



CITY COUNCIL

Monday, February 23, 2026 | 4:00 PM
Council Chamber – City Hall
900 Church Street
Lynchburg, VA 24504

SPECIAL MEETING

Called pursuant to § 9 of the Charter of the City of Lynchburg and the Lynchburg City Council Rules of Procedure by Councilmember Martin J. Misjuns, Vice Mayor Curt Diemer and Councilmember Jacqueline Timmer.

PURPOSE:

This special meeting has been called solely to address a matter of profound constitutional significance: whether the City of Lynchburg will honor Article XII, Section 1 of the Constitution of Virginia by declining to commence early voting on a proposed constitutional amendment before the mandatory ninety-day waiting period expires on April 16, 2026.

AGENDA

I. Invocation

Mayor Taylor

II. Closed Session

- II.1. Consideration of a closed meeting, pursuant to § 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended, to consult with legal counsel representing the City, regarding specific legal matters that require the provision of legal advice; the subject of the closed meeting being specific to providing legal advice and legal guidance regarding (i) the requirements of Article XII, Section 1 of the Constitution of Virginia as applied to the scheduling of early voting for the referendum on House Joint Resolution 4; (ii) the Councilmembers' oath-bound duty to uphold the Constitution; and (iii) any related potential litigation.

III. General Business

- III.1. Consideration of adopting Resolution #R-26-____ Declining to Commence Early Voting Prior to Expiration of Constitutional Waiting Period.

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LYNCHBURG, VIRGINIA
DECLINING TO COMMENCE EARLY VOTING PRIOR TO EXPIRATION OF
CONSTITUTIONAL WAITING PERIOD**

WHEREAS, Article XII, Section 1 of the Constitution of Virginia provides that no proposed constitutional amendment shall be submitted to the voters sooner than ninety days after final passage by the General Assembly; and

WHEREAS, final passage of House Joint Resolution 4 occurred on January 16, 2026; and

WHEREAS, ninety days from that date expires on April 16, 2026; and

WHEREAS, early voting for the referendum is scheduled to begin March 6, 2026, prior to expiration of the ninety-day constitutional period; and

WHEREAS, the City Council is constitutionally bound by oath to uphold the Constitution of Virginia;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA: That the Lynchburg City Council determines that authorizing early voting prior to April 16, 2026 presents a substantial constitutional question under Article XII, Section 1; and

BE IT FURTHER RESOLVED that the City Council directs the General Registrar and Electoral Board not to commence early voting for the proposed constitutional amendment prior to April 16, 2026 unless and until a court of competent jurisdiction determines that such early voting is constitutionally permissible; and

BE IT FURTHER RESOLVED that, pending judicial clarification of Article XII, Section 1, no City-owned facilities or City resources shall be made available for the conduct of early voting on the proposed constitutional amendment prior to April 16, 2026;

BE IT FURTHER RESOLVED that this directive is issued solely for the purpose of ensuring constitutional compliance and shall remain in effect unless and until a court of competent jurisdiction determines that commencement of early voting prior to April 16, 2026 is consistent with Article XII of the Constitution of Virginia.

BE IT FURTHER RESOLVED that this Resolution shall be transmitted immediately to the Virginia State Board of Elections and the Office of the Attorney General.

Adopted:

Certified:

Clerk of Council