

# VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

## CHAPTER 896

*An Act for the relief of H. Steven Arrington, Carolyn Dixon, and E. Anthony Ware.*

[H 2341]

Approved March 28, 2005

Whereas, on November 4, 2003, local elections were held for the Bedford County Board of Supervisors and the Bedford County School Board; and

Whereas, H. Steven Arrington (Arrington) and E. Anthony Ware (Ware) were candidates to represent District 5 of the County on the Board of Supervisors; and

Whereas, according to the election results certified by the Bedford County Electoral Board, Arrington received 1,132 votes and Ware received 1,120 votes; and

Whereas, Betty Earle (Earle), Carolyn Dixon (Dixon) and Brandon Meyer (Meyer) were candidates to represent District 5 of the County on the School Board; and

Whereas, according to the election results certified by the Bedford County Electoral Board, Earle received 798 votes, Dixon received 790 votes, and Meyer received 418 votes; and

Whereas, it was subsequently determined that, in 2001 during the redistricting process, the Bedford County registrar had inadvertently placed approximately 89 persons in District 5 who should have been placed in District 4 of the County; and

Whereas, approximately 56 of the improperly placed voters were allowed to cast votes in District 5 on November 4, 2003, when the votes should have been cast in another district; and

Whereas, despite the error, the Bedford County Electoral Board certified the election results declaring (i) Arrington to be the winner over Ware for the District 5 seat on the Board of Supervisors, with a margin of 12 votes, and (ii) Earle to be the winner over Dixon and Meyer for the District 5 seat on the School Board, with Earle having a margin of 8 votes over Dixon; and

Whereas, the election was subsequently contested and the matter was heard by a special three-judge panel; and

Whereas, Arrington, Dixon, and Ware all obtained legal counsel to represent them in the court proceedings that ensued; and

Whereas, the special three-judge panel unanimously ruled that the election held in District 5 was invalid and that the election results were invalid; and

Whereas, but for the error made by the Bedford County registrar, the election results would not have included the improperly placed voters and the election with respect to District 5 would not have been declared invalid; and

Whereas, Arrington, Dixon and Ware incurred legal expenses in connection with the contest of the election that were not reimbursed from any other source; and

Whereas, the legal expenses amounted to \$1,500 for Arrington, \$1,125 for Dixon and \$1,022 for Ware; and

Whereas, H. Steven Arrington, Carolyn Dixon, and E. Anthony Ware have no other means to obtain adequate relief except by this body; now, therefore,

### **Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *That there is hereby appropriated from the proceeds of the State Insurance Reserve Trust Fund the sum of \$1,500 for the relief of H. Steven Arrington; \$1,125 for the relief of Carolyn Dixon; and \$1,022 for the relief of E. Anthony Ware. These amounts shall be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution by H. Steven Arrington, Carolyn Dixon, and E. Anthony Ware of: (i) a release and waiver forever releasing the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof and all other parties of interest from any present or future claims they may have against such enumerated parties in connection with the aforesaid occurrence and (ii) an agreement that they have not and will not use any campaign funds for the attorneys' fees, and will not deposit any amounts awarded under this act into their campaign fund accounts.*