

REPUBLICAN PARTY OF VIRGINIA

Donald W. Huffman, Chairman

OPINION OF COUNSEL

Date: March 2, 1987
To: Robert J. Quarles, Chairman
Chesterfield County Committee
From: William A. Forrest, Jr.
Reference: Quarles Inquiry of February 13, 1987

file
elections, calls, etc.

Question: 1. Can a mass meeting or convention be held outside the boundaries of the Senate District? For example, if there is no available building in the district large enough to seat the anticipated crowd, can the meeting or convention be called for a facility in an adjacent locality?

Opinion: The Party Plan does not require that a mass meeting or convention be held in the Senate District. It only requires that the event be held in a building appropriate for public use and, by inference I believe, that it be reasonably accessible to participants.

Question: 2. If the official committee elects to require pre-filing, is it required to prescribe the use of a particular form? Or may the committee simply state what information is required and accept any filing that meets those requirements?

Opinion: The Official Committee need only determine and publish the requirements for prefiling; it does not have to prescribe a particular prefiling form.

Question: 3. If the official committee elects to require pre-filing, what items, if any, must be included in the pre-filing requirements? For example, must it include specifics regarding date, time, place and cost; or can the committee accept pre-filing statements that simply indicate a desire to participate in the nomination meeting without referencing these details?

Opinion: While detailed prefiling requirements must be spelled out in the public notice, if I understand your question correctly, it is not necessary to require duplication of these details in a prefiling submission. The prefiling form can be as brief or detailed as the Official Committee may provide.

Question: 4. Is there any regulation setting minimum or maximum numbers of polling places in a party canvass or the hours of a canvass?

Opinion: The Party Plan does not provide for a minimum or maximum number of polling places, nor does it prescribe the hours for a canvass. It simply provides in Article II, Section 22, that the required secret balloting shall be at "convenient polling places and convenient hours after proper notice." A good faith effort to comply with this requirement in fixing the number of polling places and hours for a canvass should, I believe, take into account historical voting numbers and patterns.

Question: 5. Who may serve as election judges in a party canvass, and how are they appointed?

Opinion: See answer to your Question 6.

Question: 6. What role, if any, does the County Committee have in the nomination process? Or, does the Legislative District Chairman hold all responsibilities (e.g. approving the Call, arranging for the hall, etc.)?

Opinion: Since the Senate District does not encompass more than one unit, the one man legislative district committee, i.e. the Chesterfield County Chairman, subject to overriding Virginia law, determines how the Republican Senatorial candidate will be nominated and makes all arrangements for such nomination as provided in Article V, Section D.1. of the Party Plan. I assume that the Chesterfield County Chairman can elicit such advice as he desires, but the Chairman, as the Committee of one, is ultimately responsible for the election process and mechanics. This would include the appointment of election judges. The only Plan requirement for being an election judge is, by implication from Article I, that he or she be a member of the Republican Party. I saluted State law, because as you know, Section 24.1-172 of the Code of Virginia permits an incumbent to select the method of nomination, which shall be binding on the Party.

Question: 7. When the legislative district committee meets to decide on the method of nomination, what advance notice of its meeting or subsequent notice of its decision must be made and to whom, especially when the Legislative District Chairman and Unit Chairman are the same person?

Opinion: While the committee of one is free to rely on others for advice, and for practical reasons may wish to do so, no formal notice is required to anyone else in selecting the methods of nomination. Of course, the determined method of nomination must be publicized in accordance with Article VIII of the Party Plan.

Question: 8. Does the location of a party canvass have to be at a public location, or can it be at a private residence or place of business?

Opinion: Article VIII, Section L. requires a party canvass to be conducted in buildings appropriate for public use and open to the public. I would interpret this to preclude the use of a private residence. I believe a neutral office would qualify provided it is readily accessible and spacious enough to facilitate the conduct of the canvass.

Question: 9. For a convention, must each magisterial district mass meeting be held on the same date, or on the same date as the convention?

Opinion: I do not believe the Party Plan requires that magisterial district mass meetings be held on the same date or necessarily on the date of the convention.

Question: 10. Can individuals who are not residents of the legislative district be appointed officials of a Convention or Mass Meeting (e.g. Parliamentarian, Sergeant-at-Arms, etc.)?

Opinion: The parliamentarian or sergeant-at-arms of a convention or mass meeting does not need be a resident of the Legislative District as long as it is recognized that the function is restricted by the particular office. I am afraid, however, that the term "officials" is too ambiguous to permit an opinion which would blanket a class. If you have other specific officials in mind, I will be glad to consider their resident qualifications.

I shall expect to hear from you if any of the above opinions need elaboration.