



Pat Mullins, Chairman
www.rpv.org

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May 7, 2010

VIA E-MAIL TO: JamesEdwardRich@AOL.com

James E. Rich, Esq.
Chairman, Tenth Congressional District Republican Committee
P.O. Box 1344
Middleburg, Virginia 20118

Re: Request for General Counsel Opinion (Part Plan Art. VII, Sec. A(1))

Dear Jim:

You have requested the General Counsel's interpretation of Art. VII, Sec. A(1) of the Republican Party of Virginia's Plan of Organization (the "Party Plan").

As I understand it, a local unit committee in the Tenth Congressional District recently elected a new chairman. The new chair presently also serves as a member of the State Central Committee representing your congressional district.

Art. IV, Sec. A of the Party Plan establishes that the voting membership of your congressional district committee includes, among others, all unit chairs from the Tenth Congressional District and district representatives to the State Central Committee. On these facts, you want to know whether an individual who holds two party offices—each of which is entitled to a vote on your congressional district committee—may cast two votes, one vote for each position held.

This question is answered by the plain language of Art. VII, Sec. A(1) of the Party Plan:

Except as provided in Article V, Section A(2) hereof, no individual may cast more than one vote at any meeting.

The only exception to this rule, Art. V, Sec. A(2), provides for weighted voting on legislative district committees.

Thus, a member of your congressional district committee who holds two voting positions may cast only one vote at committee meetings.

James E. Rich, Esq.
May 7, 2010
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The question often arises whether a person who holds two positions may attend a committee meeting and vote on behalf of one of his or her positions, and appoint a proxy to attend and vote on behalf of the other position -- or, alternatively, whether such a person may absent him or herself from a meeting entirely and send two proxies, one representing and voting for each position. Under Art. VII, Sec. A(1), the answer to this question is no. The only situation in which a person may cast two votes is when voting a weighted vote as a member of a legislative district committee, as provided for in Art. V, Sec. A(2).

In addition to being founded in the plain language of the Party Plan, the answers to these questions are supported by longstanding party practice and by two prior General Counsel's Opinions, which are enclosed with this letter.

Pursuant to Art. X, Sec. A, this opinion is appealable to the Appeals Committee or the State Central Committee within thirty days of the date it is published on the RPV website.

Sincerely,



Lee E. Goodman
General Counsel

cc: Pat Mullins, State Party Chair
Mike Thomas, First Vice-Chair
Dave Rexrode, Executive Director

ENCLS: Request for Ruling dated May 3, 2010
General Counsel's Ruling dated April 8, 1996
General Counsel's Ruling dated July 14, 1982

REPUBLICAN PARTY OF VIRGINIA

Alfred B. Cramer, III, Chairman

July 14, 1982

Franklin E. Hall, Chairman
Isle of Wight Republican Committee
P. O. Box 381
Smithfield, VA 23430

Dear Franklin:

You have written relative to the implications of Sterling Reeves' election as Western District Vice-Chairman of the State Republican Party while serving as a representative of the Fourth District on the State Central Committee.

The present Republican State Party Plan does not preclude such a dual capacity. It does not provide that Sterling's election as Vice-Chairman automatically results in a vacation of his status as a representative of the Fourth District on the State Central Committee. It is clear, however, that notwithstanding his dual capacity, he is limited to one vote on the State Central Committee.

This being the case, in order for the Fourth District not to have its representation on the State Central Committee diluted, Sterling might wish to consider resigning as Fourth District representative, thereby creating a vacant seat from the District on the State Central Committee. This will then permit the vacancy to be filled in accordance with the State Party Plan.

If you have any questions, please give me a call at 804/257-2185 during the day or 804/359-4208 at night.

Sincerely,

W. A. Forrest, Jr.
Counsel

ttb

cc: Dr. Alfred Cramer, III
Mr. Eddie Stikes



REPUBLICAN PARTY OF VIRGINIA

PATRICK M. McSWEENEY, CHAIRMAN

April 8, 1996

VIA FACSIMILE TO CLYDE H. PERDUE, JR., ESQ.,
RAINE & PERDUE 1-540-483-0828

Mr. Eric Moore
Mr. Jack Watts
Mr. Carthan M. Currin, III
Franklin County Republican Executive Committee
c/o Raine & Perdue
106 Main Street
Perdue Montgomery Building
Rocky Mount, Virginia 24151

Gentlemen:

I have your letter of April 1, 1996 requesting a ruling pursuant to Article X, Section A of the Plan of Organization of the Republican Party of Virginia ("Plan"). Without addressing whether the "Executive Committee" of Franklin County is a "Official Committee" as defined in the Plan of Organization, I call your attention to the fact that there presently exists an opinion of the General Counsel for the Republican Party of Virginia which directly responds to your question number 1. You have a copy of the opinion, and I have not been furnished with any reasons for withdrawing that opinion.

With respect to the remaining two questions, Article VII, Section 8 (1) of the Plan permits "a member of an Official Committee" to be represented in meetings by proxy and specifies that except in cases related to weighted votings in Legislative District Committees, "no individual may cast more than one vote in any meeting". I interpret this as requiring a member of an Official Committee who has a proxy to elect to vote either in person or by proxy but not by both.

Sincerely,

J. Robert Branc, III
General Counsel

JRB,III/itm

cc: Mr. Donivan Edwards (via facsimile 1-540-957-4234)

From: James Rich [mailto:jamesedwardrich@aol.com]
Sent: Monday, May 03, 2010 3:09 PM
To: Goodman, Lee E.
Cc: mthomas@surreywood.net
Subject: Ruling

Lee, when you get a chance please give me a ruling on whether or not under the Party Plan a member of the SCC or a Congressional District Committee can have more than one vote. In the 10th we have a case where a person holds a SCC seat and was elected a unit chair. It is my understanding that such person can only vote once so that in effect one of the seats in question cannot be voted by that person. All the best Jim

5/7/2010