

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 24.2-228 of the Code of Virginia, relating to vacancies in elected local*
3 *offices; interim appointments; notice requirement.*

4 [H 69]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 24.2-228 of the Code of Virginia is amended and reenacted as follows:**8 **§ 24.2-228. Interim appointment to local governing body or elected school board; elected mayor.**

9 A. When a vacancy occurs in a local governing body or an elected school board, the remaining
10 members of the body or board, respectively, within 45 days of the office becoming vacant, may appoint
11 a qualified voter of the election district in which the vacancy occurred to fill the vacancy. *At least seven*
12 *days prior to making such interim appointment, the body or board shall hold a public meeting in*
13 *accordance with § 2.2-3707 at which the body or board shall announce the names of all persons being*
14 *proposed for the interim appointment and shall make available for inspection each person's resume and*
15 *any other materials required by the body or board.* If a majority of the remaining members of the body
16 or board cannot agree, or do not act, the judges of the circuit court of the county or city may make the
17 appointment.

18 Notwithstanding any charter provisions to the contrary, the person so appointed shall hold office only
19 until the qualified voters fill the vacancy by special election pursuant to § 24.2-682 and the person so
20 elected has qualified. Any person so appointed shall hold office the same as an elected person and shall
21 exercise all powers of the elected office.

22 If a majority of the seats on any governing body or elected school board are vacant, the remaining
23 members shall not make interim appointments and the vacancies shall be filled as provided in
24 § 24.2-227.

25 B. When a vacancy occurs in the office of a mayor who is elected by the voters, the council shall
26 make an interim appointment to fill the vacancy as provided in subsection A.

27 C. For the purposes of this article and subsection D of § 22.1-57.3, local school boards comprised of
28 elected and appointed members shall be deemed elected school boards.

29 D. The failure of a member of a local governing body or elected school board or mayor to take the
30 oath of office required by § 49-1 before attending the first meeting of the governing body or school
31 board held after his election shall not be deemed to create a vacancy in his office provided that he takes
32 the oath within 30 days after that first meeting.

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