

VIRGINIA: IN THE CIRCUIT COURT OF SMYTH COUNTY

**IN RE: WRIT OF ELECTION FOR THE TOWN COUNCIL FOR
THE TOWN OF MARION FOR THE VACANCY CREATED
BY THE ELECTION OF AVERY SHERWOOD CORNETT
TO THE POSITION OF MAYOR FOR THE TOWN OF
MARION, SMYTH COUNTY, VIRGINIA**

CL24-1315

ORDER

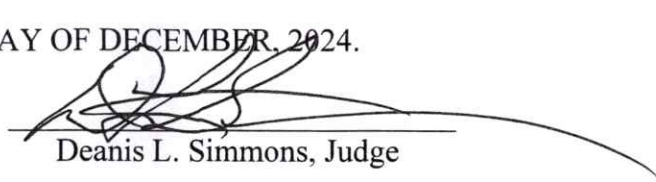
This matter comes before the Court based on a vacancy on the Town Council for the Town of Marion, which resulted from the election of Avery Sherwood Cornett to the position of Mayor for the Town of Marion on November 5, 2024, and pursuant to the petition of the Town Council for the Town of Marion to issue a Writ of Election. The vacancy occurred on November 5, 2024, as a result of the election of Avery Sherwood Cornett to the position of Mayor for Town of Marion. The Court declines to make an interim appointment, as any such appointee would be without authority to vote on any matters affecting the finances for the Town of Marion.

The remainder of the term for office resulting from the vacancy will expire on December 31, 2026. In accordance with the provisions of §24.2-226 of the Code of Virginia, 1950, as amended, a special election must take place to fill the unexpired term. Therefore, pursuant to the statute, the Court does hereby ORDER that this Writ of Election be issued and does hereby call for the special election to fill the remainder of the unexpired term of the office of Town Council Member of the Town of Marion.

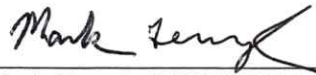
Based on §24.2-682, of the Code of Virginia, 1950, as amended, the special election called by the Court must be on a Tuesday and must not be held fifty-five (55) days prior to a general or primary election. Moreover, the statute requires that the Court order the election be held promptly. A Tuesday that is not fifty-five (55) days prior to a general or primary election and fulfills the requirement that the special election be held promptly, and the date that has been agreed to by the State Board of Elections, the Smyth County Registrar of Voters, and the Town of Marion is April 8, 2025. Therefore, the Court does hereby ORDER that the special election be held on Tuesday, April 8, 2025.

A copy of this order shall be sent to the Town Manager for the Town of Marion, the General Registrar of Smyth County, and the State Board of Elections. A copy shall be posted at the front door of the Town of Marion Municipal Building.

ENTER THIS THE 12 DAY OF DECEMBER, 2024.


Deanis L. Simmons, Judge

Requested:


Mark Fenyk (VSB# 32356)
Town Attorney
Town of Marion
214 West Main Street
Marion, Virginia 24354
Telephone (276) 783-7113

Counsel for the Town of Marion



A COPY, TESTE:
JOHN H. GRAHAM, CLERK OF THE
CIRCUIT COURT OF SMYTH COUNTY
BY Carri Mullins
DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT OF SMYTH COUNTY

**IN RE: WRIT OF ELECTION FOR THE TOWN COUNCIL FOR
THE TOWN OF MARION FOR THE VACANCY CREATED
BY THE RESIGNATION OF JAMES R. BARKER**

CL24-1314

ORDER

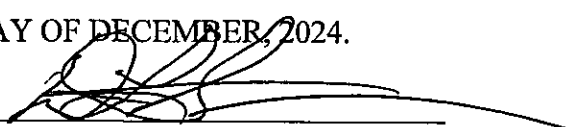
This matter comes before the Court based on a vacancy on the Town Council for the Town of Marion, which resulted from the resignation of James R. Barker from his position as a Councilmember, and pursuant to the petition of the Town Council for the Town of Marion to issue a Writ of Election. The vacancy occurred on August 5, 2024, as a result of the resignation from Town Council by James R. Barker. The Court declines to make an interim appointment, as any such appointee would be without authority to vote on any matters affecting the finances for the Town of Marion.

The remainder of the term for office resulting from the vacancy will expire on December 31, 2026. In accordance with the provisions of §24.2-226 of the Code of Virginia, 1950, as amended, a special election must take place to fill the unexpired term. Therefore, pursuant to the statute, the Court does hereby ORDER that this Writ of Election be issued and does hereby call for the special election to fill the remainder of the unexpired term of the office of Town Council Member of the Town of Marion.

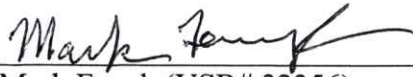
Based on §24.2-682, of the Code of Virginia, 1950, as amended, the special election called by the Court must be on a Tuesday and must not be held fifty-five (55) days prior to a general or primary election. Moreover, the statute requires that the Court order the election be held promptly. A Tuesday that is not fifty-five (55) days prior to a general or primary election and fulfills the requirement that the special election be held promptly, and the date that has been agreed to by the State Board of Elections, the Smyth County Registrar of Voters, and the Town of Marion is April 8, 2025. Therefore, the Court does hereby ORDER that the special election be held on Tuesday, April 8, 2025.

A copy of this order shall be sent to the Town Manager for the Town of Marion, the General Registrar of Smyth County, and the State Board of Elections. A copy shall be posted at the front door of the Town of Marion Municipal Building.

ENTER THIS THE 10 DAY OF DECEMBER, 2024.


Deanis L. Simmons, Judge

Requested:



Mark Fenyk (VSB# 32356)

Town Attorney

Town of Marion

214 West Main Street

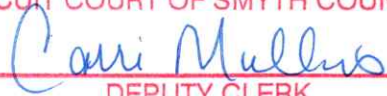
Marion, Virginia 24354

Telephone (276) 783-7113

Counsel for the Town of Marion

A COPY, TESTE:
JOHN H. GRAHAM, CLERK OF THE
CIRCUIT COURT OF SMYTH COUNTY

BY


DEPUTY CLERK

