

2021 SESSION

SENATE SUBSTITUTE

21102553D

SENATE BILL NO. 1128

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Local Government
on January 18, 2021)

(Patron Prior to Substitute—Senator Spruill)

A BILL to amend and reenact § 44 and § 133, as amended, of Chapter 34 of the Acts of Assembly of 1918 and to repeal § 61 of Chapter 34 of the Acts of Assembly of 1918, which provided a charter for the City of Norfolk, relating to general updates.

Be it enacted by the General Assembly of Virginia:

1. That § 44 and § 133, as amended, of Chapter 34 of the Acts of Assembly of 1918 are amended and reenacted as follows:

§ 44. Presumptions.

All signatures to any petition mentioned in the preceding section hereof shall be accepted and treated as prima facie genuine. For the purpose of certifying the number of qualified voters whose names are signed to any such petition the clerk of the corporation court of said city shall presume that any person whose name appears thereon is a qualified voter if such person (a) is exempt from the payment of poll taxes as a prerequisite to voting, or (b) appears from the treasurer's list of persons who have paid their poll taxes to have complied with the law as to payment of poll taxes so as to be a qualified voter on the date of his signature under the provisions and within the meaning of § 45 hereof, assuming him to be duly registered.

All such petitions substantially complying with the requirements of this charter and certified by said clerk to bear the required number of signatures of qualified voters shall be accepted and treated as prima facie sufficient. The burden of proving the insufficiency of any such petition in any respect shall be upon the person alleging the same.

§ 133. Qualification of members of the council and other officials.

The members of the council before entering upon the duties of their respective offices shall each take the oaths prescribed by the laws of this State for state officers. Such oaths may be administered by any judge of a court of record commissioned to hold such court within said city, or by any justice of the peace within said city, and the certificate thereof shall be filed with the city clerk and entered upon the record of the council. Every other person elected or appointed to any office under this charter or under any ordinance of the council, except clerks and laborers, shall before entering upon the duties of his office take and subscribe said oaths together with such other oaths as may be required by ordinance, before any such court or justice of the peace of said the city clerk, and the certificate of the same shall be filed kept on file in the office of said city clerk. The clerk of the corporation court of said city shall notify all persons elected by the people or appointed under this charter of their election or appointment, and the city clerk shall notify all persons elected by the council of their election. If any person elected or appointed to any office in the said city shall for ten days after receiving notice of election fail to take such oaths and give such bonds, with security, as may be required by law or ordinance, he shall be considered as having declined said office and the same shall be deemed vacant, and such vacancy shall be filled according to the provisions of this charter.

2. That § 61 of Chapter 34 of the Acts of Assembly of 1918 is repealed.

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