



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

October 22, 2015

Fred Gruber, Chairman  
Seventh Congressional District Republican Committee

VIA E-mail [fgdistrict7va@comcast.net](mailto:fgdistrict7va@comcast.net)

Dear Chairman Gruber,

You have requested my interpretation of the provisions of the Party Plan regarding membership on the State Central Committee and any conflict that may exist between those provisions and Article IV of the Seventh Congressional District Plan of Organization (hereinafter “bylaws”). Specifically, you ask whether a District Committee may specify from which geographic areas within the District a member of the State Central Committee may be elected. And, if a conflict does exist, whether the election of the current members of the State Central Committee from the Seventh District was invalid.

At the outset, I note that only the State Central Committee can remove one of its members. *See* Art. VII, Sec. C.; *see also* Opinion of the General Counsel (“GCO”), Feb. 12, 2009, GCO March 23, 2010. The election of the current members of the State Central Committee from the Seventh District having been accepted by the Committee without objection for many months, an opinion of the General Counsel regarding the Party Plan may not have the effect of removing them. To hold otherwise could invalidate any number of actions by the Committee and the District Committee since their election. It would also be contrary to the Party Plan’s requirement that contests be made in writing within 30 days. *See* Art. X, Sec. B.

Additionally, the provisions of the District Committee’s bylaws were adopted on September 19, 2012, after the District’s 2012 Quadrennial Convention at which three of the five members were elected. It is unclear from the record whether the additional member resulting from the plurality vote for President was elected by the District Committee before or after the bylaws were adopted. So, only one (the additional member resulting from the District’s representation by a Republican member of Congress) or possibly two of the members were elected while the bylaws provision in question was in effect. Had a timely contest been filed after either of these elections, its outcome would

depend on all of the facts and circumstances (e.g., was anyone not meeting the geographic criteria who sought the office ruled ineligible because of this provision).

Turning to the interpretive question you pose, I begin with the text of the relevant provisions. The Party Plan's provisions regarding membership of the State Central Committee clearly require that the District members (those specified in paragraphs 10, 11, and 12 of Article III, Section A) be elected "from each District." That geographic requirement and the requirements of Article I, which apply to all members of official committees are the only qualifications set by the Party Plan.

With respect to the three District members elected by the quadrennial district convention, candidates may also be required to meet requirements established in a convention call pursuant to paragraph 3 of Article VIII, Section A, including pre-filing and a filing fee at the option of the District Committee issuing the call.

Your Committee's bylaws purports to add additional geographic qualifications to the District members:

"Article IV—State Central Committee Representation

- A. The five representatives to the Republican Party of Virginia's State Central Committee shall be comprised as the following:
  - 1. Congressional- Resident of Hanover County
  - 2. Presidential- Rural Representative
  - 3. Resident of Henrico County
  - 4. Resident of Chesterfield County
  - 5. Rural Representative
- B. The rural representative will come from a locality in the 7<sup>th</sup> District other than Hanover County, Henrico County, or Chesterfield County."

The question presented is whether additional requirements, beyond those in the Party Plan may be added. In responding, I am guided by the opinion of my predecessor, Lee Goodman, when asked to opine on whether a unit could impose term limits on its chair.

In his opinion, issued on March 24, 2010, Goodman concluded that any restrictive qualifications on candidates for Unit Chairman beyond those specified in the Party Plan are impermissible. *See* GCO March 24, 2010. In this analogous situation, I see no distinguishing facts or considerations that would lead me to a different conclusion.

As Goodman notes, the Party Plan could certainly be amended to authorize District Committees to impose additional requirements, but until such an amendment is made, Article IV of your Committee's bylaws are inconsistent with the Party Plan and cannot be enforced. *Id.*

This letter is a ruling or interpretation of the Party Plan for purposes of Article X and, as such, may be appealed either to the Appeals Committee or directly to the State Central Committee within thirty days of its posting on the RPV website.

Sincerely,

A handwritten signature in blue ink that reads "Chris". The signature is written in a cursive, flowing style.

Chris Marston,  
General Counsel