

# VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

## CHAPTER 56

*An Act to amend and reenact § 22.1-75 of the Code of Virginia, relating to tie breakers for school boards.*

[S 659]

Approved March 7, 1995

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

**1. That § 22.1-75 of the Code of Virginia is amended and reenacted as follows:**

§ 22.1-75. Procedure in case of tie vote.

In any case in which there ~~shall be~~ is a tie vote of the school board of any school division in a county when all the members are not present, the question shall be passed by ~~till~~ *until* the next meeting when it shall again be voted upon even though all members are not present. In any case in which there is a tie vote on any question after complying with this procedure or in any case in which there is a tie vote when all the members of the school board are present, the proceedings thereon shall be in conformity with the proceedings prescribed by ~~§ 15.1-540~~ *below*, except that the tie breaker, if any, appointed pursuant to §§ ~~22.1-40, 22.1-44, 22.1-47,~~ 15.1-609, 15.1-644, 15.1-708, ~~or § 15.1-770,~~ 22.1-40, 22.1-44, *or* § 22.1-47, whichever is applicable, shall cast the deciding vote.

*In any case in which there is a tie vote of the school board, the clerk shall record the vote; immediately notify the tie breaker to vote; and request his presence, if practicable, at the present meeting of the board. However, if that is not practicable, the board may adjourn to a day fixed in the minutes of the board or, in case of a failure to agree on a day, to a day the clerk fixes and enters in the minutes. At the present meeting or on the day named in the minutes, the tie breaker shall attend. He shall be entitled to be fully advised on the matter upon which he is to vote. If not prepared to vote at the time, he may require the clerk to enter an order adjourning the meeting to some future day, not to exceed thirty days, to be named in the minutes. He may have continuances, not to exceed thirty days, entered until he is ready to vote. When he votes, the clerk shall record his vote; the tie shall be broken; and the question shall be decided as he votes. If a meeting for any reason is not held on the day named in the minutes, the clerk shall enter on the minute book a day within ten days as a substitute day and notify all the members, and this shall continue until a meeting is held. After a tie has occurred, the tie breaker shall be considered a member of the board for the purpose of counting a quorum for the sole purpose of breaking the tie.*