



**Republican Party of Virginia**  
*www.rpv.org*

April 8, 2014

Ken Longo, Chairman  
Republican Party of Virginia Beach  
2955 Virginia Beach Blvd Ste 105  
Virginia Beach VA 23452

**VIA E-MAIL**

Dear Chairman Longo,

On March 28, 2014, you posed the following question by e-mail:

May a district convention seat as a voting delegate an individual who was not elected a delegate to that convention by a unit's mass meeting, party canvass or convention?

Generally, only an individual who has been elected as a delegate by a unit's mass meeting, party canvass or convention may be seated as a voting delegate at a district convention.

There are two determinations made by General Counsels under Article X of the State Party Plan that respond to your question. Copies of both are attached.

In a letter dated May 19, 1982, General Counsel W. A. Forrest, Jr., noted that individuals not elected as alternate delegates by a Mass Meeting could not be seated as alternate delegates at a District Convention even where the Mass Meeting intended this outcome. It was the act of electing, not any intention or other factor, that determines who has been elected and may be seated. The principle applies with equal force to the election of delegates.

In a letter dated August 12, 2011, General Counsel Lee E. Goodman, provided extensive advice on the conduct of conventions under the State Party Plan. On page 4, under the heading "LDC Chair's Certification of Delegates," he reviews the process for assembling the roll of delegates.

First, Art. VIII, Sec. H.1.a. of the Party Plan requires each unit to certify to the chair of the official committee that called the convention ("official committee chair") the names of delegates and alternates elected at its mass meeting, party canvass or convention.

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Second, under the same provision, the official committee chair has a non-discretionary duty to prepare a roll of delegates including all delegates and alternates certified by the units. It is this roll of delegates that is seated for the election of the Temporary Chairman and is provided to the Conventions' Credentials Committee to form the basis for its report.

Third, the Credentials Committee makes its report and the Convention acts on the report finalizing the roll of delegates.

These opinions, binding under Art. X of the Party Plan, are dispositive of your question.

Two exceptions to the general rule exist. Duly-elected Alternates may be substituted for Delegates and may be seated by the convention in their place pursuant to the Party Plan and Robert's Rules of Order Newly Revised.

A recent amendment to the Party Plan, which was not operative at the time of the 2014 delegate selection process, makes a special provision for any Military Member providing for their certification as delegates without being elected. See Art. VIII, Sec. H.6. Upon meeting the requirements of a unit's call, Military Members covered by this rule are certified by their unit and can be seated by the Convention without having been elected.

Because prior opinions of General Counsels provide a dispositive response to your question, this letter is not a ruling or interpretation within in the meaning of Art. X. Sec. A. of the party Plan.

Sincerely,



Chris Marston  
Associate General Counsel

Attachments:

RPV General Counsel Opinion, May 19, 1982  
RPV General Counsel Opinion, August 12, 2011