

Republican Party of Virginia
115 East Grace Street
Richmond, Virginia 23219

January 18, 2015

Patrick M. McSweeney
General Counsel

By electronic delivery

Mr. Andrew Nicholson
Chairman
Clarke County Republican Committee
andrew@clarkeconservative.com

Dear Mr. Nicholson:

This is in response to your request for my interpretation of Article I, Section A(2) of the State Party Plan as it may apply to two factual situations that you describe, as follows:

“Individual # 1-- This person has personally posted on their Facebook page and other public venues encouraging their organization’s members to write in a candidate for the U.S. Senate other than our Republican nominee.”

“Individual # 2 – This person, as President of a quasi-political organization, has arranged forums and publically invited its members to attend meetings to listen to candidates who are openly in opposition to our Republican nominees, i.e. Libertarian and independent candidates.”

As to the first situation, I conclude that Article I, Section A(2) prohibits an individual from participating in Republican nominating events for four years if he or she posts a Facebook comment in support of a candidate who is an opponent of a Republican candidate. For purposes of this provision of the State Party Plan, such a posting constitutes “public support of a candidate in opposition to a Republican candidate.” What you have described is plainly the type of activity that this provision was intended to cover.

In the second situation, Article I, Section A(2) does not prohibit an individual from participating in Republican nominating contests for four years if he or she organizes or sponsors a political forum in which all candidates, including the Republican candidate, are invited to attend and participate. On the other hand, if a forum excludes the Republican candidate, any individual who arranges, organizes or sponsors such a forum would be prohibited from participating in Republican nominating contests for four years. Exclusion of the Republican candidate from participation in such a forum in and of itself constitutes “public support of a candidate in opposition to a Republican candidate.” I also conclude that mere attendance at a forum that excludes Republican candidates does not make the individual attending the forum

Mr. Andrew Nicholson
January 18, 2015
Page two

ineligible to participate in future Republican nominating contests for four years. Such attendance, standing alone, does not constitute “public support of a candidate in opposition to a Republican candidate.” The purpose for attending may be simply to hear the views of the candidates and not to show support for a candidate in opposition to the Republican candidate.

Very truly yours,

/s/
Patrick M. McSweeney

cc: RPV Chairman
RPV Executive Director