

# VIRGINIA ACTS OF ASSEMBLY -- 2010 SESSION

## CHAPTER 624

*An Act to amend and reenact § 24.2-228 of the Code of Virginia and to amend the Code of Virginia by adding in Article 6 of Chapter 2 of Title 24.2 a section numbered 24.2-229.1, relating to elections; appointments to fill vacancies.*

[H 450]

Approved April 11, 2010

**Be it enacted by the General Assembly of Virginia:**

**1. That § 24.2-228 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 6 of Chapter 2 of Title 24.2 a section numbered 24.2-229.1 as follows:**

§ 24.2-228. Interim appointment to local governing body or elected school board; elected mayor.

A. When a vacancy occurs in a local governing body or an elected school board, the remaining members of the body or board, respectively, within ~~forty-five~~ 45 days of the office becoming vacant, shall appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy. If a majority of the remaining members cannot agree, or do not act, the judges of the circuit court of the county or city shall make the appointment. The person so appointed in a county or city, or a town with a population greater than 3,500, shall hold office until the qualified voters fill the vacancy by special election pursuant to § 24.2-226 and the person so elected has qualified. The person so appointed in a town with a population of 3,500 or less shall serve for the remainder of the term and no special election shall be held. *Any person so appointed shall hold office the same as an elected person and shall exercise all powers of the elected office.*

If a majority of the seats on any governing body or elected school board are vacant, the remaining members shall not make interim appointments and the vacancies shall be filled as provided in § 24.2-227.

B. When a vacancy occurs in the office of a mayor who is elected by the voters, the council shall make an interim appointment to fill the vacancy as provided in subsection A.

C. For the purposes of this article and subsection D of § 22.1-57.3, local school boards comprised of elected and appointed members shall be deemed elected school boards.

§ 24.2-229.1. *Legitimacy of votes by appointees.*

*All votes cast prior to July 1, 2010, by persons duly appointed to fill a vacancy pursuant to this article, including votes appropriating money in excess of \$500, imposing taxes, or authorizing the borrowing of moneys, are hereby validated and confirmed as the lawful vote of an elected member of the governing body.*