

RESOLUTION
of the
ARLINGTON COUNTY BOARD

EXTENSION OF JULY 7, 2020 SPECIAL ELECTION DATE

WHEREAS, on March 12, 2020, the Governor of Virginia declared a state of emergency in Virginia in response to the spread of novel coronavirus, or COVID-19, a communicable disease of public health threat as so declared by the State Health Commissioner on February 7, 2020 (“COVID-19”); and

WHEREAS, on March 13, 2020, the County Manager of Arlington County declared a local emergency to enable the County to respond to the public health threat posed by COVID-19, which local emergency declaration was consented to by the County Board of Arlington County on March 14, 2020; and

WHEREAS, in subsequent Executive Orders, particularly Executive Order Nos. 53, as amended, and 55, the Governor of Virginia, among other measures designed to ensure safe physical distancing between individuals, prohibited public and private in person gatherings of ten or more individuals and ordered all individuals in Virginia to remain at their place of residence, with limited exceptions, to mitigate the impacts of COVID-19 and prevent its spread; and

WHEREAS, the County Board finds that it has a responsibility to demonstrate to the public, through the Board’s conduct, the importance of maintaining proper physical distance from others and to avoid gathering in public where the risks of infection are highest, and to take measures that promote physical distancing in order to protect the public health and mitigate the impacts and spread of COVID-19; and

WHEREAS, as a result of the untimely death of former County Board member, Erik Gutshall, on April 16, 2020, which created a vacancy on the County Board, the Circuit Court of Arlington County ordered a special election to fill the vacancy to be held on July 7, 2020; and

WHEREAS, state law provides that, when an emergency has been declared by the Governor, the Governor may postpone an election by executive order to a date not exceeding fourteen days from the original date of the election, and further provides that, where the local governing body determines a longer postponement is required, the governing body may petition a three-judge panel of the Virginia Supreme Court to extend the special election to a date it deems appropriate not to exceed thirty days from the original date of the election;

NOW, THEREFORE, BE IT RESOLVED, that the County Board of Arlington County, Virginia, hereby finds that the July 7, 2020 special election date poses significant, unnecessary risks to public health, jeopardizing election officials, candidates, and the members of the public participating in the election process, and seriously undermining participation in it; and

BE IT FURTHER RESOLVED, that the County Board hereby determines that an extension of the July 7, 2020 special election by the Governor for up to fourteen days is insufficient and that the special election is required to be extended to August 4, 2020, or the latest possible date, preferably the date of the general election on November 3, 2020, to increase the likelihood that public activities may resume to the greatest level of normalcy possible while still engaging in safe public health practices, thereby maximizing public participation in the election process; and

BE IT FURTHER RESOLVED, that the County Board hereby finds that the extension of the July 7, 2020 special election to August 4, 2020, or later would enable a later candidate filing deadline thereby affording greater time for potential candidates to make the difficult decision whether to participate in the election process during the pendency of the COVID-19 pandemic where their own health may be at risk; and

BE IT FURTHER RESOLVED, that the County Board hereby directs the County Attorney to file a petition on behalf of the County Board seeking an extension of the July 7, 2020 special election to August 4, 2020, or such later date as the Virginia Supreme Court selects.

Adopted the 30th day of April, 2020.