



Republican Party of Virginia

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October 7, 2015

John Whitbeck, Chairman
Republican Party of Virginia
115 E Grace St
Richmond VA 20186

Dear Chairman Whitbeck,

You requested my interpretation of the Party Plan's meeting notice requirements for meetings of official committees and how days are counted. As you noted, opinions by two of my recent predecessors present conflicting views.

In relevant part, paragraph 1 of section B of article VII provides "meetings of Official Committees ... shall be held upon written notice ... of not less than one week."

In an opinion issued on April 13, 2010, Lee E. Goodman wrote:

As you correctly observe, Art. VII, Sec.B.1. requires notice of an Official Committee meeting to be issued "not less than one week" prior to the meeting. You have suggested that "one week" be counted as "seven consecutive days." The question you raise is how to compute the seven days where notice is issued on April 6 (in the evening) for a meeting to be held on April 13.

According to the Party Plan, Robert's Rules controls issues of parliamentary procedure that are not addressed expressly in the Party Plan. According to Robert's Rules Newly Revised §9 (at p. 90), "Unless otherwise provided in the bylaws, the number of days is computed by counting all calendar days (including holidays and weekends), excluding the day of the meeting, but including the day the notice is sent." Applying that computational method to the situation you present, notice issued on April 6 (regardless of the hour) is sufficient to meet a seven-day notice requirement for a meeting to be held on April 13.

In an opinion issued on December 3, 2014, Patrick M. McSweeney wrote:

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Finally, you ask whether the call for a District Committee meeting issued by John Berkley, the Fifth District Committee Chairman, is invalid as untimely. The answer is provided by Article VII, Section B.1 of the State Party Plan, which requires that a call for a meeting of an official committee be issued and published “not less than one week” in advance of the called meeting. As the call was issued and published on November 29, 2014, at 10:48 p.m. for a meeting to be held on December 7, 2014, at 3:00 p.m., it does not comply with the requirement of Article VII, Section B.1 and is, therefore, invalid.

The two rulings count days as follows:

- April 13, 2010 Ruling—Call is issued for an April 13 meeting. To be valid, the call would have had to be on or before the date 7 days prior, not counting April 13. So, counting backwards, the call would have been required to issue on April 6. Time of day is not considered.
- December 7, 2014 Ruling—Call is issued for a December 7 meeting at 3 pm. To be valid, the call would have had to be before the date 7 days prior, not counting December 7. So, counting backwards, the call would have been required to issue on November 29 prior to 3 pm.

The key difference in the rules is whether the day of the notice is included in the count and whether the time of day is relevant to the calculation.

While the text of the Plan itself could support either interpretation, Mr. Goodman’s resort to the parliamentary authority adopted by the Party Plan resolves the ambiguity in the language of the plan. (A subsequent edition of the parliamentary authority has been published since Mr. Goodman’s ruling, but the relevant text is unchanged. *Robert’s Rules of Order Newly Revised* (11th ed.), p. 92, ll. 23-26.)

I note that the counting rule contained in *Robert’s* has the additional virtue of being simpler to apply—counting days, and not hours or minutes—and follows the rule used by courts. See, e.g., Rule 6 of the *Federal Rules of Civil Procedure*.

So, the rule for determining “not less than one week” under Art. VII, Sec. B., para. 1, is to count seven “calendar days (including holidays and weekends), excluding the day of the meeting, but including the day the notice is sent” without regard to time of day.

This letter constitutes a ruling or interpretation of the Party Plan pursuant to Article X. It may be appealed to the Appeals Committee or the State Central Committee.

Sincerely,



Chris Marston