

VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

CHAPTER 128

An Act to amend and reenact § 24.2-228 of the Code of Virginia, relating to interim appointment to fill vacancy on local governing body, elected school board, or office of mayor.

[H 2219]

Approved March 16, 1999

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-228 of the Code of Virginia is amended and reenacted 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 ~~thirty~~ *forty-five* 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.

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.