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HOUSE BILL NO. 1533

House Amendments in [] — February 6, 1996

A BILL to amend and reenact §§ 15.1-38 and 15.1-40 of the Code of Virginia, relating to qualifying for local office.

Patrons—Grayson; Senator: Norment

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:**1. That §§ 15.1-38 and 15.1-40 of the Code of Virginia are amended and reenacted as follows:**

§ 15.1-38. When and how officers qualify.

Every county and district officer elected by the people, every city and town officer, unless otherwise provided by law, shall, on or before the day on which his term of office begins, qualify by taking the oath prescribed by § 49-1 and give the bond, if any, required by law, before the circuit court of the county or city, having jurisdiction in the county, district, town, or city for which he is elected or appointed, or before the judge of the circuit court of such county or city or before the clerk of the circuit court of such county or city. *However, members of governing bodies may qualify up to and including the day of the initial meeting of the new governing body.* Whenever an officer required to give bond is included in a blanket surety bond authorized by § 2.1-526.9 or § 15.1-44.2, such officer shall furnish an extract of the master blanket surety bond on file in the Comptroller's office, reflecting the name or position of the officer and the amount of the coverage, which shall be the equivalent of giving the bond for purposes of qualification.

§ 15.1-40. Failure to qualify vacates office.

If any such officer fails to qualify and give bond, as required by § 15.1-39, on or before the day on which his term begins, his office shall be deemed vacant; provided that if such officer at the time of his election is a member of the armed forces of the United States, in active service in the present war, he may qualify and give bond within sixty days after the end of the war in which he may be serving, or within sixty days after his discharge and return to civil life, whichever may last occur. *However, members of local governing bodies may qualify up to and including the day of the initial meeting of the new governing body.*

[2. That the provisions of this act shall apply to members of local governing bodies who were elected to terms of office beginning on or after January 1, 1996, and who qualified by taking the oath of office on or before the day of the initial meeting of the governing body in 1996. Such members shall serve for the full terms for which they were elected, and any failure to qualify on or before the first day of their terms shall be cured by their qualification and taking of the oath on or before the day of the initial meeting of the governing body, and no special election shall be held to fill any such office unless a later vacancy shall occur therein.]

ENGROSSED

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