



Republican Party of Virginia

www.rpv.org

July 17, 2015

Mr. Beau Correll, Chairman
Winchester Republican Committee

VIA E-mail beau@correllfirm.com

Dear Chairman Correll,

By e-mail dated July 14, 2015, you requested a ruling or interpretation of the Plan of Organization of the Republican Party of Virginia (“Party Plan”) pursuant to Article X as it relates to Civil Action No. CL15-339 in the Circuit Court for the City of Winchester (“*Griffin v. Winchester Republican Committee*”). My authority under the Party Plan extends only to interpreting its provisions. Some of your questions call for advice on statutes, cases, and ethical obligations; these questions are beyond the scope of my authority.

You ask first whether the plaintiffs in *Griffin v. Winchester Republican Committee* properly availed themselves of the appeals process and exhausted the remedies available to them.

No. They did not. The plaintiffs all signed a petition submitted to 10th District Committee Chairman Jo Thoburn submitted by the Honorable Ann T. Burkholder. Chairman Thoburn informed Ms. Burkholder that an appeal could only be made after a unit committee, such as the Winchester Republican Committee, takes action under paragraph 1 of section B of Article X, which reads as follows:

Each Unit Committee shall decide all controversies and contests arising within its jurisdiction, but those persons deemed adversely affected by any such decision shall have the right of appeal to the appropriate District Committee. In the case of a split Unit, if the controversy or contest specifically relates to the operations or affairs of a particular Congressional or Legislative District, an appeal shall be taken to that particular Congressional or Legislative District Committee; if not, an appeal shall be taken to the District Committee of the District wherein the person appealing resides.

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An appeal may be made only after a unit committee considers a controversy or contest. At Chairman Thoburn's direction, I responded to a further inquiry from Ms. Burkholder further explaining this requirement. The relevant portion of my e-mail message to Ms. Burkholder follows:

From the appeal you submitted, it appears that the Winchester Republican Committee has not considered any of the actions taken at the June 18 meeting in the form of a contest as contemplated in the Party Plan. In order to consider a contest, the Unit Committee must consider an appropriate motion to resolve the controversy or contest. Once the Committee has considered and acted upon such a motion, it would then be appropriate to lodge an appeal with the Congressional District Committee.

The appeal process in the Party Plan is designed to allow a unit committee, which represents the Republican voters of a unit, to resolve controversies and contests at the unit level. The appeal, which takes the resolution of a controversy or contest out of the hands of those most directly impacted cannot be the method of first resort to resolve any disagreement.

Additionally, an assembly is the best judge of the propriety of its own proceedings as its members have direct knowledge of the facts involved. A majority of the members of a Committee may, by way of appealing a ruling, overrule the chair if they believe he has incorrectly applied the rules of the committee. It does not appear that the Committee availed itself of that opportunity and it would be inappropriate for the District Committee to consider on appeal what the unit committee did not itself consider.

Once the Winchester Republican Committee has considered the allegations in this appeal document and whether or not it can or should grant the relief requested, it would then be appropriate for anyone adversely affected to lodge an appeal.

In order to fully exhaust the remedies available under the Party Plan, plaintiffs or other adversely affected persons would seek redress at the unit committee. Then an appeal would lie with the 10th District Committee, and finally, with the State Central Committee.

You ask second whether the purported appeal referenced in *Griffin v Winchester Republican Committee* included sufficient signatures to comply with the requirements of the Party Plan.

Had the appeal otherwise been proper and if each of the 41 signatories meet the qualifications for participation in party action in Article I of the Party Plan, then the signature requirement would have been met.

Article X provides that “[a]ll appeals ... must be accompanied by a petition signed by at least twenty-five (25) Party members ... of the respective Unit ... affected.” Art. X, Sec. B, para. 4. In this provision, the Party Plan uses the term “Unit” rather than “Unit Committee.” Signatories need not all be members of the Winchester Republican Committee, rather they must be Party members from the City of Winchester. The Party Plan defines membership in Article I where it sets out requirements for participation in Party actions.

The other questions you pose are beyond the scope of interpreting the Party Plan and, as such, beyond my authority to answer.

This letter constitutes a ruling or interpretation of the Party Plan under Article X and may be appealed within to the Appeals Committee or the State Central Committee within thirty days of its posting on the RPV website.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris M. Marston", with a long horizontal flourish extending to the right.

Christopher M. Marston,
General Counsel