

REPUBLICAN PARTY OF VIRGINIA  
Alfred B. Cramer, III, Chairman

May 14, 1982

Mr. John S. Reid, Chairman  
Third District Republican Committee  
1505 Lauderdale Drive  
Richmond, VA 23233

Dear Mr. Reid:

A Third District Convention will be held on May 17, 1982, at the John Marshall Hotel, pursuant to the attached written call. It is my understanding that a copy of this call has been delivered to the District's unit chairmen, at least 30 days prior to the convention date, all in accordance with Section A1 of Article 8 of the Plan of Organization of the Republican Party of Virginia (Party Plan). In addition to the items required by Section A1, the call also includes a section of prefiling requirements which reads as follows:

CANDIDATE FILING REQUIREMENTS

Candidates for the position of Congressman of the Third District of Virginia and Third District of Virginia Republican Committee Chairman shall file their declaration of candidacy in writing with the undersigned at 1505 Lauderdale Drive, Richmond, VA 23233, not later than 7:30 p.m., Friday, March 19, 1982. NOTE: No filings received after the deadline will be accepted. Said filing shall be signed by the candidate and identify the office being sought.

The call was also published in both the Times Dispatch and the News Leader on Friday, March 12, 1982. These published calls, however, each contained two inadvertent errors. The convention date was designated as Saturday, rather than Monday, May 17, 1982. The prefiling deadline for candidates was fixed as Friday, May, rather than March, 19, 1982. The two errors were, however, promptly corrected by publication of an amendment to the March 12 call in the Times Dispatch and News Leader of March 13, 1982.

You have requested my opinion regarding the two questions which might be prompted by the foregoing facts. They are:

- 1) Was it necessary to have published the call to a District Convention in the newspaper?
- 2) Did the published notice of the prefiling requirements satisfy the Party Plan?

Mr. John S. Reid

Page 2

May 14, 1982

Since the call issued for the May 17 Convention complied with Section A1 of Article 8 of the Party Plan, further publication of the call in the newspapers was not required. However, I believe that notice of prefiling requirements, which may properly be incorporated in a call, should be published in accordance with Section A3 of Article 8 of the Party Plan. This was done on March 12, but the notice contained an error. Query, did this one error vitiate the prefiling requirements? In my opinion, it did not.

Notice of the requirements was published at least seven days prior to the prefiling deadline in accordance with Section A3 of Article 8 of the Party Plan, so that each prospective candidate for the respective offices to be voted on was on notice that prefiling was to be a requirement of the May 17 convention. While the notice did contain an error, the error should have been readily apparent. For example, the May 19 date was subsequent to the convention date. Accordingly, each candidate had adequate opportunity to have the discrepancy clarified.

Finally, the error was immediately rectified by publication in the Times Dispatch and News Leader the following day of an amendment to the notice of the 12th. While the amendment was published within seven days of the prefiling deadline, it related back to the notice of May 12. Each candidate still had a reasonable period of time in which to prefile, certainly the purpose of Section A3 of Article 8. Thus, it would appear that no candidate should have been prejudiced relative to the prefiling requirements, and I have been furnished with no evidence that this was, or is now, the case.

The Third District Committee, in its collective wisdom, has determined that candidate prefiling for Congress and for Third District Chairman should be required. Given the ensuing chain of events, it is my opinion that the notice, as amended, complied with the spirit and intention of the Party Plan in assuring adequate notice to prospective candidates for the positions to be filled. Any candidate who felt that he or she was prejudiced has certainly had adequate opportunity to raise the matter. Accordingly, I believe that it is appropriate for the Third District Convention to proceed in accordance with the published prefiling requirements.

Best wishes for a successful convention.

Sincerely,

W. A. Forrest, Jr.  
Counsel

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cc: Dr. Alfred B. Cramer, III  
Mr. Eddie Stikes