Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER FOUR (Revised January 13, 2014)

DELEGATION OF GOVERNOR'S AUTHORITY TO DECLARE A STATE OF EMERGENCY, TO CALL THE VIRGINIA NATIONAL GUARD TO ACTIVE SERVICE FOR EMERGENCIES OR DISASTERS, AND TO DECLARE THE GOVERNOR UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE WHEN THE GOVERNOR CANNOT BE REACHED OR IS INCAPACITATED

Importance of the Initiative

By virtue of the authority vested in me by Section 2.2-104 of the Code of Virginia, and subject to the provisions stated herein, I hereby affirm and delegate to the Chief of Staff, followed in protocol order by the Secretary of Public Safety, the State Coordinator of the Virginia Department of Emergency Management, and the Secretary of Veterans Affairs and Homeland Security, my authorities under Sections 44-146.17 and 44-75.1 of the Code of Virginia, to declare a state of emergency and to call forth the Virginia National Guard or any part thereof to state active duty in any of the circumstances outlined in subsections 4 and 5 of Section 44-75.1.A.

I further hereby affirm and delegate to the Chief of Staff, my authority under Article V Section 16 of the Constitution and under Section 24.2-211 of the Code of Virginia to transmit to the President pro tempore of the Senate and the Speaker of the House of Delegates, a declaration that I am unable to discharge the powers and duties of the Governor's office. Each of these declarations is subject to the following conditions:

1. Such delegation is subject always to my continuing, ultimate authority and responsibility to act in such matters, and in the case of a declaration that I am unable to discharge the powers and duties of my office, my ability to transmit to the Clerk of the Senate and Clerk of the House of Delegates, my written declaration that no inability continues to exist and to resume the powers and duties of my office.

2. Use of this delegation is contingent upon my being unable to be reached so as to give my approval for the declaration of a state of emergency, as defined in Section 44-146.16 of the Code of Virginia, or use of the Virginia National Guard.

3. Use of this delegation to declare that I am unable to discharge the powers and duties of my office is specifically contingent upon my being unable to be reached or otherwise incapacitated for over 24 hours and the unavailability of any one of the Attorney General, President pro tempore of the Senate, or the Speaker of the House of Delegates.

4. This delegation is strictly standby in nature, to be held in abeyance until such time as there may be explicit circumstances involving an emergency whereby human lives and public and private property are threatened in the event of natural or man-made emergencies or disasters.

5. If the authority granted under this order is used, the Lieutenant Governor and I shall be informed of such use as soon as practicable.

Effective Date of the Executive Order

This Executive Order rescinds Executive Order No. 4 (2010) issued on January 29, 2010, by Governor Robert F. McDonnell. This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 31, 2018, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 11th day of January 2014.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth