

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 24.2-228 of the Code of Virginia, relating to elections; filling vacancies*
3 *in certain local offices; oaths of office.*

4 [H 1702]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 24.2-228 of the Code of Virginia is amended and reenacted as follows:**

8 § 24.2-228. Interim appointment to local governing body or elected school board; elected mayor.

9 A. When a vacancy occurs in a local governing body or an elected school board, the remaining
10 members of the body or board, respectively, within 45 days of the office becoming vacant, may appoint
11 a qualified voter of the election district in which the vacancy occurred to fill the vacancy. If a majority
12 of the remaining members of the body or board cannot agree, or do not act, the judges of the circuit
13 court of the county or city may make the appointment. Notwithstanding any charter provisions to the
14 contrary, the person so appointed shall hold office only until the qualified voters fill the vacancy by
15 special election pursuant to § 24.2-682 and the person so elected has qualified. Any person so appointed
16 shall hold office the same as an elected person and shall exercise all powers of the elected office.

17 If a majority of the seats on any governing body or elected school board are vacant, the remaining
18 members shall not make interim appointments and the vacancies shall be filled as provided in
19 § 24.2-227.

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

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

24 D. *The failure of a member of a local governing body or elected school board or mayor to take the*
25 *oath of office required by § 49-1 before attending the first meeting of the governing body or school*
26 *board held after his election shall not be deemed to create a vacancy in his office provided that he*
27 *takes the oath within 30 days after that first meeting.*

ENROLLED

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