

SENATE OF VIRGINIA

RYAN T. McDOUGLE
26TH SENATORIAL DISTRICT
ALL OF GLOUCESTER, MATHEWS, AND
NEW KENT COUNTIES; AND PART OF HANOVER,
JAMES CITY, AND KING AND QUEEN COUNTIES

POST OFFICE BOX 187
MECHANICSVILLE, VIRGINIA 23111



COMMITTEE ASSIGNMENTS:
COMMERCE AND LABOR
COURTS OF JUSTICE
FINANCE AND APPROPRIATIONS
REHABILITATION AND SOCIAL SERVICES
RULES

Susan Clarke Schaar
Clerk of the Senate
P.O. Box 396
Richmond, Virginia 23218

June 12, 2025

Dear Ms. Schaar:

Your more than fifty years of service in the Clerk's Office, since 1990 as Senate Clerk, brings valuable continuity, and with it a well-established duty of independence grounded in:

- Election by the full Senate for a fixed term – Senate Rule 8 (a)
- Custody of Senate papers and seal – Code § 30-15.1:1; Senate Rule 8 (c)
- Neutral application of the Rules – Senate Rule 8 (d)
- Non-partisan constitutional status – Va. Const. art. IV, § 7

These provisions reflect the General Assembly's intent that the Clerk serve *the body as a whole*, free from the momentary demands of any individual senator or caucus.

The June 10 letter

At the direction of the Privileges & Elections Committee Chair—who is presently in the final days of a nominating contest—you transmitted a letter asserting that the Committee's June 9, "fail-to-report" vote on SJR 6001 triggered an immediate constitutional "refusal to confirm" eight appointments made by the Governor. As you are undoubtedly well aware, that assertion is plainly incorrect:

1. Committee action is reversible. Senate Rule 20 (m) allows reconsideration, and any senator may move to discharge the committee and place the resolution on the floor.
2. Bicameral action is required. Article V, § 11 refers to refusal by the General Assembly, not by a single committee of one house; the House may still originate and pass a confirming resolution.
3. Precedent is contrary. 1990 Uncodified Acts, Chapter 118 stated that non-confirmation in that session "shall not be deemed or construed as a refusal to confirm."

Accordingly, until the General Assembly acts on the floor—or adjourns sine die—the General Assembly has not "refused to confirm," and the Governor's appointees remain eligible to serve.

Request for Correction

To preserve the Clerk's independence and the accuracy of the Senate record, we respectfully but firmly request that you issue a follow-up statement that:

1. Clarifies that the Committee vote has no immediate legal effect on the status of the appointments;
2. Acknowledges that the constitutional conclusions in the June 10 letter were transmitted at the committee chair's direction and do not reflect your independent legal judgment; and
3. Notes the procedural avenues—reconsideration, discharge, or a House-originated resolution—through which the General Assembly may still confirm the appointments.

Such a corrective statement would uphold the neutral, institutional role of your office and ensure the public record accurately reflects governing law as well as the traditions and practices of the Senate.

Thank you for your prompt attention to this important matter.

Respectfully,



Ryan T. McDougle

Minority Leader, Senate of Virginia



Mark D. Obenshain

Chairman, Republican Senate Caucus