

Republican Party of Virginia
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July 2, 2014

Mr. Eric Herr
Chairman
First Congressional District Republican Committee

Transmitted electronically

Dear Eric:

You have requested my ruling on the issue of which individuals properly occupy the offices that were the subject of contested elections in the March 22, 2014 canvass conducted by the Fauquier County Republican Committee in light of the June 28, 2014 decision of the First Congressional District Republican Committee, which concluded that those contested elections were conducted in violation of the State Party Plan and that the results of those elections are, therefore, invalid.

The District Committee's decision was in response to an appeal from the conduct of the canvass by an individual who was a candidate for one of the offices involved in a contested election. The basis for the appeal was that the canvass was conducted in violation of Article I, §A of the Party Plan in that individuals who had been active in the Democratic Party were allowed to vote. The District Committee found that there were violations of that provision of the Party Plan, which warranted the invalidation of the contested elections and the ordering of a new canvass.

I note that neither the Party Plan nor Robert's Rules addresses the issue you raise. According to our legal tradition as applied by the judiciary, the *status quo ante* should prevail when an action of an official body or officer is invalidated. This means that the circumstances that existed immediately before the invalidated action occurred should continue until the required lawful action has been taken.

Where the applicable body of law or rules provides for the granting of special relief pending the subsequent lawful action or the outcome of an appeal, the *status quo ante* can be modified as equities and circumstances require. In the case that you present, however, there is no provision for such special relief.

For the foregoing reasons, it is my ruling that the individuals who, immediately before the March 22, 2014 Fauquier County Republican Committee canvass, held the offices that were the subject of contested elections in that canvass continue to hold those offices until a new canvass has been conducted or until any appeal of the District Committee's decision is resolved

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in favor of the individual or individuals who appeal the District Committee's decision. This is so despite the fact that the term of the offices of those officeholders may have nominally expired. The prevailing rule is that an individual holds an office beyond his or her term until a successor has been lawfully appointed or elected.

If this letter does not cover the request that you submitted, please let me know. Pursuant to Article X of the Party Plan, this ruling may be appealed to the Appeals Committee and/or the State Central Committee.

Very truly yours,

/s/
Patrick M. McSweeney
General Counsel

cc: Mr. Pat Mullins
Mr. Scott Russell
Mr. Shaun Kenney