

## The Breakfast Club

### Constitutional Minute for 21 December 2021

#### Ten Questions to Ask Candidates for Local Office in Virginia

1. What, in your opinion, is the purpose of government?

Discussion: The principles of government apply at every level. Like candidates for Congress and state office, a candidate for a position in local government who does not understand the basic purpose of government should never be elected. The [Virginia Declaration of Rights](#) states in Section 3: *[G]overnment is, or ought to be, instituted for the common benefit, protection, and security of the people, nation or community.*”

2. Can you define the word: “Federalism” for us?

Discussion: As an extension of the state government, local government participates in federalism. Local officials have just as much need to understand the term as do officials “higher up the food chain.” Federalism is not only the sharing of political power, but also the proper employment of only those powers legitimately given that level of government.

3. Where does the state government derive its powers?

Discussion: The Virginia Declaration of Rights states in Section 2: *“That all power is vested in, and consequently derived from, the people; [ ]magistrates are their trustees and servants, and at all times amenable to them.”* The U.S. Constitution’s Tenth Amendment confirms that either states or the people retain all powers not given the national government through the Constitution, but that does not tell us precisely which powers the state can employ and which the people retain. The state constitution defines the powers the people of that state have given the state government. State Legislatures should be cautious that they do not pass laws giving them more powers than the state constitution authorizes. The good candidate will have thought about and understand these concepts.

4. Where does *local* government derive its powers? What is a “Dillon’s Rule State?”

Discussion: A state must decide how it will empower its subordinate governments at city and county level. A [Dillon Rule State](#) is one in which municipal and county government *“can only take action where they have been delegated authority to do so by the [State] Assembly.”* This power can be granted in the express words of a statute, a private act, or the charter which originally created the corporation, be it city or county. In application then, local governments obtain most of their power from legislation passed by the state assembly, they cannot simply “make power up.” They cannot say: “Well the Virginia Constitution gives the state government XYZ power, therefore we have that power as well.” Virginia has been a Dillon Rule state since 1896. In 1970, an attempt to use a constitutional amendment to reverse Dillon’s Rule in this state failed. Candidates for local office should be acquainted with Dillon’s Rule.<sup>i</sup>

5. Are you familiar with the procedures for recalling elected officials?

Discussion; Any candidate for local elective office in Virginia should understand they are subject to recall and be familiar with the procedures found in [§ 24.2-233 of the Code of Virginia](#): First a

citizen must obtain the concurring signatures of voters equal to 10% of the votes which put the official in office. If 30,000 people voted to place the person in office, a minimum of 3,000 signatures must be collected on a recall petition. The petition, detailing the reasons that are claimed to warrant recall, must then be presented to a judge having jurisdiction over the government in which the official works. It is then up to the court to decide if the evidence warrants removal from office.

6. Candidates for elected school board positions: Who is primarily responsible for the education of children? Do you believe the public education system should be used to indoctrinate children? How do you intend to ensure parents are involved in the education of their children?

Discussion: You must try to understand the candidate's position on the education of children in general and public education in particular, its goals and methodology, especially as the methodology relates to controversial topics such as gender, race, American history, bullying and school safety. The Bible makes it clear that God holds parents responsible for the education of their children. To what extent will the school board involve parents in their children's education?

7. Candidates for City Council or Board of Supervisors: Do you believe there should be community standards of morality? If so, how does a community define and enforce them?

Discussion: Candidates for city and county government should be expected to take a position on community morality. A candidate who believes this issue is beyond the purview of government should, in my opinion, be abandoned.

8. Do you believe there are multiple sexes, or only two: male and female? Who or what should decide a person's biological sex?

Discussion: This is a fair question to ask any candidate for public office since it is an issue our society is grappling with and there are public policies being promulgated across the country relating to this issue. Is the candidate's position logical and supported by natural law?

9. The Virginia Declaration of Rights suggests that free government cannot be maintained without, and I quote: "*a firm adherence to justice, moderation, temperance, frugality, and virtue and by frequent recurrence to fundamental principles.*" What are these "fundamental principles" and how do we as a people adhere to them?

Discussion: Candidates for state and local office should have studied the Virginia Declaration of Rights and have thought about its implications. Has the candidate even read the document?

10. Are there any conditions under which local government should not obey a state or federal mandate? Related question: Have you ever heard of the "[Doctrine of the Lessor Magistrates](#)?"

Discussion: Officials even at local level are responsible, as "magistrates," to protect the citizens under them. This may require them to "push back" or even defiantly disobey a law when unjust or unconstitutional actions are taken by the governments above them. Blind obedience to unjust or immoral edicts did not work as an excuse [at Nuremberg](#); it shouldn't work as an excuse anywhere.

Prepared by: Gary R. Porter, Executive Director, Constitution Leadership Initiative, Inc. for The Breakfast Club. Contact: [gary@constitutionleadership.org](mailto:gary@constitutionleadership.org); 757-817-1216

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<sup>i</sup> Named for Iowa Supreme Court Judge Forest Dillon, who first expressed the rule.