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HOUSE BILL NO. 2198

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on January 27, 2021)

(Patron Prior to Substitute—Delegate Convors-Fowler)

A *BILL to amend and reenact §§ 15.2-1400, 22.1-29, 24.2-218, 24.2-222, and 24.2-223 of the Code of Virginia, relating to local elections for governing bodies; elections for school boards; qualification of voters.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1400, 22.1-29, 24.2-218, 24.2-222, and 24.2-223 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1400. Governing bodies.

A. The qualified voters of every locality shall elect a governing body for such locality. The date, place, number, term, and other details of the election shall be as specified by law, general or special. Qualification for office is provided in *Article 4 (§ 15.2-1522 et seq.) of Chapter 15.*

B. The governing body of every locality shall be composed of not fewer than three nor more than eleven members.

C. Chairmen, mayors, supervisors, and councilmen are subject to the prohibitions set forth in §§ 15.2-1534 and 15.2-1535.

D. A governing body may punish or fine a member of the governing body for disorderly behavior.

E. Notwithstanding any other provision of law, general or special, in a locality that imposes district-based or ward-based residency requirements for members of the governing body, the member elected from each district or ward shall be elected by the qualified voters of that district or ward and not by the locality at large.

§ 22.1-29. Qualifications of members.

Each person appointed or elected to a school board shall, at the time of his appointment or election, be a qualified voter and a bona fide resident of the district from which he is selected if appointment or election is by district or of the school division if appointment or election is at large; and if he shall cease to be a resident of such district or school division, his position on the school board shall be deemed vacant. *Notwithstanding any other provision of law, general or special, in a locality that imposes district-based or ward-based residency requirements for members of the school board, the member elected from each district or ward shall be elected by the qualified voters of that district or ward and not by the locality at large.*

§ 24.2-218. Election and term of county supervisors.

A. The qualified voters of each county election district shall elect one or more supervisors at the general election in November 1995, and every four years thereafter for terms of four years, except as provided in § 24.2-219 or as provided by law for those counties having the optional form of government under the provisions of Article 2 (§ 15.2-702 et seq.) of Chapter 7 of Title 15.2.

B. Notwithstanding any other provision of law, general or special, in a county that imposes district-based or ward-based residency requirements for members of the board of supervisors, the member elected from each district or ward shall be elected by the qualified voters of that district or ward and not by the county at large.

§ 24.2-222. Election and terms of mayor and council for cities and towns.

A. The qualified voters of each city and town shall elect a mayor, if so provided by charter, and a council for the terms provided by charter. *Notwithstanding any other provision of law, general or special, in a city or town that imposes district-based or ward-based residency requirements for members of the city or town council, the member elected from each district or ward shall be elected by the qualified voters of that district or ward and not by the locality at large.*

B. Except as provided in § 24.2-222.1, and notwithstanding any other provision of law, general or special: (i) any election of mayor or councilmen of a city or town whose charter provides for such elections at two-year or four-year intervals shall take place at the May general election of an even-numbered year and (ii) any election of mayor or councilmen of a city or town whose charter provides for such elections at one-year or three-year intervals shall take place at the general election in May of the years designated by charter. The persons so elected shall enter upon the duties of their offices on July 1 succeeding their election and remain in office until their successors have qualified.

§ 24.2-223. Election and term of school board members.

In any county, city or town wherein members of the school board are elected, pursuant to Article 7 (§ 22.1-57.1 et seq.) of Chapter 5 of Title 22.1, elections shall be held to coincide with the election of members of the governing body at the regular general election in November or the regular general

60 election in May, as the case may be. Elected school board members shall serve terms ~~which~~ *that* are the
61 same as those of the governing body, to commence on January 1 following their election or July 1
62 following their election, as the case may be.

63 *Notwithstanding any other provision of law, general or special, in a locality that imposes*
64 *district-based or ward-based residency requirements for members of the school board, the member*
65 *elected from each district or ward shall be elected by the qualified voters of that district or ward and*
66 *not by the locality at large.*

67 **2. That the provisions of this act shall become effective on January 1, 2022.**