



Republican Party of Virginia

www.rpv.org

April 18, 2016

Tom Cherry, Chairman
Republican Party of Norfolk
VIA E-mail tcherry2@cox.net

Tina Mapes, Chairman
Republican Party of Virginia Beach
VIA E-mail msboom97@gmail.com

Dear Charimen Cherry and Mapes,

You have each requested a ruling or interpretation of the Party Plan pursuant to Article X regarding the Call for the Second Congressional District Republican Convention to be held on May 21, 2016 and the requirements for certification of delegates to the Convention. As you present similar questions, I address your requests together.

Several versions of the Call have been posted at the RPV website, some of which purport to require that delegates are not certified unless their phone number is included, along with other more commonly-required information, on the certification list.

The current version posted reads, in relevant part, “A delegate or alternate delegate is not certified until his name, address, and all other information provided on the Pre-File Form (E.g. Home, Work, and Cell Phone Numbers, and Emails) on the certification. Exception: The last four numbers of the Social Security Number is not required.” As no delegate pre-file form is included with the call, the “Pre-File Form” referenced in the Call must refer to a pre-file form required by one of the units within the Congressional District. A prior version of the Call, with which both of you provided me, read, in relevant part, “A delegate or alternate delegate is not certified until his name, address, and phone number has been provided on the certification.”

Setting aside issues relating to the procedure by which the Call was adopted and the timing of the issuance of the Call as it relates to the individual units’ mass meetings, party canvasses, or conventions, the principal issue you both raise is whether a Call may require a delegate’s phone number as a condition of certification. It may not.

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The Party Plan sets out requirements for certification in Section H of Article VIII. That provision requires the names of delegates and alternates be included. It sets out deadlines for submission of the certification and provides for other information to accompany or be included with the certification (e.g., a copy of the published call, whether the delegation shall vote full vote and how votes may be fractionalized). It does not specify any additional information relating to an individual delegate or alternate other than a name.

Article I includes requirements for participation in conventions, including status as a legal and qualified voter. Any convention's credentials committee should have available sufficient information to determine that a certified delegate meets this fundamental requirement, so requiring information sufficient to verify voter registration is certainly reasonable.

Appendix A of the Party Plan includes model calls recommended by the Plan. Those calls include a requirement for names and addresses, including zip codes to be included in certifications. Such information is generally required to verify voter registration, so its inclusion as a requirement appears to be relevant for Article I purposes.

While telephone numbers and e-mail addresses are certainly convenient methods to facilitate communication, neither is required for the verification of voter registration. In fact, the Commonwealth's voter registration records do not include either.

It has become common in recent years to request information beyond the name and address of delegates as part of a certification, but I am unaware of any instance of a requirement for additional information being enforced as a condition of certification and, ultimately, seating of a delegate at a convention.

The Plan does provide official committees with the authority to impose pre-filing requirements. However, this authority applies only to individuals seeking to be elected at the relevant event, not to the delegates that comprise the event. (E.g., a unit's call may impose requirements on individuals seeking election as delegates to a district convention, but a district may not impose requirements on those delegates). The authority is also generally limited to the use of a specific form and its submission by a set deadline. Several of my predecessors have found other proposed pre-filing requirements invalid under the Plan (e.g., a committee tenure requirement for candidate for chair, a commitment of a certain amount of volunteer effort at the immediately preceding election).

I find no authority for an official committee to expand the requirements for certification to include information beyond that required to ascertain whether a proposed delegate meets the qualifications of Article I.

It is, however, certainly reasonable for an official committee to request additional contact information, which may be used to contact delegates to clarify any questions about their filings, to notify them of any important facts about a convention, and to

facilitate communication by candidates for election at the convention with delegates. Failing to provide this information, however, may not be used as a reason to exclude an otherwise qualified delegate from a convention.

This letter constitutes a ruling or interpretation under Article X of the State Party Plan and may be appealed 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 that reads "Chris". The signature is written in a cursive, flowing style.

Chris Marston,
General Counsel