

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 15.1-38 and 15.1-40 of the Code of Virginia, relating to qualifying for*  
3 *local office.*

4 [H 1533]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 15.1-38 and 15.1-40 of the Code of Virginia are amended and reenacted as follows:**

8 § 15.1-38. When and how officers qualify.

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

20 § 15.1-40. Failure to qualify vacates office.

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

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

35 **3. That an emergency exists and this act is in force from its passage.**

ENROLLED

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