Council of the Town of Irvington, Virginia. Enclosed please find a civil cover sheet, Petition, and Proposed Writ of Special Election. I ask that you please forward the Petition and Writ to the Judge for review and consideration.

The Town requests a waiver of the filing fee pursuant to Virginia Code § 17.1-266.

If you have any questions, please do not hesitate to let me know.

Sincerely,

Kelley Kemp

KMK/csd
Enclosures:

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF LANCASTER

**RE: IRVINGTON TOWN COUNCIL
SPECIAL ELECTION**

CASE NO. _____

**PETITION FOR WRIT OF SPECIAL ELECTION
TO FILL VACANCY IN THE IRVINGTON TOWN COUNCIL
DUE TO THE RESIGNATION OF FREDERICK JOHNSON**

This day comes the TOWN COUNCIL OF THE TOWN OF IRVINGTON, VIRGINIA, by the Town Attorney, pursuant to Virginia Code § 24.2-226, and petitions this Court for a Writ of Special Election to fill the vacancy in the Town Council of the Town of Irvington, Virginia and in support thereof states as follows:

1. Frederick Johnson was elected as a member of the Town Council of the Town of Irvington, Virginia on November 5, 2024. His term is set to expire on December 31, 2028.

2. Frederick Johnson resigned as a member of Town Council of the Town of Irvington due to unforeseen circumstances and his resignation will be accepted by Council at the next regularly held meeting on September 11, 2025.

3. Virginia Code § 24.2-226 provides that, upon such vacancy, a writ of election shall be issued for the next ensuing general election to be held in November, unless the vacancy occurs within 90 days of the next such general election, which this is. Council requests that that this be set on the date of the second such general election, November 3, 2026.

4. State law and the Town Charter allow the Town Council to make an interim appointment to fill the vacancy in the meanwhile. The Town Charter states that any vacancy “shall be filled by the council by the appointment of anyone eligible to such office.” Virginia Code § 24.2-228, Subsection A, provides: “When a vacancy occurs in a local governing body . . . , the

remaining members of the body . . . , may appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy.” The appointed person “shall hold the office only until the qualified voters fill the vacancy by special election.” *Id.*

WHEREFORE, the Town Council of the Town of Irvington, Virginia, by counsel, petitions this Court to issue a Writ of Special Election to fill the vacancy in the Town Council of the Town of Irvington, Virginia on November 3, 2026 for the remainder of the term of Frederick Johnson which expires on December 31, 2028.

Respectfully submitted,

TOWN COUNCIL OF IRVINGTON, VIRGINIA

By counsel

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Counsel for Town Council of the Town of Irvington, Virginia

Certificate of Mailing

I certify that I mailed a true copy of the foregoing Petition for Writ of Special Election this ____ day of _____, 2025, to Susan P. Jett, General Registrar for Lancaster County, P.O. Box 159, Lancaster, VA 22503.

Kelley Kemp

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF LANCASTER

IN THE MATTER OF:

SPECIAL ELECTION TO FILL
VACANCY IN THE IRVINGTON
TOWN COUNCIL
FOR A TERM ENDING
DECEMBER 31, 2028

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Case No. _____

Writ of Special Election

This day came the Town Council of the Town of Irvington, Virginia, by and through the Town Attorney, upon its petition that the Circuit Court of Lancaster County, Virginia order a special election pursuant to Virginia Code §§ 24.2-226.

UPON CONSIDERATION WHEREOF, this Court finds that:

1. Frederick Johnson was duly elected on November 5, 2024 to the Town Council of the Town of Irvington, Virginia to fulfill a term ending December 31, 2028;
2. Mr. Johson resigned from the Town Council of the Town of Irvington, Virginia and his resignation will be accepted by the Town Council on September 11, 2025, thereby creating a vacancy in the Town Council of the Town of Irvington, Virginia, as provided in Virginia Code § 15.2-1526;
3. That such vacancy was created “within 90 days of the next such general election” and the “governing body . . . has not requested in its petition a different date for the election” and

therefore, the special election to fill the vacancy is to “be held on the date of the second such general” election which is on November 3, 2026;

4. That, in the meanwhile, the Town Council of the Town of Irvington, Virginia is authorized by the Town Charter and Virginia Code § 24.2-228 to fill the vacancy by making an interim appointment of a qualified voter of the Town upon the majority vote of the Town Council of the Town of Irvington, Virginia;
5. The interim appointment by the Town Council of the Town of Irvington, Virginia to fill the vacancy is effective by statute until completion of a special election, certification of results, and the successful candidate taking the oath of office;
6. That the citizens of the Town of Irvington, Virginia should enjoy the earliest opportunity to elect a new member of the Town Council of the Town of Irvington, Virginia, but the election should be held in a manner to afford any interested candidates sufficient time to qualify for the ballot and campaign for the office, as provided by law; and
7. As required by law, a special election on Tuesday, November 3, 2026 is:
 - a. Not “within 60 days of the end of the term of the office to be filled,” Va. Code § 24.2-226(B);
 - b. Not “within the 55 days prior to a general or primary election,” Va. Code § 24.2-682(A); and
 - c. Not “on the same day as a primary election,” but is “on the same day as a general election,” *id.*

NOW THEREFORE, the Court deeming it proper to do so, pursuant to §§ 24.2-226 and 24.2-683 of the Code of Virginia, the Court does hereby issue this Writ of Special Election, and **ORDERS** the Electoral Board of the County of Lancaster, Virginia to conduct a special election

to fill the remaining term by the aforesaid previously vacated seat on the Town Council of the Town of Irvington, Virginia on Tuesday, November 3, 2026, in the manner and at the places that would be utilized for the general election to be conducted on that date. This Court ORDERS the Electoral Board and Registrar to observe the directive set forth in Title 24.2, Chapter 6, Article 5 (§§ 24.2-681 et seq.) of the Code of Virginia, as amended, when conducting this special election. The Court FURTHER ORDERS that the Secretary of the Electoral Board of the County of Lancaster, Virginia 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 the County of Lancaster, Virginia; the Registrar of the County of Lancaster, Virginia; the State Board of Elections; the Town Attorney of the Town of Irvington, Virginia; and the Town Clerk for the Town of Irvington, Virginia, and to remove this matter from the docket and place it among the ended causes.

ENTERED the _____ day of _____, 2025.

Judge

I ask for this:

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