



**Republican Party of Virginia**

*www.rpv.org*

June 12, 2019

Jack R. Wilson, III, Chairman  
Republican Party of Virginia

VIA E-mail

Re: Notice to State Board of Change in Committee Chairs

Dear Chairman Wilson,

On June 10, you requested a ruling or interpretation regarding the application of the Party Plan's removal provisions relating to the recent action of the Hanover County Republican Committee in order to comply with section 24.2-516 of the Code of Virginia.

**Statutory Obligation to Notify State Board of Change in Committee Chairs**

The Code of Virginia, in addition to recognizing and conferring rights on political parties also imposes certain responsibilities. Specifically, section 24.2-516, in relevant part, provides that “[e]ach political party within the Commonwealth shall furnish to the State Board the names and addresses of its state, county, and city party chairmen in January of each year, and during the remainder of the year it shall notify the Board of any changes in such names and addresses.”

As the state chairman, you are responsible for ensuring that the Republican Party of Virginia meets this requirement. The Party Plan assigns you with such ministerial duties. For example, the Party Plan charges you with issuing commissions, upon request, to unit chairs. Art. III, Sec. D, para. 2(f). It also makes you responsible for the operation of the Party's offices and staff, who customarily discharge this responsibility. Art. III, Sec. D, para. 2(g). No other official is assigned similar responsibilities by the Plan, so you are the official responsible for carrying out the Party's responsibilities under section 24.2-516.

**Relevant Provisions of the Party Plan**

The removal provision of the Plan reads in relevant part: “Any Chairman ... may be removed from office by the vote of two-thirds (2/3) of the other members of the Committee, after being furnished with notice that such removal will be sought, with the charges, in writing, signed by not less than one-third (1/3) of the members of the Committee; and allowing him thirty (30) days within which to appear and defend himself.” Art. VII, Sec. C.

The Richard D. Obenshain Center • 115 East Grace Street • Richmond, Virginia 23219  
804-780-0111 • FAX: 804-343-1060

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The Plan's provision on vacancies in the office of Unit Chairman reads: "A vacancy in the office of Unit Chairman shall be filled by the Unit Committee for the remaining unexpired portion of the term." Art. VI, Sec. C, para. 1.

The Plan does not make provision for an individual to act as chairman between the time the office becomes vacant and the time a committee elects a successor. Many units provide for a vice-chairman to serve as acting chair in this circumstance.

### **The Hanover County Republican Committee**

You note in your request that Dale Taylor received an e-mail notice of removal on April 28, 2019. I understand that the Hanover County Republican Committee met on May 29, 2019 and voted on removal pursuant to that notice. I also understand that on June 6, 2019, the Hanover County Republican Committee received a contest regarding the notice and vote and that it is scheduled to meet tomorrow, June 13, 2019, at which it will consider this contest pursuant to Article X of the Party Plan, and, if necessary, fill a vacancy in the office of chair.

### **Relevant General Counsel Opinions**

As you note in your letter, I have recently addressed the requirement that a notice of removal be signed. In a letter to Dale Taylor on May 29, 2019, I analyzed the provision relating to signing and held that "in all cases, the signatures must be included as part of the written notice of charges provided to the subject of the removal petition so that the recipient had evidence of a valid removal petition meeting the signature requirement; a mere list of names is insufficient." I note that this ruling is still within the 30-day timeframe during which an appeal may be made.

In reaching that conclusion, I relied on the opinion of one of my predecessors, Lee Goodman, in a letter to then-Chairman Wayne Hayden of the New Kent Republican Party Committee on February 2, 2011, in which he held "The petitioning members must commit their charges against a member in writing and sign the document."

I provided advice and examples of what would constitute signing, noting that traditional signatures on physical paper, as well as e-signatures consistent with the federal E-SIGN Act would be sufficient.

I hope that the Hanover County Republican Committee will apply these decisions to the facts before it as it considers the contest. Should any other official committee consider an appeal of this contest, I would hope that it too would apply these decisions to the facts before it.

### **Conclusion**

At this point, I conclude that you need not provide notice to the State Board of a change in the name and address of the Hanover County Party Chair for two reasons. First, a contest regarding the removal of the chair is currently pending before the Hanover County Republican

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Committee and that contest may be further appealed to other official committees. Second, if a vacancy in the office of Hanover County Party Chair has occurred, the Committee has not yet acted to fill that vacancy and the State Board need not be made aware of every instance in which an individual serves as acting chair.

If after the consideration of the contest and, if it finds that the office of chair is vacant, the election of a chair to fill that vacancy, it may be appropriate to notify the State Board of a change pursuant to section 24.2-516. However, you may wish to await decisions on any other timely appeals.

I would note that if the Code set a deadline requiring a notice or certification from a unit chair—such as the election of the primary as the method of nomination, the certification of candidates qualifying for the ballot in a primary, or the certification of candidates nominated by a party-run method—you might be required to work with the State Board to accept that notice or certification from an acting chair if no permanent chair would be available in time to meet any applicable deadline.

Because of the pending contest, I do not reach the question in your request regarding the validity of the April 28, 2019 notice of removal. That question is properly before the Hanover County Republican Committee and is best resolved through the appeals process where committees are more likely to be familiar with the facts and have tools to ascertain facts that I, as general counsel, lack.

This letter constitutes a ruling or interpretation of the Party Plan. Pursuant to Article X, it may be appealed to the Appeals Committee or directly to the State Central Committee within thirty days of the date it is posted on the RPV website.

Sincerely,



Chris Marston,  
General Counsel

Attachments: Chris Marston, “Removal Petition Notice and Signature Requirements” to Dale Taylor, May 29, 2019

Lee E. Goodman, “General Counsel Opinion Request—Removal Procedures” to Wayne Hayden, Feb. 2, 2011.